
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	21 APRIL 2011
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, B WATSON, MOORE, ORRELL, TAYLOR(EXCEPT MINUTE ITEMS 55A,55B,55E,55G,55H,55J,55K,6 & 7) AND WISEMAN
APOLOGIES	COUNCILLOR CREGAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
45 Ashton Avenue	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site as the Officer's recommendation was for refusal.
Creepy Crawlies, Wigginton	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site.
7 The Avenue, Haxby	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site and because of significant local interest in the proposal.
Whitewalls, Strensall	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the changes made on site since the last proposal and because it had been called in.
279 Huntington Road	Cllrs Hyman, Moore, Orrell and Wiseman.	To familiarise Members with the site.
Stray Garth, Malton Road	Cllrs Hyman, Moore, Orrell and Wiseman.	To familiarise Members with the site.
3 Whitby Drive	Cllrs Hyman, Moore, Orrell and Wiseman.	To familiarise Members with the site and because it had been in called in.

51. 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 personal non prejudicial interests in Agenda Items 5a) Maxiprint Centre and 5j) The Fossway as a member of Clifton Business Panel.

Councillor Firth declared personal non prejudicial interests in Agenda Items 5b) 17 Calvert Close, 5d) Creepy Crawlies, 5g) 7 The Avenue as Ward Member.

Councillor Wiseman declared a personal non prejudicial interest in Agenda Item 5e) Whitewalls, as the Member who had called in the application for consideration by the Committee.

Councillor Funnell declared a personal non prejudicial interest in Agenda Item 5h) 45 Ashton Avenue, as the Member who had called in the application for consideration by the Committee.

Councillor Hyman declared a personal non prejudicial interest in Agenda Item 5j) The Fossway, as the applicant had spoken to him about the conduct of the previous committee meeting, when it was originally discussed.

No other interests were declared.

52. 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 7 (Enforcement Cases Update) (Minute 57 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.

53. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on the 10 March 2011 be signed and approved by the Chair as a correct record.

54. PUBLIC PARTICIPATION

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

55. 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.

55a Maxiprint Centre Kettlestring Lane York YO30 4XF (11/00483/FULM)

Members considered a full major application from Howden Joinery Properties Ltd for a change of use from a print centre (use class B2) to storage and distribution (use class B8) with ancillary trade counter and external alterations.

Officers reported that no physical alterations had been made to the building and that support for the application had been received from the Parish Council and local Business Forum.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to loss of employment land, the vitality and viability of York City Centre, residential amenity and highway safety. As such the proposal complies with Policies E3b, S2, GP1, T4 and GP4a of the City of York Local Plan Deposit Draft.

55b 17 Calvert Close Haxby York YO32 2ZY (11/00293/FUL)

Members considered a full application from Mr Richard Fussey for a single storey side and rear extensions at 17 Calvert Close.

RESOLVED: 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 effect on the amenity of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 and H7 of the

55c 3 Whitby Drive York YO31 1EX (10/02751/OUT)

Members considered an outline application from Mrs Janet Wheldon for redevelopment of the site at 3 Whitby Drive, which included the demolition of an existing bungalow for residential development.

In their update to Members, Officers presented an amended condition relating to the scale of the development that would be permitted on the site if outline planning permission was granted. They clarified to Members that the application had been submitted in outline, with the means of access being the only matter of detail to be considered. The application sought consent for the principle of development, with the submitted layout being indicative only. The application sought consent for the principle of development, with the submitted layout being indicative only. The maximum number of dwellings that could be erected on the site was five, due to highway restrictions.

Representations in support were heard from the applicant's agent. In clarification to a Member's question, he stated that the submitted layout showing five dwellings on the site was indicative. He stated that the site was well contained and that the indicative layout demonstrated that the site could be developed without causing undue harm to the amenity and privacy of adjacent residents.

Representations in objection were heard from a local resident. He stated that residents considered the site to be greenfield land, and that development would have a detrimental effect on the local environment as well as on the amenity of the residents. It was also noted that the application might have resulted in a more positive response from residents if a more modest scheme had been submitted.

Representations were heard from Councillor Ayre, as Ward Member. He considered the application contravened policies GP1 and GP10 of the Local Plan, and a number of other policies, because he felt that the quality of life for the residents was not being protected. This was because the boundary treatment between the site and the adjacent properties would not protect the neighbouring properties from noise and disturbance. He took issue with the description of the site as being derelict and considered it to be an attractive garden. He also objected to the proposal on the grounds of the local effect on wildlife and the loss of a wildlife corridor.

Members asked the applicant's agent about whether a full application would be submitted, if the outline application was approved. He confirmed that a full application would not be submitted and that the current application was indicative, to show the potential for development on the site.

In response to Members, the applicant confirmed that if outline planning permission was granted, a detailed application would then have to be

submitted, which would provide an opportunity for the impact of any scheme on local residents to be assessed. He re-iterated that the submitted layout was indicative of a quantum of dwellings that could potentially be accommodated on the site. In relation to a question relating to landscaping, the applicant's agent considered that there would be an adequate distance from the properties to the boundary of the site. Additionally, he confirmed that the proposal showed five properties on the site due to highway limitations.

In response to a question from a Member relating to how the adoption of the road would affect the number of properties to be built on the site, Officers confirmed that the site could only accommodate more than five dwellings if the development was served by an adopted highway, which would require a new planning application to be submitted.

Members considered that the application constituted an inappropriate development of a residential garden (garden grabbing) and would conflict with Policies GP1 and GP10 of the Draft Local Plan.

RESOLVED: That the application be refused.

REASON: The application site consists of a well established residential garden forming a valuable green space within the local area. Residential gardens no longer fall within the definition of previously developed land as defined by Planning Policy Statement 3 "Housing" (Revised June 2010), and are therefore no longer considered as a priority for development. It is considered that the development of the site would result in an unacceptable loss of a residential garden ("garden grabbing"), which would be detrimental to the character of the immediate residential environment, contrary to Policies GP1 and GP10 of the City of York Draft Local Plan

55d Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, Wigginton, York. YO32 2RH (10/02816/FUL)

Members considered a full application from Mrs Janice Dunphy for the erection of a 'high ropes' adventure course with associated building and car parking.

In their update to Members, Officers confirmed that a suitable wording had been found for the drainage condition.

Representations in support were heard from the agent for the applicant. He informed Members that the site for the adventure course had been selected to minimise the impact on the green belt and that it would enhance the tourism and leisure opportunities for the city. The agent confirmed that the riding school facilities would move to the adjacent paddock, and that there would be no additional construction relating to this.

Members noted that the most visible part of the site would be from Wigginton Road, but considered that the ropeway could be located so as to reduce the prominence. The applicant's agent confirmed that this was possible. They raised concerns about the distant location of the overflow car park in relation to the site, and that the site was relatively inaccessible by public transport.

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:

- impact on the Green Belt
- visual amenity
- highway issues
- sustainability
- landscape
- drainage

As such the proposal complies with national planning advice contained within Planning Policy Guidance Note 2 "Green Belts" and policies GB1, GB3, GB13, GP1, GP4a, GP15a of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

55e Whitewalls, Ox Carr Lane, Strensall, York. YO32 5TD (10/02606/FUL)

Members considered a full application from William King Homes for the erection of 2 no. detached dwellings, 3 no. double garages, associated access and alterations to the retained dwelling at Whitewalls.

In their update to Members, Officers reported that the application had been revised. The amendments related to a reduction in the size of the dwelling on Plot 1 from a five bedroomed house to a four bedroomed house, resulting in an increased distance from the proposed house to the boundary of the site with 12 Whin Close. A mature beech tree would not now need to be felled, subject to adequate protection being provided during the construction phase.

It was reported that comments had been received from Yorkshire Water in relation to the flow of foul water from the new properties. The comments stated that the additional flow of foul water would be insignificant and that the drains in the area were owned privately, and so they were not responsible for them.

Officers circulated a copy of comments that had been received from the Council's Landscape Architect in relation to the application to the Committee.

They added that if the application was approved, that the Council's Landscape Architect recommended that the condition relating to tree preservation be replaced with one to show how the retained trees would be protected during the construction of the properties, through the submission of a method statement.

The agent for the applicant confirmed that the applicant would be happy to provide a method statement for the retention of the trees on the application site.

Representations in objection were heard from a representative of Strensall Parish Council. He referred to the circulated comments from the Council's Landscape Architect and expressed concerns about the spatial separation between the existing trees and the house on plot 1. He also referred to the location of the site next to a green area and that consideration should be given to the preservation of green corridors when considering the application. Further to this, he added that there was a concern that the garages would be clearly visible from the road due to their location in front of the houses, with the houses appearing subservient to the garages.

Members received clarification from Officers that the garages would be single storey and would be set back from the road, and would be well screened. They felt that although there would be a loss of trees on the site, significant screening would be attained by new planting.

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:

- Overall planning principles
- Visual appearance
- Neighbour amenity
- Drainage
- Open space
- Highway issues
- Bio-diversity
- Sustainable design and construction

As such the proposal complies with national planning advice contained within Planning Policy Statement 3 "Housing" and policies GP1, GP4a, GP10, GP15a, NE1, NE6 and L1c of the City of York Draft Local Plan.

**55f Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL
(10/02838/FUL)**

Members considered a full application from Mr AP and Mrs PM Smith for a change of use from a residential institution (use class C2) to a residential dwelling with granny annexe (use Class C3) including first floor extension and alterations to create a roof terrace to the rear.

In their update, Officers informed Members that two of the letters of objection had now been withdrawn. They explained that some of the works undertaken at the site were not in accordance with the submitted drawings. These included the enclosure of the roof terrace in brick work rather than opaque screening, and the insertion of full height opening doors on the rear elevation rather than windows. Officers were satisfied that the wording of condition 8 would enable satisfactory screening arrangements to be secured for the roof terrace, and that the amendments to the elevations were acceptable and could be addressed through the submission of a revised drawing.

Representations were heard from the applicant. She outlined the history of the property and stated that, in her opinion, the current building was not in keeping with the area. She added that although the size of the site could accommodate two properties, that she felt that this would not be economically viable, and that the site would be more sustainable. It was also reported that the originally proposed first floor extension had been deleted from the application, and that the roof lights in the kitchen could be fixed in a closed position if the application was approved.

Representations in objection were heard from an immediate neighbour. He commented that as long as appropriate screening of the roof terrace was achieved, he was not objecting to the application. In answer to a question from a Member, Officers expressed the view that it was not necessary for a condition to be attached requiring the kitchen roof lights to be fixed and non-opening.

Members expressed their concerns that the roof terrace had not been accurately shown on the submitted plans. They also added that if the application was approved, the occupancy of the granny annexe should be amended in condition 3 to relate to the immediate family of the applicant rather than just the applicants' parents.

RESOLVED: That the application be approved, subject to the receipt of an accurate drawing from the applicant.

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 change of use of community facilities, residential and visual amenities, affordable housing and protected species. As such the proposal complies with Policies GP1, NE6, NE7, H4a and C3 of the City of York Development Control Local Plan.

55g 7 The Avenue Haxby York YO32 3EH (11/00145/FUL)

Members considered a full application from Miss Elizabeth Lomley-Holmes for a replacement roof to an existing conservatory and canopy to the rear of a detached dormer bungalow.

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 impact on the light, outlook and privacy of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

55h 45 Ashton Avenue, York, YO30 6HW (11/00367/FUL)

Members considered a full application from Miss Kirsten Mortimer for a detached 2 storey dwelling with an associated detached garage.

Representations were received from the applicant. She explained that the application was a resubmission for a detached house with a reduction in scale from the previous application, which was withdrawn. She considered that other developments in the area had set a precedent for the development of the site and stated that she would be happy to take advice from Officers to alter the design of the property to make it more appropriate to the surrounding area.

Members considered that the development of the site was not acceptable given the constricted amount of space that was available. Other Members raised concerns in relation to parking and access and the impact on the existing property as a result of noise and disturbance.

RESOLVED: That the application be refused.

REASON: (i) The proposed dwelling would not appear subservient to the main house, nor would it relate to the established form or footprint of dwellings in the area. Its location only 1 m from the adjacent public footpath is such that the development would be particularly dominant. In addition it would change the character of the footpath and make it a less attractive route to use. It is considered, therefore, that the proposal conflicts with policies GP1 (criterion a and b) and H4a (criterion c) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable

Development) and Planning Policy Statement 3 (Housing).

- (ii) The proposed north facing first floor bedroom window would be approximately 5 metres from the boundary with the rear garden of 50 Burton Green. It is considered that this separation would be insufficient to retain reasonable privacy to the garden. As such, the proposal complies with Policy GP1 (criterion I) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.
- (iii) It is considered that the use of the shared access arrangements in association with the proposed dwelling would adversely affect the amenity and living conditions of the occupiers of the existing dwelling (45 Ashton Avenue) by virtue of the additional noise, disturbance and inconvenience associated with the comings and goings to and from the application site. As such, the proposal conflicts with Policy GP1 (criterion I) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.
- (iv) The application fails to satisfactorily indicate how surface water run-off from the site will be adequately attenuated. As such the application conflicts with national planning advice contained within Planning Policy Statement 25 (Development and Flood Risk), Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City of York Strategic Flood Risk Assessment (approved September 2007).

55i 279 Huntington Road, York. YO31 9BR (10/00942/FUL)

Members considered a full application from Mr and Mrs G Cammidge for the erection of 5 no. terraced dwellings with associated access following the demolition of 279 Huntington Road.

In their update Officers informed Members of a correction to their report, in that the scheme included a total of eighteen bedrooms rather than twenty as indicated in the report. They also summarised objections that had been received in relation to the application.

Representations in support of the application were heard from the agent for the applicant. He made reference to previous applications that had been submitted on the site and stated that in the current proposal, the site area and floor plan had both reduced in size by 25%. He added that the current access road would remain the same and that space at the rear would be provided for refuse bins.

Representations in objection to the application were heard from an adjacent neighbour. She informed Members how the refuse store and long

driveway would be prone to arson attacks and anti social behaviour. She added that the existing planning permission on the site was for 30 units per hectare, and that the proposed density of 35 units per hectare was excessive. Finally, she stated that the hedge was not a secure boundary and that there was a lack of parking spaces, which meant that vehicles would park on Huntington Road causing highway safety issues.

Some Members considered that the contemporary design of the proposed dwellings was not appropriate to the area. They also referred to the reclassification of the site as greenfield land, as a result of changes to Planning Policy Statement 3, and that the proposal would result in the loss of a residential garden. It was clarified by officers that the application was for a completely new proposal and was not a renewal of the previous scheme..

RESOLVED: That the application be refused.

REASON: The application site consists of a well established residential garden forming a valuable green space within the local area. Residential gardens no longer fall within the definition of previously developed land as defined by Planning Policy Statement 3 "Housing" (Revised June 2010), and are therefore no longer considered as a priority for development. It is considered that the development of the site would result in an unacceptable loss of a residential garden ("garden grabbing"), which would be detrimental to the character of the immediate residential environment, contrary to Policies GP1 and GP10 of the City of York Draft Local Plan

**55j The Fossway, 187-189 Huntington Road, York. YO31 9BP
(11/00004/FUL)**

Members considered a full application from Mr David Lavery for a change of use from a public house (use Class A4) to a place of worship (use Class D1) with 2 no. self contained flats. The application also included new rooflights, entrance door, and railings/gate to front. An application of a similar nature on the same site had been considered by the Committee in November 2010.

In their update Officers informed Members of a set of revised conditions that could be added if the application was approved.

Representations in support were received from the applicant's agent. He responded to queries from Members relating to traffic issues and the limited hours of operation of the church which had been requested. It was confirmed that the church would provide a parking warden, and had recently joined the Car Sharing York scheme to encourage their congregation to car share. He added that the church wished to be open during the day in order to provide a space for toddler groups.

In response to a Member's question, he explained that the applicant had applied for restrictive hours because they were keen to secure the building and for it to be used by the wider community. He also added that the reason for using the building as a place of worship, was due to the previous location on Haxby Road being vacated due to its use as a school.

Representations in support were received from a representative of Dodsworth, Muncaster and Bell Farm Residents Association. He stated that residents were supportive of the application because the previous use of the building as a pub had suffered from vandalism, graffiti and being used as an area for drug dealing. He questioned the reason for the restriction on hours for the use of the community rooms for four hours at the weekend. It was also his opinion that there would not be a great number of cars on site for community group activities.

Members considered that the hours of operation for the church should be amended to include Good Friday, Bank Holidays and Public Holidays. However, it was reported that if the hours were extended further into the week that additional highways comments would have to be sought.

RESOLVED: That the application be approved with the following change to the wording of condition 6:

The hours of operation of the Meeting Hall and Congregation Meeting Space shall be confined to

Mondays to Fridays not at all

09.00 hours to 13.00 hours on Saturday, Sunday and Public Bank Holidays to include: New Years Day (1 January), Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Eve (24 December), Christmas Day (25 December) and Boxing Day (26 December).

Reason: To safeguard the amenities of adjoining occupants and in the interests of highway safety.

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 the residential amenity of the neighbours, the likely impact of the proposed uses of the site, the visual appearance of the building and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP4a, L1b, and C1 of the City of York Council Development Control Local Plan (2005); and national planning policy set out in Planning Policy Guidance Note 13 'Transport'.

55k 339 Huntington Road, York, YO31 9HJ (11/00202/FUL)

Members considered a full application from Mr H Lowson for a two storey side extension and single storey rear extension.

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 effect on residential amenity and the impact on the street scene. As such the proposal complies with policies GP1 and H7 of the City of York Local Plan Deposit Draft and the Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses".

56. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which presented to them the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31st March and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That Members note the content of this report.

REASON: To keep them informed on appeals determined by the Planning Inspectorate.

57. 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's area.

Cllr K Hyman, Chair

[The meeting started at 2.00 pm and finished at 5.15 pm].