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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 AUGUST 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, REID, SEMLYEN AND HYMAN (AS A SUBSTITUTE FOR CLLR ORRELL)
APOLOGIES	COUNCILLOR ORRELL

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### 13. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Go Outdoors, Foss Bank	Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was for approval.
Narioi Stables, Boroughbridge Road (A59)	Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was for approval.
Land lying to the north of the Science Building, Askham Bryan College, (Equine Hospital)	Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson.	To familiarise new Members with the site.
47 Askham Fields Lane, Askham Bryan	Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was for approval.
Doctors Surgery, 40 Moorcroft Road,	Councillors Crisp, Galvin, Gunnell, Reid, Semlyen and Watson.	As objections had been received and the officer recommendation was for approval.

### 14. DECLARATIONS OF INTEREST

Councillor Reid declared a personal non-prejudicial interest in plans item 3f (Doctors Surgery, 40 Moorcroft Road) as she is a patient at that surgery.

Councillor Semlyen declared a personal and prejudicial interest in plans item 3f (Doctors Surgery, 40 Moorcroft Road) as she had registered to speak on behalf of local residents in objection to this application. After speaking from the floor, she left the room and took no part in the debate or vote on this item.

Councillor Gillies declared a personal and prejudicial interest in plans item 3e (47 Askham Fields Lane, Askham Bryan) as he knew the one of the speakers who had registered to speak in objection to the application as she was clerk to Askham Bryan Parish Council. He left the room for this application and took no part in the debate or vote on this item.

Councillor Watson declared a personal non prejudicial interest in plans item 3b (5 Wains Road, Dringhouses) as the applicant is a City of York planning officer. Other members of the committee asked that it also be noted that they knew the applicant on the same terms.

## **15. 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.

## **16. 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.

### **16a Go Outdoors, Foss Bank, York YO31 7JB (11/01872/ADV)**

Members considered an advert application for the display of two part illuminated signs, three non illuminated product listing signs and two banner signs.

Officers provided the following updates:

- Comments had been received from Councillor Potter on behalf of local residents raising concerns over the loss of amenity due to the signs and expressing the view that they already feel overlooked.
- Guildhall Planning Panel object on the grounds that the signs are out of scale with surrounding environment.
- Two further letters from residents had been received which reflect the objections already listed in the report regarding the impact on the conservation area, light pollution and views of York Minster.

Officers clarified that this is the second application which had been submitted, the previous one having been for illuminated signs whereas this application was for smaller signs, some of which were not illuminated at all and some only partially.

They noted that draft condition 2 requires all illumination to be turned off between 20.30 and 08.30 each day and asked Members to agree to this being amended to allow for halogen lights to be left on overnight for security purposes. They also asked Members if they would be happy for the hours of illumination to be changed to coincide with store opening

hours, with a latest time of 9pm, to allow for later opening such as at Christmas.

Members acknowledged that this was a prime commercial site but that the signs had been erected without planning permission which had upset local residents leading to objections being put forward. They were satisfied that the applicant had taken advice from officers and had been able to reduce the amount of light pollution. Furthermore they accepted that the store needed to be able to address security issues and be able to use halogen lights when the store was closed.

RESOVLED: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 2

All signage illumination permitted by this approval shall be turned off outside of the opening hours of the shop and in any event not later than 21.00 on any day.

Reason: In the interests of visual amenity.

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance for the following reasons: In accordance with PPG:19 Advertisements and policies GP21 and HE8 of the City of York Local Plan, the proposed signage, due to its location, scale, design, materials and the proposed extent and means of illumination would not detract from the character and appearance of the conservation area. There would not be an adverse impact on safety, due to the location of the signs and the extent of illumination proposed.

**16b 5 Wains Road, Dringhouses, York, YO24 2TP (11/01594/FUL)**

Members considered a full application from Mr Matthew Parkinson for a detached summerhouse to the rear of his property.

RESOLVED: That this 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 residential amenity of neighbouring properties and impact upon the visual amenity of the street scene. As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and

alterations to private dwelling houses' Supplementary Planning Guidance.

**16c Land Lying to the North of The Science Building, Askham Bryan College, College Service Road, Askham Bryan, York (11/01155/FULM)**

Members considered a major full application from the Minster Veterinary Practice and Askham Bryan College for the erection of seven single storey buildings forming an equine hospital and training centre with associated outdoor facilities, car parking and new access.

Officers advised that Structures and Drainage had objected due to insufficient information having been received by the developer to determine the potential impact the proposal may have on the existing drainage systems. However they had advised that this information could be sought by a condition DRAIN 1. Officers further advised that the agent had since submitted draft heads of terms which outline the proposed educational use of the facility and which could be used when considering any conditions on this issue.

Representations were received from the agent in support of the application. He stated that the scheme proposes a centre of excellence in equine practice and in educational terms the equine practice and college were inextricably linked therefore students would benefit. He advised the Committee that the current site in Poppleton was cramped and inadequate. The opportunity for the facility to be situated on the college campus would mean that students in equine practice would not need to go off site for the practical content of their course. In response to queries from Members, the Principal of the College provided further information on courses and students numbers. Members asked that a condition be added requiring the college to provide a plan of student involvement detailing which courses would involve practical teaching and training at the equine hospital and that a record of student involvement in the practice be maintained thereafter.

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

Additional Condition 17

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

Additional Condition 18

Prior to the commencement of development on site an educational statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall specify which educational courses from Askham Bryan College will be undertaking teaching and training at the equine hospital, the number of hours of teaching for each course and the type of teaching undertaken at the hospital. A record of this information shall be maintained by Askham Bryan College and the veterinary practise occupying the site. The educational use of this site shall be carried out in accordance with these approved details from when the development hereby approved comes into use and the hours of teaching and training to Askham Bryan College students within the hospital shall not fall below that specified in the agreed educational statement.

Reason: So the proposal complies with the preferred educational use of the Major Developed Site in the Green belt, and to maintain an educational link between the proposed development and Askham Bryan College.

REASON

The proposal, subject to the conditions listed in the report and the additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Green Belt, design and landscape considerations, and highway issues. It is considered that very special circumstances, namely the establishment of a veterinary facility with improved facilities, together with the additional educational opportunities that would result from the collaboration with the college, together with the limited visual impact of the proposal due to the existing and proposed screening arrangements and the particular site characteristics would minimise the harm to the Green Belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, Policies GB1, GP1, GP9 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**16d Nairobi Stables, Boroughbridge Road, York, YO26 6AP (11/01044/FUL)**

Members considered a full application from Mr R Wood for the erection of 5.5m diameter wind turbine on a 9m tower and the erection of a detached garage.

Officers provided the following update to Members.

- the third drawing referred to in condition 2 should state drawing B not A.
- Condition 5 should be re-worded to restrict the use of the garage/car port to the use applied for.
- condition 6 should be reworded to clarify that that there is no requirement for him to build the garage/car port but that if it is then the generators should be relocated inside it within 1 month of its completion.
- A letter of objection had been received from two residents of Westfield Lane stating that no notice had been given to the people of Poppleton or other nearby residents, the turbine would be visually harmful and would harm the green belt, the proposed garage was not appropriate and concerned about noise pollution.

Officers explained that during the site visit, the applicant had explained that the application showed the turbine on top of one bund but that it would in fact be on the site of a removed bund therefore the plan would need to be revised before the application was approved.

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

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing numbers 2010.013.25 No 100 Rev A received 17th May 2011  
Drawing numbers 2010.013.25 No 101 Rev B received 31st August 2011

Drawing numbers 2010.013.25 No 201 Rev B received 9th August 2011

Drawing numbers 2010.013.25 No 202 Rev B received 31st August 2011

Reason: For the avoidance of doubt and to ensure that the

Amended Condition 5

The garage / car port building hereby approved shall only be used for the purposes of storing equipment required in connection with the generation of electricity from the wind turbine hereby approved or for the purposes of the parking of vehicles for the owner of the lands domestic use or for the maintenance of the fishing lakes.

Reason: In the interests of ensuring that the development complies with national and local development policies for the Green Belt.

Amended Condition 6

Any existing generators and all equipment required in connection with the generation of electricity from the turbine hereby approved shall be relocated within the garage/car port building hereby approved within 1 month of that building being completed.

Reason. In the interests of ensuring that the development complies with national and local development policies for the Green Belt in terms of the ensuring the building is used for what was applied for.

REASON: The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality and the greenbelt. As such, the proposal complies with Policies GP1, GB1, GB4 and GP5 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Guidance 2 "Green Belts", Planning Policy Statement 22 "Renewable Energy" and "Planning for Renewable Energy - A Companion Guide to PPS22".

**16e 47 Askham Fields Lane, Askham Bryan, York, YO23 3PS  
(11/01622/FUL)**

Members considered a full application from Mr Ian Thornton for a two storey side and single storey front and rear extension.

Representations were received from the next door neighbour in objection to the application. She made the following points:

- Her conservatory had been built one foot away from their boundary which was marked by a hedge (and shown as such on the deeds) Her neighbour had since then removed the hedge (with her agreement) but had then build a wall tight up to her conservatory without permission.
- She also stated that the front one storey extension is forward of the boundary line, therefore against planning guidance and understood at site visit that this was to be altered.

The applicant stated that following the site visit, they had reached a compromise on the height of the wall alongside the neighbours conservatory. He advised that he was happy to lower the height of the wall and increase the distance between the wall and the neighbour's conservatory in order to allow better access. Officers advised that they could condition this in terms of finish but couldn't start redesigning the extension now.

Members acknowledged that the proposed extension was a large one but noted that the plot itself was also large and several other properties on the street already had large extensions.

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

Additional Condition

Within 1 month of the date of this permission, a revised plan shall be submitted to the local planning authority for their written approval of the single storey rear extension hereby permitted showing the finish of the guttering and wall of said extension with the boundary and adjacent building of no.49 Askham Fields Lane. The development shall be built in accordance with this approved plan.

Reason. In the interests of the amenity of the neighbour and the maintenance of the guttering on buildings on this boundary.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the streetscene, residential amenity or the openness of the green belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, H7 and GB4 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**16f Doctors Surgery, 40 Moorcroft Road, York YO24 2RQ (11/01398/FUL)**

Members considered a full application from The Partners Medical Group for four cooling units to the side elevation of the surgery (retrospective).

Representations were received from the next door neighbour in objection to the application. He raised the following concerns:

- Noise levels from units – suggested units should only be in operation between 8am and 6pm Monday to Saturday so as not to impact on residents amenity.
- Visual impact: This is a pleasant residential area – question whether units meet character of the area.

He pointed out that when the applicants applied for planning permission last year, they did not make any statement regarding the need for air conditioning units being envisaged. He reminded members that when planning permission was granted, the Committee had agreed that 1m



should be left between site and side on my house and now the units have been installed without permission in this 1m gap.

Representations were heard from Councillor Semlyen, Ward Member for Dringhouses and Woodthorpe. She reminded Members that the units had been installed without permission thereby bypassing the planning process, which no longer left a 1m gap between the surgery and the neighbouring property. She stated that they were not in keeping with the character of the street, were unsightly from the front and closer to the road than shown on the plans recently submitted. She questioned the need for the units based on the fact they did not appear to have been in use.

Members pointed out that the medical practice had had every opportunity to consider the need for air conditioning at the time of the original planning application but this was not raised although the application was debated very fully at committee.

They acknowledged that they could not argue whether the medical practice had a need for units or not but raised concerns that they had not been able to see (and hear) the air conditioning units in use so as to be able to assess the noise impact.

Members noted that the Environmental Protection Unit had assessed the noise from the units and were not concerned about the levels, therefore the only grounds for refusal would be visual intrusion on local residents and particularly the neighbour next door. Members noted that the units were easy to move so as to allow the neighbour access for maintenance on his property when needed.

Members agreed that a condition should be added if approved to restrict the use of the air conditioning units to 8am-6pm Monday to Friday and 8am to 1pm on a Saturday with no operation of units allowed on Sundays or bank holidays.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition below:

Amended Condition 2

The hereby approved air conditioning units shall only be operated between the hours of 08:00 to 18:00 Monday to Friday, 08.00 and 12.00 on a Saturday and not at all on Sundays and Bank Holidays.

Reason: In the interests of the amenities of nearby residential properties.

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area or neighbouring residential amenity. As such

the proposal complies with Policy GP18 of the City of York Development Control Local Plan.

Councillor B Watson, Chair

[The meeting started at 3.00 pm and finished at 4.40 pm].