City of York Council | Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 JUNE 2012
PRESENT	COUNCILLORS DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, MCILVEEN, CUTHBERTSON, WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR WATSON), HORTON (SUBSTITUTE FOR COUNCILLOR FUNNELL) AND RICHARDSON (SUBSTITUTE FOR COUNCILLOR GALVIN)
APOLOGIES	COUNCILLORS FIRTH, GALVIN AND WATSON
IN ATTENDANCE	COUNCILLOR AYRE

Site Visited	**Attended by**	**Reason for Visit**
8 Old Orchard, Haxby	Councillors Boyce, Cuthbertson, Douglas, Fitzpatrick, Horton, McIlveen, Richardson and Warters.	To familiarise Members with the site as it had been called in by the Ward Members due to concerns from local residents.
3 Whitby Drive	Councillors Boyce, Cuthbertson, Douglas, Fitzpatrick, Horton, McIlveen, Richardson and Warters.	To familiarise Members with the site as it had been called in by the Ward Member, that the application had been recommended for approval and there were a large number of objections and that the membership of the Committee had changed since the application was considered.

1. DECLARATIONS OF INTEREST

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

Councillor Cuthbertson declared a personal interest in Agenda Item 4a) as the Ward Member who called in the application for consideration by the Committee. He informed Members that he had met local residents, but had not expressed an opinion on the application.

Councillor Richardson declared a personal interest as the Ward Member and also that he had called in the application along with Councillor Cuthbertson. He also declared a personal and prejudicial interest in the item as when he had met with local residents, he had expressed an opinion on the application. He withdrew from the meeting during the discussion of this item.

No other interests were declared.

2. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 3 May 2012 be signed and approved by the Chair as a correct record.

3. PUBLIC PARTICIPATION

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

4. 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.

4a **8 Old Orchard, Haxby, York. YO32 3DU (12/01064/FUL)**

Members considered a full application by Mr Horsman for two storey rear and single storey side and rear extensions.

Members received a drawing from Officers, which illustrated the development that could take place at the property under permitted development rights, without the need for planning permission. All of the Committee felt that this was particularly useful to help them determine the application, and suggested that if possible, similar drawings be presented at future meetings.

Members raised two questions to Officers about how the extensions related to the building line, adjacent properties and the reasons for consideration by the Committee.

It was reported that the extension would encroach beyond the building line at the rear of the property, but that separation distances to properties in Abelton Grove exceeded minimum standards. It was also noted that the application had been brought for Members' consideration because of the close proximity of the first floor of the two storey extension to the neighbouring property.

Representations in objection were received from the immediate next door neighbour. She was concerned that the proposed side extension would encroach over the boundary of number 10 Old Orchard, and that access to the rear of the property to enable construction work to take place and protection of the drains had not been outlined by the applicant. Further to this she felt that the size of the proposed extensions would adversely affect adjacent residents, particularly in the winter months, due to loss of light.

Members asked the neighbour how the ground floor extension would be detrimental to her property. She responded that the extension would leave her with a lack of privacy due to the difference in height between the two storey house , and that the boundary would also only be maintained by a low fence.

Some Members felt that the application should be approved as the extension at the first floor was relatively small, and the ground floor extension would not be visible from the ground floor of the neighbouring property.

The Chair allowed Councillor Richardson, who had taken no part in the discussion due to his declaration of interest, to speak. He felt that there was an existing drainage problem that had not been addressed. He stated that it was particularly problematic in that a number of drains in the area did not appear on maps.

Officers informed Members that under permitted development rights, the applicant could build over the drains and that this was a matter to be resolved under Building Regulations or with Yorkshire Water, as appropriate.

Some Members felt that drainage concerns were not an issue to be considered as part of the planning process. Others were concerned that the development could distort the line of the neighbouring properties, and that the extensions would not fit in with the surrounding properties.

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 streetscene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

4b 3 Whitby Drive, York, YO31 1EX (12/00076/OUT)

Members considered an outline application by Mrs Janet Wheldon for a residential development 5no. dwellings with associated garages and access.

In their update to Members, Officers informed the Committee that since the previous application was refused, the Government had published the National Planning Policy Framework (NPPF), which had replaced Planning Policy Statements and Guidance Notes that had applied previously. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of houses should not be considered up to date if the authority cannot demonstrate a five year supply of deliverable sites.

They added that the recent appeal decision in respect of the York Grain Stores application at Water Lane, ruled that the Authority only had a 3.6 year supply of deliverable sites, so with this in mind Members would need to afford policies in the Draft Local Plan the appropriate weight.

In response to a Member's question, Officers responded that in urban areas a target density of 40 dwellings per hectare was specified in the Local Plan, and confirmed that the density of the development was approximately 20 dwellings per hectare.

Representations in objection were received from a local resident. He gave three reasons for his objection; on the grounds of drainage difficulties, ecological benefits of the existing area of open space, and also that there had been in his view no significant changes to the previously rejected proposal.

In relation to drainage, he was concerned that the rate of release of surface water into the drainage system would be at an agricultural rate. He questioned whether there would be an increase in standing water on the site as a result of this. He stated that the proposed development would destroy an open area, which supported a variety of wildlife. He suggested that the proposal might be enhanced by the installation of a wildlife pond and a Tree Preservation Order for existing trees on the site. Finally, he felt that as the only change from the previous submitted application related to drainage, planning permission should again be refused.

Further representations in objection were received from another local resident. He felt that the proposed dwellings were not compatible with the style of the existing houses in the area and that the dwellings should only be of one storey height. He added that the largest tree on the site should be retained.

Representations in support were received from a representative of the applicant's agent. She clarified to Members that underground tanks would store surface water from the development and discharge it into existing water sewers at a controlled agricultural rate. This would be an improvement on the existing situation. Additionally, she considered that the status of the site as garden land did not preclude development and that the site was not being used and was in a sustainable location. She stated that the target density of 40 dwellings per hectare would result in 10 dwellings being built on the site, and therefore that in her view, the proposal for 5 dwellings would not constitute overdevelopment.

Further representations were received from Councillor Ayre, the Ward Member. He considered that the application was more or less unchanged since it was previously refused. Further to this he added that following the previous refusal, the applicant appealed to the Planning Inspector and was unsuccessful in their appeal and so he felt that the Committee should refuse it again. He considered that that the application ran contrary to a number of policies in the Council's Draft Local Plan including H4a, GP1 and NE1. He also considered that the site should be retained in its current form, due to the ecological and other amenity benefits to local residents.

In response to a question from a Member, the representative of the applicant's agent stated that the application site was private and that there was no public access.

In relation to concerns about traffic, some Members pointed out that the levels of traffic would obviously be different at various times of the day, that there would be additional traffic generation on the road at drop off and pick up time for the local primary school, and that this was essentially a traffic management issue. Councillor Ayre circulated a picture which showed cars parked on the road, which he included in his additional representation. This was circulated to Members at the meeting and was subsequently attached to the agenda which was re-published online after the meeting.

Officers were asked if the appeal from the applicant against the Committee's previous refusal was determined. Officers responded that the Planning Inspector declined to determine the appeal due to a lack of information.

Some Members felt that there were some merits in the application, alongside some concerns. The merits included that if five properties were built on the site then this would constitute half the maximum density for that site as referenced in the local plan, that the garden area could be improved and that construction noise from the development could be controlled.

However, they also expressed a number of concerns including that they were aware that there was an existing surface water problem, due to the land being poorly drained. It was considered that the properties facing Whitby Drive should be single storey as conditioned in the Officer's report, but those facing Stockton Lane could be two stories in height. An additional concern was that there were no double yellow lines on either Whitby Drive or Whitby Avenue to deal with problems that could be encountered from school traffic.

Other Members considered that the Committee should pay attention to Government policy of reclassifying garden land and refuse the application. They added that the same reasons from the previous refusal could be used, in order for the Planning Inspector to determine whether the correct decision had been made.

Some Members considered that if the application was approved, conditions should be added to the planning permission including; the approval of drainage details, that the properties adjacent to Whitby Drive be single storey only and that there should only be a maximum of five dwellings on site.

Councillor Warters requested that his vote against approval be recorded.

When being put to the vote, a motion for approval of the application was tied. As a result the Chair used her casting vote and it was:

RESOLVED: That the application be approved with the following additional conditions;

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

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

11. No more than five properties are to be erected as part of the development hereby authorised.

Reason: To safeguard the visual amenity of the wider street scene and to ensure compliance with Policy GP1 of York Development Control Local Plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the local surface drainage pattern, impact of additional traffic generated upon the local highway network, impact of the proposal on local biodiversity and loss of an important open space of townscape value. As such the proposal complies to Policies GP15a), GP1, GP4a), GP9, GP10, H4a), NE1, NE7 and NE8 of the City of York Development Control Local Plan.

Councillor J Galvin, Chair
[The meeting started at 2.05 pm and finished at 3.15 pm].