
MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	5 FEBRUARY 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, KING, MOORE, ORRELL, TAYLOR, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL

1. INSPECTION OF SITES

Site	Attended by	Reason for Visit
29 The Avenue, Clifton.	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	To familiarise Members with the site.
Powerhouse, Hurricane Way, Clifton Moor.	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	To familiarise Members with the site.
22 Middlebanks, Wigginton.	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	In view of objections received when the recommendation is to approve.
1 Beans Way	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	In view of objections received when the recommendation is to approve
Brook House, Main Street, Elvington	Cllrs Hyman, Moore, Firth, Douglas, Wiseman	To familiarise Members with the site.

2. DECLARATIONS OF INTEREST

3. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 11 December 2008 and 17 December 2008 be approved as a correct record and be signed by the Chair.

4. PUBLIC PARTICIPATION

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

5. 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.

5a 1 Beans Way, York, YO31 1HT (08/01126/FUL)

Members considered full application for a single storey detached dwelling on land adjacent to 1 Beans Way following the demolition of a garage, a single storey side extension and a porch to 1 Beans Way.

Officers confirmed that the proposal will have no adverse impact on drainage and that conditions 12 to 14 sufficiently deal with drainage issues.

Representations in support of the application were heard from the applicants agent who advised that the scheme has been substantially revised to address the reasons given for refusal of the original plan. She stated that the main reason for refusal was the size and position of the two proposed dwellings and this new proposal for a single dwelling scheme had taken this into consideration. The existing dwelling would be retained and altered. She advised the beech hedge would be retained, there would be provision for cycle and bin storage and a below ground surface water storage tank.

Members queried how much of the hedge would be lost and if it would be possible to retain more. It was noted that some of the hedge would need to be lost to accommodate highway requirements for the scheme. Members queried if a condition could be added to ensure the boundary hedge was maintained.

RESOLVED: That the application be approved subject to the conditions listed in the officers report and the following amended condition and informative.¹

Condition 17 – Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the local planning authority before the development commences and shall be provided before the development is occupied.

Informative: In order to comply with this condition, the details submitted for approval should incorporate the planting of a beech hedge to infill gaps in the existing hedge along the southern boundary of the site, adjacent to the footpath.

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 principle of residential development, character and appearance, residential amenity, drainage, parking, highway safety, and sustainability. As such the proposal complies with Policies GP1, GP4a, GP10, T4, H4a, H5a, H7, L1c 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. SS

5b 22 Middle Banks, Wigginton, York, YO32 2ZF (08/02485/FUL)

Members considered a full application, (re-submission) for a two storey dwelling attached to the side of an existing dwelling.

Officers updated that the recommendation as detailed on page 42 of the agenda, should state “approve”. Members were updated that Condition 7 is an earlier version of the sustainability condition and a new version should be substituted. A condition requiring 5% renewable energy has been omitted and would also need attaching should the application be approved.

Members were advised that they had three options:

- If cycle storage is not an issue approve the application as it stands.
- If cycle storage is deemed essential, defer the application to allow ownership to be investigated and for the access to the cycle store to be incorporated into the application with Notice served on the owner.
- If the application is unacceptable for any reason, refuse permission.

Representations in objection to the application were heard from a neighbour who advised that if the application were to be approved the area would be cramped and there would be problems with access and parking.

Members felt that they could not support the application due to the negative impact on the amenity of neighbouring properties, the lack of cycle storage and problems with parking, access and security.

RESOLVED: That the application be refused.¹

REASON: It is considered that the proposal would not provide acceptable or workable car or cycle parking arrangements for the occupiers of the existing and proposed dwellings. This would be likely to result in conflict between the future occupiers of the dwellings and an unacceptable standard of amenity. It is also considered that the proposed rear access to no. 22 Middle Banks would create an unacceptable security risk to the occupiers of adjacent properties within an otherwise secure area. Thus it is considered that the proposal would conflict with national planning advice within Planning Policy Statement 1 (“Delivering Sustainable Development”), Planning Policy Statement 3 (“Housing”) and DOE Circular 5/94 (Planning out Crime) which seek to achieve high quality, inclusive and secure design in all new housing development.

Action Required

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

5c 29 The Avenue, Haxby, York, YO32 3EH (08/02707/FUL)

Members considered a retrospective application for the erection of vehicular and pedestrian gates to the front boundary of 29 The Avenue, Haxby, York.

Officers updated that Haxby Parish Council had confirmed in writing their objection to the application.

Representations in support of the application were heard from the applicant who expressed his apologies at the issue being brought before the Committee. He urged members to approve the application as he felt he had already made substantial compromises by reducing the height of the gate.

Members queried the height of the gate and certain Members felt it would be out character for the area. However overall Members had no problem with the gate and subject to the neighbouring hedge remaining in place, approved the application.

RESOLVED: That the application be approved subject to the following conditions:¹

Condition 1 - The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing no. A(00)GAV001 Rev 03 received on 23 January 2009

Or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

REASON: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Condition 2 – Within two months of being erected, the vehicular and pedestrian gates hereby approved shall be painted or stained a colour that has first been agreed in writing with the Local Planning Authority.

REASON : To achieve a visually acceptable form of development.

Condition 3 – The infill hedge along the front boundary shown on the approved plan shall be planted during the next available planting season. Notwithstanding the details shown on the approved plan, the hedge shall be of a beech variety, of a species agreed to be agreed in writing with the Local Planning Authority. Once planted, the hedge shall be maintained in perpetuity and any hedge plants that die or are removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless alternatives are agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity of the area.

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 visual amenity in the streetscene and highway safety. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan (4th set of changes approved April 2005).

Action Required

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

SS

5d Brook House, Main Street, Elvington, YO41 4AA (07/01030/FUL)

Members considered a full planning application to erect a detached dwelling on land that was formerly part of the rear garden of Brook House.

Representations were heard in support of the application from the applicants agent. He stated that the site is large enough to accommodate the dwelling and that the flood risk would not be increased. He felt that the two conifers do not contribute to the area and that the third tree may warrant removal. He suggested that the loss of light due to the trees would not be an issue as any prospective owner of the property would be aware of this prior to purchase.

Overall Members felt they could not support the application due to the close proximity of the site to the canopy of trees.

RESOLVED: That the application be refused.¹

REASON: The proposed dwelling would be located in very close proximity to the canopy of mature trees that surround the site. When in leaf, this would result in the occupiers of the proposed dwelling experiencing poor light conditions and having a poor outlook. It could also raise concerns amongst future occupiers in respect to danger caused by falling trees and subsidence. It is considered that this is an unsatisfactory relationship and may in the future lead to pressure for the trees to be removed. This would be unacceptable in that they are important to the setting of the conservation area and the environment generally. It is also considered that the application fails to demonstrate that the proposal would fulfil the aims and objectives of sustainable development. As such the proposal conflicts with policies GP1 (criterion a), GP4a, H4a (criterion d0 and NE1 (criterion a) 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).

The proposed dwelling would be located within Flood Zone 3. The application fails to show that the development would reduce flood risk in the wider area. It also fails to show that the new dwelling would have an internal floor level that would provide it with suitable safeguards against flood risk. Accordingly it is considered that the application conflicts with 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.

Action Required

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

5e Caravan Site, Stockton Lane, York, YO32 9UA (08/02729/FUL)

This application was withdrawn by the Applicant prior to the Sub-Committee meeting.

5f Powerhouse, Unit 9, Hurricane Way, York, YO30 4XU (08/00362/FUL)

Members considered a full application for external alterations including the formation of a double entrance and canopy and extension of existing service access to rear.

Members queried whether some kind of management scheme for the trees and hedging between the site and nearby residents could be conditioned and whether the retaining wall could be conditioned to be at least 3m high to offer some sound proofing.

Members expressed concern regarding the noise from vehicles, especially in the evening and asked whether times of vehicles using the rear entrance could be conditioned.

Officers advised a boundary treatment scheme and delivery times could be conditioned.

RESOLVED: That the application be approved subject to the following amended and additional conditions:¹

Condition 4 – There shall be no parking, reversing, stationing or manoeuvring of any form of vehicles except emergency vehicles into and out of the rear internal access hereby approved between 18:00 and 8:00 Monday to Sundays unless otherwise agreed in writing by the Local Planning Authority.

REASON – To protect the amenity of the nearby residents.

Condition 6 – Notwithstanding the information shown on the approved drawings, and prior to the commencement of development, details of the proposed retaining wall, including the materials and method of construction, shall be submitted to and

approved in writing by the Local Planning Authority. The retaining wall shall have a minimum height of 3.0 metres above the ground level adjacent to the existing building and shall be constructed in accordance with the approved details prior to the occupation of the building to which it relates . Once constructed, it shall not be lowered, breached or removed at any time.

REASON – To protect the amenity of the neighbours.

Condition 8 – Prior to the commencement of development a scheme detailing how the existing hedge the southern and eastern boundaries of the site will be managed, maintained, retained and enhanced through new planting shall be submitted to and approved in writing by the Local Planning Authority . Thereafter the approved scheme shall be fully implemented and the hedge shall be retained in its entirety unless any species die, are removed or become seriously damaged or diseased. Should any part of the boundary hedge die, be removed or become seriously damaged or diseased it shall be replaced in the next planting season with similar species, unless alternatives are agreed in writing by the Local Planning Authority.

REASON – In the interests of amenity and the maintenance of landscaping measures on the site.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed above and in the officers report would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and sustainability. As such the proposal complies with Policies GP1, GP4a and GP16 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 SS

6. CLIFTON HOSPITAL UPDATE

Members received an update on the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital. Members were asked to note that a number of meetings have taken place and that progress is being made in finalising the Section 106. The update was due to members requesting an update for January 2009, although work is not anticipated to be completed until summer 2009.

Officers advised that as the site is a valuable wildlife site it will also have an area for wild flowers and will need to include suitable facilities for finch feeding. Members were advised that prices are being obtained for the work which still needs completing and that progress is being made to conclude the Section 106 agreement.

Councillor Moore advised that he had written to Clifton Without Parish Council with regard to them leasing the site but had not received a response.

Members thanked Bob Missin for his hard work on the case.

RESOLVED: That Members note the progress made with regard to the completion of the of the Section 106 and the work still required in order to achieve a satisfactory conclusion to this long standing case.

REASON: To update Members on progress with the Section 106 Agreement conditioned as part of the planning application for the Clifton Hospital site.

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].