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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 JULY 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, HYMAN, KING, ORRELL, TAYLOR, WISEMAN AND MORLEY (SUB FOR CLLR FIRTH)
APOLOGIES	COUNCILLOR FIRTH

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## 11. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
279 Huntington Road, York	Cllrs Hyman, Moore, Morley, Orrell and Wiseman	In view of objections raised by the Parish Council and adjacent residents.
42 South Lane, Haxby	Cllrs Hyman, Moore, Morley, Orrell and Wiseman	In view of objections raised by the Town Council and neighbours comments.
Cockerills, Stamford Bridge Road, Dunnington	Cllrs Douglas, Hyman, Moore, Morley, Orrell and Wiseman	To assess the impact of the proposal on the openness of the Green Belt.
The Villa, Main Street, Elvington	Cllrs Douglas, Hyman, Moore, Morley, Orrell and Wiseman	As the site is adjacent to a property occupied by a Council employee, is recommended for refusal and to ensure transparency in the decision making process.
32 Lamel Street, York	Cllrs Moore, Morley and Wiseman	As the application was called in by the Local Member due to concerns about future living conditions in the area.

## **12. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Hyman registered a personal prejudicial interest in Plans item 5e (32 Lamel Street, York) as the applicant's agent had carried out work for him in the last nine months. He left the room and took no part in the discussion and voting on the application.

## **13. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases Update) and agenda items 7 (York Riding School, Wigginton Road, York) and 8 (Motor Vehicle Activities at Elvington Airfield) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

## **14. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 12 June 2008 be approved as a correct record and be signed by the Chair.

## **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 R S Cockerill York Limited, Stamford Bridge Road, Dunnington, York, YO19 5AE (08/00856/FULM)**

Consideration was given to a major full application, submitted by R S Cockerill (York) Ltd, for an extension to the pack house to provide additional potato washing, grading, packing storage and staff facilities and

covered loading bays and additional vehicular manoeuvring space together with installation of wastewater treatment plant.

Officers updated that an amendment was required to paragraph 4.15, the report stated that the application had been submitted prior to the sustainability guidance being adopted by the Council but it had in fact been received after the guidance had been adopted. They also confirmed that following the site visit the applicant had agreed to prepare a travel plan and pursue the siting of bus stops on Stamford Bridge Road, adjacent to the site, which would require the imposition of additional conditions if the application was approved.

Representations in support of the application were received from the applicant's agent, who referred to the comment that the extension would not be seen from the Stamford Bridge Road. She stated that the extension site, between the buildings, was visible and that the land was presently used for the storage of potato boxes, which were also visible from the road. She pointed out that, if approved, this application would not act as a precedent for future applications and that the special circumstances were sufficient to outweigh any harm to the Green Belt. She confirmed that health and safety issues had been raised in connection with 11 issues at the premises including safety of employees, lack of storage, staff accommodation, need for a dedicated quarantine area and the need to reduce the amount of water used. She also confirmed they were looking at water harvesting and reuse of the water as part of the scheme.

In answer to Members questions Officers confirmed that the 3 accidents referred to by a neighbour, had occurred adjacent to the site and that these had been due to a drainage problem on the road when ice had been present. Since highway works had been carried out there had been no further reported accidents at this point.

**RESOLVED:** That the application be approved subject to referral to the Secretary of State as a departure from the Development Plan and imposition of the conditions listed in the report and the following additional condition:

7. The development hereby permitted shall not come into use until a green travel plan and details of additional bus stops adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The premise shall operate in accordance with the agreed green travel plan. The bus stops shall be installed in accordance with the approved plans within 6 months of the development coming into use.

**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 to the aims of including land within the Green Belt and the living conditions of neighbours. As such the proposal

complies with Policies GP1, GP4a, GB1, and GB11 of the City of York Draft Local Plan.

Action Required

1. Refer to the Secretary of State as a departure from the Development Plan.

JB

**16b 279 Huntington Road, York, YO31 9BR (08/00814/FUL)**

Officers requested deferral of this application to allow further discussions with the applicant.

RESOLVED: That this application be deferred at the request of the Officers.

REASON: To allow further discussions with the applicant.

**16c 42 South Lane, Haxby, York, YO32 3JA (07/02590/FUL)**

Consideration was given to a full application, submitted by Mr David Miller, for the erection of 4 no. detached dwellings following demolition of 2 semi-detached dwellings, 2 single garages and 2 brick stores.

Officers updated that 3 additional letters had been received from neighbours raising concerns regarding drainage and parking they also felt that the development would be harmful to the Conservation Area. Comments had also been received from the Environment Agency who had no objections subject to details of the finished floor levels being included as a condition. York Consultancy had also raised no objection subject to the discharge rate of surface water being amended to 2 litres per second in the condition.

In answer to Members questions it was confirmed that the core of the site was in Flood Zone 1/2 but that it bounded Flood Zone 3.

Representations in objection were received from a neighbour who circulated photographs showing flooding problems, which existed in the area. Objectors questioned if it could be guaranteed that the proposed underground storage tank for surface water would be sufficient in the future. He also stated that the development was within the Haxby Conservation Area and that the proposed new build would be out of character with the area.

Representations in support of the application were received from the applicant's agent who referred to the area surrounding the site as one of the last areas of Haxby to retain the medieval pattern of development. She confirmed that this development would replicate the medieval plot pattern and she felt enhance the area. South Lane was a narrow rural lane and the proposal would improve the lane frontage and provide 10 car parking spaces, with off street parking and garages. She also confirmed that to overcome flooding concerns the applicants were proposing a sustainable drainage scheme with restricted discharge rates.

A representative of Haxby Town Council confirmed their objections to the scheme. The Council felt that the development would harm the historic and rural character of Haxby, would set a precedent and would conflict with their Town Plan. They also felt that development should enhance or maintain the character of the Conservation Area, which they felt, this proposal did not and he requested the Sub-Committee to refuse the application.

In answer to Members questions the applicant confirmed that the materials from the demolished dwellings would not be of sufficient quality to reuse on the new properties but that the materials could probably be used on site. She also confirmed that the underground water storage tank had not yet been designed but that the discharge rate would govern the size of the tank.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the following amended conditions and informative:

Condition 7: The inclusion of "rain water harvesting in the Sustainable Design and Construction statement to be submitted to and approved in writing by the Local Planning Authority.

Amended Condition 10: Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate limited to a maximum of 2.0 litres per second has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter.

Amended Condition 23: Unless otherwise agreed in writing with the Local Planning Authority the site shall be developed with separate systems of drainage for foul and surface water on and off site.

Informative: To comply with condition 10 regarding drainage the Local Planning Authority are likely to require the following information:

Surface water drainage calculations.

Storage tank size and type.

Discharge control device.

Details of pump failure warning system and overflow provisions.

Management arrangements for the maintenance of the attenuation system.

**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 to:

- effect on the character and appearance of the conservation area
- impact on the streetscene
- impact on the living conditions of neighbouring residents
- quality of the accommodation provided
- access and highway safety
- flooding and drainage
- sustainability

As such the proposal complies with Policies GP1, GP4a, HE3, GP10, H4a, H5a, GP15, GP7, and GP9 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

**16d The Villa, Main Street, Elvington, York, YO41 4AG (08/00892/FUL)**

Members considered a full application, submitted by Mr and Mrs Lofthouse, for the erection of one dormer bungalow with attached double garage on land to the rear of The Villa (revised scheme).

Officers updated that they had received 4 additional letter of objection but only 2 were new objections raising similar objections of overdevelopment, impact on neighbours and objections to the removal of trees.

Representations were received in objection to the application from a neighbour who referred to the trees on the southern boundary of the site a number of which had already been removed. The trees provided screening for 5 months of the year but with their removal this would be lost and there would be little separation between his property and the proposed dormer bungalow. He felt that the scale of the new property would have a detrimental impact on neighbours and requested Members to support refusal of the application. He also circulated photographs showing the separation distance.

Representations in objection were also received from a further neighbour who confirmed that she was opposed to the backland development which she felt would erode the rural setting of the village. She stated that the proposed bungalow would tower above neighbouring gardens.

Representations were also received from the Chair of Elvington Parish Council but in his personal capacity as a neighbour.

Representations were received in support of the application from the applicant's agent who referred to the application for a 3 bed dormer bungalow approved by the Sub-Committee in September 2007. He stated that this was a similar scheme but with an increased ridge height, an additional room at the rear and a double rather than a single garage, which he felt, was not a significant change from the earlier application. He confirmed that the property would be south facing and would have

sufficient natural light. Regarding the trees he felt that the building could co exist with trees on site and he would be happy to have this conditioned.

Members commented that they felt the revised scheme was oppressive, over dominant and would have a major impact on neighbours. They requested addition to the reasons for refusal of reference to the lack of garden space and the affect the property would have on the amenity of neighbours.

RESOLVED: That the application be refused.

- REASON: 1. The proposed dwelling would be materially larger and bulkier than that approved in September 2007. It is considered that the building would be located in such close proximity to the rear gardens of Grange House, 3 Lorraine Avenue and Middleton House that the development would appear unduly dominant and oppressive when viewed from these properties and have a detrimental impact on the established character and amenity of the local environment. As such the proposal fails to comply with Policy GP1 (criterion b and l), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005.
2. The proposed application fails to demonstrate that the proposed dwelling can co-exist with the existing trees that surround the site. It is considered that the removal of the trees would have an unacceptable impact on the character of the area and adversely affect neighbours' privacy and outlook. As such the proposal fails to comply with Policy GP1 (criterion a, c and d), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005
3. The proposed dwelling would be located in very close proximity to trees that border the south and west of the site. It is considered that this would result in the proposed dwelling have an unacceptably poor level of natural light, sunlight or outlook. As such the proposal fails to comply with Policy GP1 (criterion b and j) of the City of York Local Plan 4th Set of Changes 2005.
4. The very limited and disjointed proposed external amenity space is considered inadequate to meet the needs of the future occupiers of the proposed dwelling. As such the proposal conflicts with criterion (g) of GP1 of the City of York Local Plan First Alteration 2005 and advice contained within paragraphs 16 and 17 of Planning Policy Statement 3.

Action Required

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

JB

**16e 32 Lamel Street, York, YO10 3LL (08/01183/FUL)**

Consideration was given to a full application, submitted by Mr Brian Harnett, for the change of use of an outbuilding to a 1 bed. dwelling.

The Chair confirmed that following the site visit no exterior changes were proposed to the outbuildings and that the remodelling of the existing dwelling involved the closing off of two windows.

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

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 design and landscape, access and parking and impact on residential amenity. As such the proposal complies with Policies GP1, GP4a 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

**16f 65 Wycliffe Avenue, York, YO10 3RH (08/00452/FUL)**

Members considered a full application, submitted by Mr Kevin Marsden, for a two storey pitched roof side extension and change of use to house in multiple occupation.

Officers updated that Para. 6.0 Recommendation in the report should read "Approval".

The Local Member circulated photographs of the semi derelict property and garden area. He referred to the present state of the property, which was an eyesore and had been for some time he had been told that work would shortly take place on the property 12 months ago. He confirmed that there was a shortage of houses in multiple occupation in the city and he referred to future occupiers of the property. If approval was given he requested Members to agree to Officers serving a Section 215 notice on the owner to tidy the site, condition similar site treatment on the boundary adjacent to the cinder track and for a landscaping scheme for the large rear garden.

Officers confirmed that a management plan for the maintenance of the garden might be a better way forward to ensure the upkeep of the garden area.

RESOLVED: That the application be approve subject to the conditions listed in the report and the addition of the following conditions:



Amended Condition 3: Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

8. Prior to the commencement of development details of the landscaping and future management and maintenance of the front and rear garden of the property shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed, maintained and managed in accordance with the agreed details.

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 impact on the amenity and living conditions of adjacent occupiers, parking and highway safety, and the effect on the character of the local area. As such the proposal complies with Policy GP1 and H8 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

**17. 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 area.

**18. YORK RIDING SCHOOL, WIGGINTON ROAD, YORK.**

Members considered a report, which updated them on enforcement issues at York Riding School, Wigginton Road, York.

RESOLVED: That approval be given to the proposed action.

REASON: To update Members on this enforcement case and progress action.

**19. ENFORCEMENT CASE RELATING TO MOTOR VEHICLE ACTIVITIES  
AT ELVINGTON AIRFIELD**

Members considered a report, which updated them on the enforcement case relating to motor vehicle activities at Elvington Airfield, Elvington Lane, Elvington.

RESOLVED: That the update report be noted.

REASON: To update Members on the ongoing enforcement proceedings at this site.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 3.35 pm].