

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	26 JUNE 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, HYMAN, KING, ORRELL, TAYLOR, I WAUDBY AND WISEMAN

## 7. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Clifton Garage, 82-84 Clifton, York (08/00816/FULM and 08/00818/CAC)	Cllrs Douglas, King, Moore and Wiseman.	In view of new Sub-Committee membership and as a number of residents had raised concerns in relation to previous applications on this site.
Bonneycroft, 22 Princess Road, Strensall	Cllrs Moore and Wiseman.	In view of objections received to the application and to familiarise Members with the site.

## 8. DECLARATIONS OF INTEREST

Councillor Wiseman stood down from the Committee for Plans Item 3c (OS Field 2000 Lords Moor Lane, Strensall) under the provisions of the Planning Code of Good Practice and spoke from the floor as Ward Councillor, after which she left the room and took no part in the debate thereon.

Councillor Waudby declared a personal, non prejudicial interest in Plans Items 3a and 3b (Clifton Garage, 82-84 Clifton, York) as she had purchased cars from Clifton Garage in the past.

Councillor Cregan declared a personal non-prejudicial in Plans Items 3a and 3b (Clifton Garage, 82-84, Clifton, York) as the applicant was known to him.

## 9. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub Committee.

## 10. 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.

### 10a Clifton Garage, 82-84 Clifton, York (08/00816/FULM)

Members considered a major full application submitted by Mr R Pulleyn, for the erection of 1 no. block of four 3 storey dwellings, two pairs of 3 storey semi detached dwellings and a 3 storey block of six apartments with additional access garaging, parking, cycle storage and landscaping following the demolition of existing buildings.

Officers confirmed that the self-seeded trees, which would be lost on the northwest boundary, would be replaced under the proposed landscaping condition. In relation to the boundary wall and railings on the northern site boundary, Officers confirmed that the Police Architectural Liaison Officer had indicated that he would prefer a higher boundary at this point. Officers stated that an increase in height would further enclose the adjacent footpath and that a balance was required between the security of the site and the safety and security of footpath users. Officers also referred to a triangular area of land adjacent to the site, which it had been suggested, could be incorporated into this site. To incorporate this land into the site would require notice to be served on the landowner prior to the determination of the application but the owner of this land was unknown. It was suggested that Officers could be given delegated powers to pursue this but separate to the application.

Representations in support of the application were received from the applicant's agent, who apologised for his non-attendance at the site meeting. He stated that he felt this application now had a good mix of dwellings and amenity space and that he felt Avenue Terrace residents would have an improved outlook compared to the earlier schemes.

RESOLVED: i) That the application be approved subject to the imposition of the conditions set out in the report.  
1 .

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of residential development
- Density and mix of housing
- Design / Impact on Character of Conservation Area
- Impact on Amenity
- Access, Parking and Highway Safety
- Sustainability

- Drainage and Flood Risk

As such the proposal complies with Policies GP1, GP4a, GP6, GP10, GP9, H3c, H5a, HE3, and HE5 contained with the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statements 1 and 3 and within Planning Policy Guidance Note 15.

- ii) That Officers be granted delegated powers to examine the incorporation of the triangular section of land adjacent to the site into the scheme and to reach agreement with the applicant in relation to the treatment of the boundary wall adjacent to Dead Man's Alley.<sup>2</sup>

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB
2. Officers to examine the incorporation of this land into the scheme and reach agreement with the applicant on the treatment of the boundary wall. JB

**10b Clifton Garage, 82-84 Clifton, York (08/00818/CAC)**

Consideration was given to a Conservation Area consent, submitted by Mr R Pulleyn, for the demolition of Clifton Garage, 82-84 Clifton, York.

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report.<sup>1</sup>

REASON: In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the Conservation Area. As such the proposal complies with Policies HE3 and HE5 of the City of York Draft Local Plan, and Central Government advice contained within Planning Policy Guidance Note 15.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**10c OS Field 2000 Lords Moor Lane, Strensall, York (08/01199/FUL)**

Members considered a full application, submitted by Mr Nigel Pain, for the retention of a mobile home as a temporary agricultural dwelling in connection with free range laying birds (resubmission).

Officers updated that as the consultation period for this application had not yet ended they requested delegated power to refuse the application

subject to receipt of no additional comments. Officers circulated a consultation update sheet, which stated that:

- Strensall and Towthorpe Parish Council objected to the application as they felt that there was no evidence to suggest any changes to the original application;
- Highway Network Management also objected in relation to the proposed means of access and the caravans retention in connection with a business;
- York Golf Club had again raised objections to this proposal.

Representations were made in objection to the application from a representative of Strensall and Towthorpe Parish Council. He stated that the site was prone to flooding and there were problems with foul and surface water drainage. He confirmed that there was no existing business on the site other than 6 grazing cattle, which had led to a complaint to the RSPCA concerning the animals. He also expressed concerns at the nature of the use, as a motor home, caravans, a horsebox and a hearse had been stored on site.

The Local Member spoke from the floor and endorsed the Officers recommendation for refusal of the application.

RESOLVED: That the application be refused. <sup>1</sup>.

- REASON:
1. To retain a mobile home as a temporary agricultural dwelling, paragraph 12, Annex 7 of Planning Policy Statement no.7 "Sustainable Development in Rural Areas" sets out a list of criteria that must be satisfied, one of which is "clear evidence of a firm intention and ability to develop the enterprise concerned". Other than an agricultural appraisal report submitted with the planning application, no solid evidence has been provided or put forward which could demonstrate a firm intention to develop the free range egg laying business. As such it is considered that the evidence of a firm intention to develop the enterprise concerned is unclear, contrary to criterion i, paragraph 12, Annex A of Planning Policy Statement no.7.
  2. The proposed retention of an existing mobile home as a temporary agricultural dwelling has not been justified in agricultural terms. The siting of a mobile home in this location is therefore regarded as inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.

### Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

#### **10d Bonneycroft, 22 Princess Road, Strensall, York (08/01112/TPO)**

Consideration was given to a Tree Preservation Order application, submitted by Mr Adam Ward, for various works to trees subject to Tree Preservation Order TPO CYC 53 including felling Sycamore (T3), Ash (T4), Hawthorn (T12), Laburnum x 2 (in G1), Picea (in G2), Birch, Oak, Chestnut, Apples (G3), Birch (in G4), Cherry trees (G5), Hawthorn (G7 and in G6); crown lift Holly (G2), Holly and Oak (G4) and Oaks T8-T11.

Officers circulated a sheet showing a plan of trees recommended for retention and removal on the site together with a list of those trees the applicant proposed to fell. The sheet also detailed the Officers recommendation in relation to each of the individual trees. The Councils Landscape Architect confirmed that the additional sheet was not new information but a list of her recommendations in relation to each individual tree.

Representations were received from a neighbour, who confirmed that at the site meeting, the previous day, local residents had supported the proposals with just four exceptions. He referred to G2b Picea and G2a the Ash with a split stem and requested that these should be retained as a group together with the retention of G3a Oak, G3b Horse Chestnut and G1c Laburnum if at all possible. He confirmed that he supported the felling of a number of the trees and their replacement with young trees and requested that the Council oversee the works or appoint a representative on their behalf.

Officers confirmed that there was no reason why the work could not be overseen to British standards but that this would not form a condition of any approval.

The Chair agreed that the applicant, who was present at the meeting, but who had not registered to speak in advance could put forward his points. He stated that the site had been overgrown for a number of years and although no planning application had been submitted for the site that it was intended to develop the land in the future. The application would also include a landscaping scheme. He confirmed that he was happy to plant replacement trees for those felled and undertake thinning of others in accordance with appropriate British standards.

Representations were made on behalf of the Parish Council who requested that if trees were felled that they should be replaced by young semi mature specimens at appropriate locations. He also requested the retention of visual screening on site for neighbours and to act as a barrier for train noise.

Officers confirmed that the Picea was not a native tree and that the Ash referred to was unstable as it had multiple junctions. These trees were also

very close to each other and in close proximity to a neighbour's property. Members confirmed that they were happy with the Landscape Architect's recommendations.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report.<sup>1</sup>

REASON: Some of the felling is refused because the trees still serve their function as specified under the TPO and are in such a condition that they could be retained under suitable management.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**10e Fulford Post Office, 94 Main Street, Fulford, York, YO10 4PS (08/00955/FUL)**

Consideration was given to a full application, submitted by Mr. Jeroen Suur, for the change the use of a former Post Office (Class A1) to a Physiotherapy Practice (Class D1).

Officers circulated an update, which included a map and detailed a list of shops selling similar goods/providing similar services in the locality. Additional information was also included regarding the marketing of the site by property consultants. In the opinion of the agent the size of the premises limited the market and they felt that few businesses could make a profit with 308sq ft of sales space in a location of this type.

Representations in support of the application were received from the applicant. He confirmed that he was also sorry to see the Post Office close but that the size of the property had not made it viable to continue as a convenience store. He stated that a change of use application had been made to ensure the survival of the premises. He felt that a physiotherapy practice would benefit the residents of Fulford and encourage users to be more mobile.

Members commented that although they regretted the loss of a small shop and Post Office that they felt the proposal would be a good use for the premises.

RESOLVED: That the application be approved subject to the conditions listed in the report.<sup>1</sup>

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of a local shop, highway considerations, residential amenity, sustainability and impact on the conservation area. As such the proposal complies with Policies S9,

HE3 and T4 of the City of York Local Plan Deposit  
Draft.

Action Required

1. Issue the decision notice and include on the weekly  
planning decision list within the agreed timescales.

JB

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].