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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 FEBRUARY 2010
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, REID, SUNDERLAND AND B WATSON

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#### 48. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Land to North of 11 Melander Close	Councilors Crisp, Sue Galloway, Gillies, Horton, Reid and B Watson.	As objections had been received and the officer recommendation was for approval.
76 Beckfield Lane	Councilors Crisp, Sue Galloway, Gillies, Horton, Reid and B Watson.	
43 West Thorpe	Councilors Crisp, Sue Galloway, Gillies, Horton and Reid.	As objections had been received and the officer recommendation was for approval.
Doctors' Surgery, 40 Moorcroft Road	Councilors Crisp, Sue Galloway, Gillies, Horton and Reid.	As objections had been received and the officer recommendation was for approval.

#### 49. DECLARATIONS OF INTEREST

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

Councillor Sunderland declared a personal and prejudicial interest in Plans Item 4e (Doctors Surgery, 40 Moorcroft Road) as she has longstanding family ties and a close relationship with the surgery. She left the room for discussion on this item and took no part in the debate or vote on this application.

Councillor Reid declared a personal interest in Plans Item 4e (Doctors Surgery, 40 Moorcroft Road) as she also has ties with the surgery. She stated that she had taken advice on this and had been advised it was not a

prejudicial interest. She also stated that she had been contacted by residents regarding this application and she had provided information on the planning process but referred them to another Ward Councillor to discuss any issues in relation to the application itself.

## **50. MINUTES**

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 20 January 2010 be approved and signed by the Chair as a correct record.

In response to a query received on whether she should have declared an interest in agenda item 6f (Site to Rear of 14 Companthorpe Lane, Bishopthorpe, York) (Minute 46f refers), Councillor Reid confirmed she had not had any interest in this item. She explained, for the benefit of those present, that she had declared a personal and prejudicial interest in an application on the same site when it was heard by the committee on 29 January 2008 as she knew the parents of the contracted purchaser for that application. She confirmed that she did not know the applicants on this occasion.

## **51. PUBLIC PARTICIPATION**

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **52. 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.

### **52a 76 Beckfield Lane, York, YO26 5RJ, ( 09/02103/OUT)**

Members considered an outline application by Mr Sydney Bailey for the erection of four 2 storey town houses after demolition of the existing dwelling (resubmission).

Officers circulated a written update to members which advised them that two further conditions be added, the first relating to vehicular crossings and the second relating to positive drainage.

Representations were received from the Acomb Planning Panel in objection to the application. The Panel stated that the houses did not fit in with the appearance and character of houses in Beckfield Lane and Turnberry Drive and advised that plot 3 should be set back in line with plot 4.

Representations were also received from the applicant in support of the application. He advised Members that 76 Beckfield Lane is a bungalow in a state of disrepair and it would not be financially viable to repair it. He stated that there was a need for more housing in York, especially for first time buyers and that building new houses would bring a boost to the construction industry which had been hit by the recession.

Some Members raised concerns that the drains, which already struggle to cope with heavy rainfall, would not be able to cope with increased surface water created by additional houses. Members also questioned whether plots 3 and 4 could be set back further but officers responded that this would not be possible as it would mean they would not have any back gardens.

Members voiced the opinion that the derelict site was in need of development and was large enough to accommodate 4 properties . They agreed that there was already a mix of properties on Turnberry Drive and that this development would create four desirable new properties.

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

Additional Condition 15

The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plan ref:BDC/MB/08.1B, have been removed by reinstating the verge and footway to match the adjacent levels.

Reason: In the interests of good management of the highway and of road safety.

Additional Condition 16

Prior to the development first coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to work on site commencing.

Reason: To prevent the egress of water and loose material onto the public highway.

REASON: The proposal, subject to the conditions listed in the report and the additional conditions listed 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 residential amenity of neighbouring properties and impact upon the local surface water drainage network. As such the proposal complies with Policies GP1, GP4a) , GP10 , GP15a),H4a), H5a) and L1c) of the City of York Development Control Local Plan.

**52b Land to the North of 11 Melander Close, York, (09/02220/FUL)**

Members considered a full application by Leeper Hare for the erection of two 2 storey dwellings.

Officer updated that a response had been received from the Acomb Planning Panel regarding the amended drawing which moved the dwelling further away from no.11 Melander Close. They had commented that moving the building 0.7m north is insignificant in improving the separation from 11 Melander Close.

Representations were received from the Acomb Planning Panel in objection to the application. They stated that the proposed dwelling does not fit with the appearance or character of other properties close by, that the hawthorn hedge to the north of the site should be retained and that the property would overshadow the garden of 13 Carnoustie Close and overlook the garden of 11 Melander Close.

Representations were also received from the applicant's architect in support of the application. He stated that when looking at building types it was important to look at the area as a whole and advised that the houses would be in the same style as properties in Excelby Court. He noted that the development would replace light industrial use and that there would be adequate parking and amenity space.

Members agreed that this was an area with a variety of types of houses. In response to concerns that the driveway running alongside the hedge may cause damage to the roots of the hedge and silver birch trees, officers advised that condition 8 already required the applicant to submit details of vehicular areas to be surfaced but that it could be amended to stipulate that a permeable surface must be used for the driveway.

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

Amended Condition 8

Prior to the development coming into use, all areas used by vehicles shall be surfaced and drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The driveway and parking area to plot 2 shall be permeable.

**Reason:** To prevent the egress of water and loose material onto the public highway and in the interests of retaining the trees and hedge on the boundary.

**REASON:** The proposal, subject to the conditions listed in the report and the amended condition below, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal

complies with policies GP1, H4a, H5a and L1c of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

**52c 25 The Orchard, Bishopthorpe, York, YO23 2RX (09/02269/FUL)**

Members considered a full application from Ms Ann Ward for a single storey rear extension.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the dwelling and residential amenity. As such the proposal complies with 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.

**52d 43 West Thorpe, York, YO24 2PP (10/00020/FUL)**

Members considered a full application from Mr John McGarry for a first floor rear extension with a boundary wall to the front and side and change of use and extension of the garage to form a retail unit (resubmission)

Officers advised Members that a letter of objection had been received from the adjoining neighbour at 41 West Thorpe, who objected on the following grounds:-

- Proposed first floor extension would still overshadow and still be in view from the lounge window.
- Hipped roof does little to reduce the extension's dominant size
- Dominant site on the corner of West Thorpe
- Extending the width of the garage will decrease the space between the garage and existing extension and will disrupt the light entering the garden
- Noise intrusion from the proposed workshop

They also advised that the Dringhouses/Woodthorpe Planning Panel raised no objections but made the following comments:

- While the retail outlet will be very minor it must be sanctioned by council officials who may have rules regarding such isolated uses in residential areas

- Should be a condition preventing enlargement of the retail unit in case of change of ownership.  
(In response to this concern, officers advised that Condition 5 restricted use of the unit to the named user and also restricted its type of use)

Members stated that they did not have particularly detailed information on the applicant's intended use of the unit for but noted that one of these uses was key cutting. They remarked that the grinding equipment used in key cutting is extremely noisy and were concerned this may effect neighbours. They agreed that a retail unit with a shop front and fascia sign would not be suitable in this residential location and did not agree with the height and design of the fence panel proposed. They also raised the issue of where customers would park when visiting the business.

**RESOLVED:** That the application be refused.

**REASON:**

1. The extension of the garage to create a retail shop is inappropriate in this residential area because it will result in noise and disturbance that would be harmful to the living conditions of neighbouring properties and the residential character of the area. Furthermore the lack of on site customer parking will result in customers parking on adjacent roads. As such the proposal is contrary to Development Control Local Plan policy GP1 which states that development proposals will be expected to respect and enhance the local environment and ensure that residents living nearby are not unduly affected by noise and disturbance and policy S10 which states that permission will be granted for a new local shop provided that there is no adverse effect on the amenity of neighbouring properties or the character of the area.
2. The proposed fence panels to the wall as shown on drawing no. MWT/102 and MWT/1/08 by reason of their height and design and location on a prominent corner site would be harmful to the appearance of the street scene which is characterised by low walls, fences and hedges that present a more open aspect to the street. The proposal is therefore contrary to policy GP1 of the Local Plan which states that development proposals will be expected to respect or enhance the local environment and be of a design that is compatible with the character of the area.

Members considered a full application from The Partners York Medical Group for the erection of a 2 storey GP surgery building after demolition of the existing building.

Officers advised that additional letters of objection had been received from residents of 29,42 and 44 Moorcroft Road raising the following issues:-

- Double yellow lines should be laid to the front of the surgery and around the corner with Bramble Dene. This should be considered as part of the planning application and not after any plans have been passed.
- Design of the building is not in character with the surrounding buildings
- Loss of privacy from the windows in the upper floor
- Increased traffic and parking problems
- Trees and shrubs had to be removed when the rear extension to the existing surgery was added
- Damage to adjacent garden and noise disturbance, loss of privacy during building works.
- If permission is granted hours of construction should be restricted to between 9-5, with no weekend working.

An e-mail from Councillor Holvey was circulated to Committee Members. He acknowledged that the application was of benefit to the wider area and that the surgery was a valuable resource to the community but raised some issues that would have negative impacts on neighbours. He stated that there were grounds for refusal with the building changing to a full 2 storey, moving much closer to existing properties and also now overshadowing a neighbour (in para 4.6), also with the increased parking that will worsen an already problematic situation. However, he stated that if the committee is minded to approve, the following issues should be taken into account.

- 1) "There is a significant issue of parking on the road outside the property which is on the No.12 bus route, the Highways comments should be taken on board and a full consultation should occur with local residents (funded by the scheme) which will allow the issue of restrictions to be looked into. I would suggest that the restrictions should be the full length of the road either side (from the no12 bus stop outside the garage to the next corner) which would ensure that people would use the car parking facilities behind the shops. Using single lines rather than double yellow, with restrictions between 8am and 6pm Mon-Fri and 8am-11am on Saturday, would also lessen the impact on local residents.
- 2) There are issues around privacy with the surgery being so close to other properties, steps should be taken regarding the windows being partly open and also translucent glass where needed.
- 3) Construction needs to be of minimal impact to neighbours, I welcome the restrictions regarding times of work but there are also concerns around impact on surrounding gardens and wildlife (with

an RSPB recognised garden in situ), could the committee please address these concerns.”

Representations were received from a local resident in objection to the application. He raised concerns that the timescale had not allowed for residents to be properly consulted. He stated that the proposals would lead to an increase of traffic on a residential road which is also a main bus route. He asked Members to consider parking arrangements for patients, stating that there was no parking provision onsite and queried whether nearby car parks could be used and signage put up to direct patients to use these.

Further representations were also heard from a neighbour at a next door property in objection to the application. He stated that the proposals would reduce the gap considerably between the GP surgery and his house to less than 1m which would make access for maintenance to his property difficult. He also raised concerns that noise may reverberate from the passage if used frequently and it may become a rubbish trap. He informed Members that water drains very slowly after heavy rain therefore there could be an increased flood risk. He advised that he had raised his concerns with York Medical Group and 2 consultation meetings had taken place but since the plans had been finalised in December, they had not consulted with neighbours on the size of the gap or other issues.

Representations were received from a GP at York Medical Group, the applicant, in support of the application. He explained that in last few years the building has fallen below the standard they would like to provide to patients and in a recent PCT report, the building failed to meet minimum standards in 9 out of 10 areas. He explained that they had looked at 3 options:-

1. Renovating building - but too much work required to bring up to required standard
2. Moving to another location - but surgery in optimum location for local community and no other suitable alternatives available.
3. Rebuild surgery from scratch – this would provide the best solution.

He stressed that the Group were not planning a large expansion in manpower and that there would be no increase in the number of doctors or nurses but that their aim was to create a greater diversity in services on offer to patients. He stated that therefore traffic should not increase. He responded to Members queries regarding number of patients and staff and how those people travelled to the surgery.

Member discussed the following issues relating to traffic and parking concerns:-

- Desire to park as close as possible to surgery could lead to potential increase in frustration of drivers and increase in accidents in area.
- Possibility of directing patients and staff to use a local car park.
- Possibility of transport team investigating introduction of parking restrictions on road - Single yellow lines/double yellow lines/disabled spaces discussed.

Members agreed that it would be doing the community a disservice if the application was not approved and the surgery was forced to move but

raised concerns over the lack of pre-application consultation and stated that a lot of the neighbours concerns could probably have been resolved if this had taken place. They indicated that some residents had approached the practice to view their concerns but had felt that nothing had been done to address them.

Officers noted that while it was not the applicant's current intention to increase staff and therefore patients, an increase in consulting rooms may lead to increase in patients in future.

In relation to the property at no 38, Members acknowledged that many properties only had a 1m gap in between them, which was sufficient for maintenance, therefore this could not be used as a reason for refusal however they raised concerns about the roofline and loss of light to no.42 Moorcroft Road although noted that this was exacerbated by the existing rear extension to the property.

Councillor Galvin moved and Councillor Horton seconded a motion to approve the application. On being put to the vote, the motion was lost.

Councillor Reid moved and Councillor Crisp seconded a motion to defer the application due to the effect on the neighbour at 42 Moorcroft Road.

RESOLVED: That the application be deferred until a future meeting.

REASON: Due to the effect on the neighbour at 42 Moorcroft Road.

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

RESOLVED: That Members of the press and public be excluded from the meeting during consideration of the following item of urgent business on the grounds that it may contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**54. URGENT BUSINESS**

With the agreement of the Chair, Councillor B Watson raised concerns that work had been undertaken on alterations to a listed building without the required permission having been granted.

RESOLVED: That the Area Team Leader, Planning and Sustainable Development be asked to investigate the matter. <sup>1</sup>

REASON: In order to ensure the protection of the listed building.

Action Required

1. Area Team Leader to investigate matter

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Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.35 pm].