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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	14 JANUARY 2010
PRESENT	COUNCILLORS DOUGLAS, CREGAN (VICE-CHAIR), FIRTH, HYMAN (CHAIR), FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN

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**42. INSPECTION OF SITES**

Site	Attended by	Reason for Visit
Bonneycroft, Princess Road, Strensall, York.	Cllrs Hyman, Moore, Orrell and Wiseman	To familiarise Members with the site.
4 Stockton Lane, York.	Cllrs Hyman, Moore, Orrell and Wiseman	To familiarise Members with the site.

**43. DECLARATIONS OF INTEREST**

At this point in the meeting, members were asked to declare any personal or prejudicial interests they have in the business on the agenda.

Councillor Wiseman declared a personal non-prejudicial interest in item 4a (Fossbank Kennels), as she is a Member of Earswick Parish Council, although she had not been involved with the application in any way.

All Members declared a personal interest in item 4a as they had received letters to their home addresses from the agent.

**44. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: To exclude the press and public during the consideration of agenda item 5 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.

**44a Fossbank Boarding Kennels, Strensall Road, York, YO32 9SJ  
(09/01956/OUT)**

Members considered an outline planning application for the redevelopment of a Kennels and Cattery to provide three detached dwellings.

Officers advised Members of the following information:

- Since the report was written, the Council's drainage department had objected as a result of insufficient information to enable the impact of the proposals on existing drainage systems to be properly assessed.
- The distance from the houses to the south from the kennel block is 55.5m.
- In respect of noise complaints, the Council's Environmental Protection Unit's database which has records to 2003, there has been only one registered complaint, which was in 2008.
- The Licensing regime is only concerned with animal welfare and not hours of operation.
- Members were reminded of Green Belt policy and whether there were any very special circumstances that are considered to outweigh the harm by definition to the Green Belt.

Representations in support of the application were heard from the applicants agent. He advised that the application had been developed as a result of a decline in business in recent years. Due to the development of a housing estate to the North of Earswick, dwellings now lie within approximately 50m of the site, making it difficult to run the business as a kennels. He felt that the proposals would not cause harm to the Green Belt and that there had been no objections from the community. The plans are indicative and are open to discussion. He advised that in his opinion, the site is sustainable.

Members raised concerns regarding the shared driveway which would serve the proposed dwellings and the fact that the driveway runs close to the ground floor windows of the existing dwelling. They also expressed concern about development in the Green Belt and felt that there were no very special circumstances to justify the proposal.

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

**REASON:** 1.It is considered that the proposal to erect three new houses on a site outside the defined settlement limit of earswick and within an area identified in the York Green Belt Appraisal (February 2003) as a coalescence buffer, would constitute inappropriate development that, by definition, would be harmful to the Green Belt. Additional harm would be caused to the Green Belt by reason of the change in the open and rural character and appearance of the site and

would be contrary to the purposes of including land within the Green Belt. It is accepted that the removal of a noise source with the potential for disturbance to local residents is capable of constituting very special circumstances, to be weighed against the identified harm to the Green Belt. On balance, however it is considered that this benefit does not justify the erection of three detached houses and does not clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and additional harm to its open character and appearance and the purposes of including the land in the Green Belt. The proposal is, therefore contrary to national planning policy contained in Planning Policy Guidance Note 2: "Green Belts" and local planning policies GB1 and GB6, contained in the City of York Draft Development Control Local Plan (incorporating fourth set of changes).

2.The proposal would involve the shared use of the driveway that serves the existing dwelling and its associated business by the separate and unrelated occupiers of the proposed three houses. This driveway runs along the side gable of the existing dwelling in close proximity to ground floor habitable room windows. As a result, there would be the potential for increased levels of noise and disturbance to the detriment of the residential amenity of the future occupiers of this existing dwelling and the quality of their immediate environment. The proposal would therefore conflict with Policy GP1 (paragraph I) of the City of York Draft Development Control Local Plan and the objectives of Central Government advice contained within Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing' which seek to achieve a high quality residential environment.

**44b 56 Tang Hall Lane**

Members considered a full application for the erection of a detached two bedroomed house within the rear garden area of 56 Tang Hall Lane. Access to the property is proposed from Hornby Court.

Officers advised that the difference in site levels noted at the site visit could be addressed either by a condition requiring the submission of further details, including cross-sections or deferral to allow the agent address the matter prior to determination.

The applicants agent advised Members that in his opinion, the dwelling would not have a detrimental effect on any of the neighbouring properties. In answer to Members questions, he advised that although the piece of land attached to the site was indicated as a play area on the originally approved plans, no condition or Section 106 Agreement had been imposed that required it to be provided. The land had subsequently been sold to an adjacent occupier and was now in the ownership of the applicant.

Members approved the application with the conditions detailed in the Officers report and the additional conditions as detailed below.

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

Condition 16 – Prior to the commencement of the development, full details (including cross sections) shall be submitted to and approved in writing by the Local Planning Authority indicating the relationship of the proposed development to the turning head within Hornby Court. The submitted details shall indicate how the difference in levels between the development site and Hornby Court are to be resolved. The development shall be carried out in accordance with the approved details.

REASON – In order that the difference in levels can be resolved and to ensure an acceptable form of development.

Condition 17 – Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with the approved details.

REASON – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and

Flood Risk) and that provision has been made to maintain the proposed drainage system.

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions listed in the officers report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and landscape, highways and impact on residential amenity. As such the proposal complies with Policies GP1, H4a, GP10 of the City of York Development Control Local

#### **45. ENFORCEMENT CASES UPDATE**

Members considered a report which provided them with a quarterly update on the number of enforcement cases currently outstanding for the area covered by East Area Planning Sub-Committee.

RESOLVED: That Members note the report.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

Councillor K Hyman, Chair  
[The meeting started at 2.00 pm and finished at 3.00 pm].