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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	15 APRIL 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), KING, MOORE, ORRELL, TAYLOR, WISEMAN, MORLEY (SUBSTITUTE), PIERCE (SUBSTITUTE) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS DOUGLAS, FIRTH AND FUNNELL

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**54. DECLARATIONS OF INTEREST**

Councillor Moore declared a personal non prejudicial interest in Agenda Item 5a, as the Chair of Skelton Village Design Statement Steering Group.

No other interests were declared.

**55. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: To exclude the press and public during the consideration of agenda item 6 on the grounds that it contains information which is classed as exempt under Paragraph 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.

**56. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub Committee held on the 11 March 2010 be approved and signed as a correct record by the Chair.

**57. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**58. PLANS LIST****58a Spring Hill Farm, Skelton, York. YO30 1XT**

Members considered an application for the erection of a 5 bedroom two storey dwelling and integral double garage following the demolition of a single storey outbuilding associated with Spring Hill House.

Officers informed Members that the application had been called in by the local Ward Member, Councillor Watt due it being previously refused and being adjacent to the Skelton Conservation Area. They provided a current update on the reasons for refusal, in respect of their recommendation for approval. They stated that originally the reasons for refusal were;

- Lack of evidence to demonstrate that the site could not accommodate two dwellings, one of which would be “affordable”.
- Lack of evidence to demonstrate that the frontage hedge would not be damaged by the required sight lines.
- There was a lack of information on drainage for the property.

The Officers stated that the applicant had now provided satisfactory clarification on all three issues, hence the recommendation was now one of approval. In particular, the applicant had provided financial information which indicated that a development of two dwellings, with one affordable unit, would not be financially viable, and this had been verified by Housing officers. However, due to the sensitive nature of the information, it could not be made publicly available.

Some Members asked Officers for clarification as to where the money from the completion of a Section 106 agreement, guaranteeing off site open space provision, could be spent on specific projects. Officers stated that the money would normally be retained in a “pot” and spent in the area when specific deficiencies in open space provision were identified.

Councillor Moore moved that a decision be deferred until a site visit had been conducted. He felt that the new scheme for the application had not fully overcome the previous reasons for refusal. He added that although the Parish Council had not objected to the application, they also said that the new scheme had also not taken into account the previous reasons.

Councillor Taylor felt that to build two houses on the site would not be in keeping with the surrounding area.

Councillor Hyman moved the Officer’s recommendation. Councillor Cregan seconded this approval and stated that he felt that the application did not merit a site visit.

Councillor Moore moved refusal of the Officer’s recommendation. Councillor Pierce seconded this refusal. On being put to the vote this motion was lost.

Councillor Hyman also stated that he disagreed with the additional reasons for deferral and refusal because he felt that the application addressed the previous reasons for refusal, and was an appropriate use of the site.

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

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 impact on the character of the area, the impact on the amenity and living conditions of adjacent occupiers, impact on trees and landscaping, quality of accommodation, density of development and affordable housing, highways and parking, sustainability, and drainage and flooding. As such the proposal complies with policies H5a, GP15, H2, H5, NE1, HE2, GP1, H4A.

**58b Wheldrake School C of E Primary School, North Lane, Wheldrake, York. YO19 6BB**

Members considered a re-submission of an application to erect a single storey extension to the rear of the school to create an independent nursery. The application included internal alterations and minor alterations to the existing car park.

Councillor Moore referred to comments from the Parish Council that the submitted plans did not show the existing buildings correctly and asked Officers to clarify why this had happened.

Officers replied that when the application was initially received some of the submitted plans were not scanned onto the Council's website. This error was corrected as soon as it was pointed out, and all of the plans were then scanned and were made publicly accessible.

Councillor Watson asked whether changing the space allocated for the nursery to a classroom would constitute a change of use of the extension.

Officers stated that internal alterations, such as the alteration of the extension from a nursery to a classroom, would not be subject to planning control, as both uses fell within the same use class.

Representations were heard from the Chairman of the Parish Council, Mr Randon, who also represented the Wheldrake Residents Association in objection to the application. He stated that he was in opposition to the application because;

- There was already a provision for a nursery with play equipment at the village hall, and therefore there was no need to include a nursery in the school grounds.
- Three additional other nursery providers in the village had opened in recent years.
- He was concerned that the nursery could increase the amount of traffic using the school at the start of the day and at the end of the day.

Representations were also heard from the Chairman of the Youth Club, Mr Mitcham, in objection to the application. He told Members that he was opposed to the application because he felt that the Youth Club had not been consulted. He asked for a condition requiring consultation to take place if the application was approved.

Councillor Watson asked about the location of the fire doors in relation to the planned nursery.

Officers replied that this was not a planning matter and that the proposal complied with Building Regulations in this respect.

Councillor Cregan moved approval of the Officer's recommendation. Councillor Moore seconded this approval.

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

**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 impact on the streetscene and the amenity and living conditions of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the Council's 'Guide to Extensions and Alterations to Private Dwelling Houses' supplementary Planning Guidance.

**58c 88 Kerver Lane, Dunnington, York. YO19 5SH**

Members considered an application for a single storey pitched roof rear extension on a detached property at the above address. The application was brought to the Committee as the applicant works for City of York Council.

Officers stated that there were no updates to give to Members on the application.

Councillor Cregan moved the Officer's recommendation for approval. Councillor King seconded the motion.

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

**REASON:** In the opinion of the Local Planning Authority, the proposed rear extension, subject to the conditions listed above, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

**58d 53 Main Street, Wheldrake, York. YO19 6AB**

Members considered a listed building application to replace two existing windows at the rear ground floor level of the property with a new window and French door arrangement.

Members questioned the choice of words used in the conclusion to the Officer's report . They asked for clarification as to what was meant by unduly harmful.

Officers replied that this meant that the proposal would not cause excessive harm to the special architectural and historical character of the building.

Some Members stated that they felt that the design of the proposed alterations were unbalanced. Others said that they were not opposed to the principle of the application but that in their view a better designed scheme was needed.

Councillor King moved refusal of the Officer's recommendation. Councillor Watson seconded this motion.

On being put to the vote, this motion was won.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed alterations would interrupt the existing window/wall rhythm on the rear elevation of the building and thus would unbalance its appearance. The proposal would, therefore, be unduly harmful to the special architectural and historic interest of the building, in conflict with Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" and Policy HE4 of the City of York Draft Local Plan.

**59. 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's area.

**60. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Members received a report which presented to them the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 March 2010, and provides a summary of the salient points from appeals determined in that period.

Officers presented the report and advised that overall all the planning teams are performing well at appeal.

RESOLVED: That Members note the content of this report.

REASON: To keep them informed on appeals determined by the Planning Inspectorate.

Cllr K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.10 pm].