
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 MAY 2009
PRESENT	COUNCILLORS HORTON (CHAIR), STEVE GALLOWAY, GALVIN, LOOKER, REID, SUNDERLAND, MOORE (AS A SUBSTITUTE FOR CLLR SUE GALLOWAY), BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP) AND HEALEY (AS A SUBSTITUTE FOR CLLR GILLIES)
APOLOGIES	COUNCILLORS SUE GALLOWAY, CRISP AND GILLIES

72. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
1 Garfield Terrace	Councillors Healey, Horton, Looker, Moore and Reid.	As objections had been received and the recommendation is to approve.
Proposed Telecommunications Mast, Junction of Plantation Drive and Boroughbridge Road	Councillors Healey, Horton, Looker, Moore and Reid.	As objections have been received from local residents and the officer recommendation is "No Objections"
41 Albion Avenue	Councillors Healey, Horton, Looker, Moore and Reid.	At the request of Councillor Simpson-Laing

73. DECLARATIONS OF INTEREST

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

Councillor Bowgett declared a personal and prejudicial interest in Plans Item 4a (1 Garfield Terrace) as she had requested that this application be presented to the Committee as she considered it to be overdevelopment of the site. She left the room during consideration of this item and took no part in the debate or vote thereon.

Councillor Horton declared a personal non prejudicial interest in Plans Item 4c (Junction between Boroughbridge Road and Plantation Drive) as he has a mobile phone on the Vodafone network.

Councillor Moore declared a personal non prejudicial interest in Plans Item 4c (41 Albion Avenue) as he has a Council PDA which is on the Vodafone network.

74. MINUTES

RESOLVED: That the minutes of the meeting held on 16 April 2009 be approved and signed by the Chair.

75. 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.

76. 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.

76a 1 Garfield Terrace, York, YO26 4XT (09/00323/FUL)

Members considered a full application from Mr Carl Cameron for a first floor pitched roof side/rear extension, above the existing ground floor extension, to provide 2 additional bedrooms for the dwelling.

Representations were received from a neighbour in objection to the application. She advised Members that she was not completely against the extension but objected to the proposed length and height of the extension. She raised concerns that the extension would protrude beyond their house at the rear and would block light in their back rooms and rear garden. She referred to other extensions in the Leeman Road area and pointed out that these were all built to the size of the property and not beyond. She advised Members that this property had been extended previously and voiced the view that if this application was approved it would be overdevelopment of the site.

Representations were also received from the agent in support of the application. He advised Members that he had worked with the planning officer to achieve a design which was acceptable and had not been informed that it would be considered as overdevelopment.

Members agreed that although there may be some overshadowing of the neighbours property, due to the size of the garden and it's south facing orientation, this was not likely to be an issue.

Members raised concerns over further development of the site. Officers explained what would be allowable under permitted development rights if this application was approved and Members asked that a condition be added preventing any further development on the site under permitted development rights.

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

Additional Condition 6

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no further extensions, alterations or buildings described in Classes A, B or E of Schedule 2 Part 1 of that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

REASON: The proposal, subject to the conditions listed in the report and the additional condition listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

76b 41 Albion Avenue, York, YO26 5QZ (09/00607/FUL)

Members considered an application from Mr David Richardson for a two storey pitched roof side extension, single storey rear extension with dormer windows and covered courtyard (resubmission).

Representations were received from the applicant in support of the application. She circulated an occupational therapist's report and a personal statement explaining her health problems and reasons for needing more space in the house. She stated that she had originally applied for planning permission a year previously and had worked with

planning officers and made compromises on the original scheme which had been rejected as it was deemed to high.

Representations were also received from Councillor Tracey Simpson-Laing in support of the application. She drew Members' attention to the applicant's health problems as the reasons behind the application. She referred to the occupational therapist's statement which highlighted the need for a ground floor toilet and walk in shower and the future need for a downstairs bedroom and space for a carer. In respect of the design of the extension she referred to other houses in the vicinity with a terracing effect.

Members recognised the need in this case to consider both the applicant's health problems and planning policy and to determine whether there were special circumstances in this case to warrant a deviation from normal policy. They asked that, should the application be approved, the reason for approval should outline the extenuating circumstances.

Discussion to place about the proposed roof line and height of the development. Members noted that it was important to consider the design in relationship to the next door and neighbouring properties and noted that there had been no objections from residents.

RESOLVED:

That the application be approved subject to the conditions listed below.

- 1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

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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.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the extensions.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

REASON:

The proposal, subject to the conditions listed above, would not cause undue harm to residential amenity and the appearance of the street scene. In reaching this decision the Members of the Sub-Committee acknowledged that the proposal did not comply with the guidance contained within the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance in respect of the roof-line however they considered that in this case that the applicant had demonstrated personal circumstances which outweighed the guidance. The Area Sub-Committee considered Policies H7 and GP1 of the City of York Development Control Local Plan when determining the application.

**76c Junction of Boroughbridge Road and Plantation Drive, York
(09/00406/TCMAS)**

Members considered an application from Vodafone Ltd for a telecommunications mast including a 12m high pole, 3 antennas with an overall height of 14.2m and associated ground equipment at the junction of Boroughbridge Road and Plantation Drive.

The Planning Officer drew Members' attention to paragraph 4.4 which referred to Planning Policy Guidance Note 8 which, in respect of health considerations, states that if a proposed mobile phone base stations meets the ICNIRP guidelines for public exposure, it is not within the remit of the Planning Committee to consider further health aspects and concerns about them. He confirmed that a certificate had been received. He circulated drawings showing the current and proposed coverage to show the hole in coverage the applicant hoped to fill.

Representations were received from a local resident in objection to the application. He voiced residents concerns about the siting and appearance of the mast and equipment. He stated that the mast would be half as high again as surrounding buildings, that it was on a main route into city from the A59 and would stand out as there would be nothing to disguise it. He also raised concerns that the boxes would obstruct visibility at the road junction.

Representations were also received from a local shop owner in objection to the application. She circulated copies of photographs which showed how the mast and ground equipment would appear. She stated that the mast and equipment would obstruct the view of her shop and prevent cars from entering the forecourt and would be a further obstruction for disabled drivers. She also explained that it would make it difficult for passengers waiting at bus stop to see down the road. She advised Members that a small existing telecommunications box was regularly damaged and was concerned that the mast could be knocked over.

Councillor Tracey Simpson-Laing also spoke in objection to the application as Ward Councillor. She referred to advice contained within Planning Policy Guidance Note 8. She questioned whether the Disability Discrimination Act has been taken into consideration and pointed out that

this area was already quite cluttered with street furniture and could worsen the problem for sight impaired persons if approved.

Members discussed the sighting of the mast and furniture, safety issues and appearance and made the following points: -

- Siting of mast – very close to shops in an intensive residential area
- Appearance – Concern over aesthetics of mast and equipment. The mast would be intrusive and very evident on a main route into the city
- Ground equipment is sited on an area of dropped curb
- The mast and ground equipment could obscure bus drivers' views along Boroughbridge Road and prevent them from seeing the bus stop sign and people waiting at the nearby bus stop.
- The ground equipment would obstruct vehicle access to the adjacent forecourt to the front of 126-128 Boroughbridge Road to the detriment of the safety of drivers and pedestrians
- There is the risk that cars manoeuvring on the forecourt could damage the ground equipment or mast.

In response to a query from Members, the Planning Officer explained why the alternative sites had not been suitable. Members agreed that although it was necessary to find suitable sites for telecommunications masts, this site was not suitable for the reasons they had discussed.

RESOLVED: That approval for the siting and appearance of the development proposed in the above-mentioned application be refused.

REASON:

- 1 The proposed monopole and antenna, because of its height, design and exposed location would appear incongruous in this suburban residential location and would therefore harm the appearance of the streetscene. This is contrary to policy GP20 of the Development Control Local Plan which states that permission will be granted for telecommunications developments where the visual intrusion of such equipment has been minimised and the proposal does not result in a significantly adverse effect on the character of the area.
- 2 The siting of the monopole and associated equipment cabinets would be likely to obstruct the vehicle access to the adjacent forecourt to the front of 126-128 Boroughbridge Road to the detriment of the safety of drivers and pedestrians and would obstruct views north-west along Boroughbridge Road from the adjacent bus stop to the detriment of bus passengers.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.10 pm].