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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 APRIL 2007
PRESENT	COUNCILLORS MOORE (CHAIR, except for item 5b), GREENWOOD, HALL(in Chair for item 5b), KING (EXCEPT FOR ITEMS 5c, 5d, 5h and item 6) SMALLWOOD, VASSIE(except for item 5a), B WATSON, I WAUDBY AND ORRELL (except item 6) (SUBSTITUTE)
APOLOGIES	COUNCILLORS HYMAN AND D'AGORNE

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## 72. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Centurion Park, Clifton	Cllrs Moore, Greenwood, Hall, B Watson, I Waudby, Orrell	To familiarise Members with the site and access to the proposed development.
Northfields, Strensall	Cllrs Moore, Greenwood, B Watson, I Waudby	To familiarise Members with the visual impact the proposed development would have on the area
43 Yarburgh Way, Badger Hill	Cllrs Moore, Greenwood, Hall, B Watson, I Waudby,	To assess the impact the extension would have on neighbouring properties.

## 73. DECLARATIONS OF INTEREST

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

Councillor I Waudby declared a personal non-prejudicial interest in plans item 5a) (Clifton Garage, 82-84 Clifton, York) as she dealt with the garage when it was trading.

Councillor Moore stood down from the Committee for agenda item 5b) (Land lying to the East of Centurion Office Park, Tribune Way, York), under the provisions of the Planning Code of Good Practice, and spoke from the floor as a Ward Councillor and did not take part in the discussion or decision thereon. Councillor Hall chaired this item.

**74. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 7 (Enforcement Cases Update) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

**75. MINUTES**

RESOLVED: That the minutes of the last meeting of the Subcommittee held on 15 March 2007 be approved and signed by the Chair as a correct record.

**76. PUBLIC PARTICIPATION**

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

**77. 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.

**77a. Clifton Garage, 82-84 Clifton, York (06/02809/FULM)**

Members considered a full planning application for the erection of 12 two bedroom flats, 2 one bedroom flats and a retail unit with associated access and parking following the demolition of Clifton Garage.

Officers updated that one additional letter of objection had been received.

Members asked for the total number of objections received and the Officer said that there had been 222. Eight had been received in support (including two petitions totalling 32 signatures).

Representations were received in objection from a resident who said that a larger retail unit would have a detrimental impact on the locality and on the smaller shops in the area. He also said that it would spoil the village feel of Clifton Green.

Representations were also received from a resident on behalf of Avenue Terrace Residents who thought that the proposed retail unit was too large for the area and the proposed development would be visually dominating and out of character with the neighbourhood. There was no proven justification for the new retail outlet and it would cause parking issues in the area as well as being detrimental to neighbouring amenities.

Representations were also received from a local resident who was generally supportive of the application but stated that there was insufficient turning space for large vehicles at the rear of the shop. He also said that larger vehicles held up the traffic in the area whilst they were manoeuvring.

Representations were received from the applicant's agent who said that they had worked closely with Officers over access and believed that this development could bring a lot to the area. He stated that the traffic access issues had been considered.

Councillor Scott spoke as Ward Councillor and voiced concerns about disruption that this proposed development would have on neighbouring properties. There would be unavoidable noise from customers and staff parking and from deliveries. There would be an immediate loss of amenity and possible security concerns. A shop of this size would be catering for a wider area and this could have a negative effect on the SPAR which also houses the local Post Office. He alleged that this development would not add anything to the local area. He also said that it was family housing that was needed rather than flats.

Members discussed the possibility of splitting the retail section up into smaller units. Some Members asked whether it would be better to have one larger store with one or two deliveries a day or two or three smaller units with at least one delivery each per day. Officers said that the traffic would be the same for each of these. Members also said that there would be a loss of on-street parking.

Members considered the number of objections received. They discussed the fact that noise from lorries and extractors could be very hard to live with. There would also be a loss of visual amenity if the development were to go ahead. There were several queries surrounding access and vehicular movements. Concerns were also raised regarding the effect a large retail unit would have on the smaller businesses already in the area. There were concerns about the lack of family housing in the proposed development.

RESOLVED: That the application be refused.

REASONS:

- (i) The proposals, by virtue of the size of the retail unit, are considered to represent a scale of provision which is inappropriate to this locality which is currently served by a range of retail outlets. As such and in the absence of an assessment of retail need that demonstrates that the shop will meet an identified

local need the proposals are contrary to Draft Local Plan Policy S10 part ii and the aims of PPS6.

- (ii) The proposed development, by virtue of the height bulk and proximity of the buildings and proximity of the access, parking and vehicle unloading areas to the rear of dwellings on Avenue Terrace, would harm the living conditions enjoyed by occupiers of those dwellings to such a degree as to be unacceptable and contrary to the aims of Draft City of York Local Plan Policies GP1 and S10 iii and the aims of PPS1.
- (iii) The proposed development is likely to lead to increased car and HGV movements entering and leaving the site and stopping at the site to the detriment of highway safety.
- (iv) The proposed development, by virtue of the size of the retail unit, will result in detriment to the character of this part of the Clifton Conservation Area. As such the proposals are contrary to the aims of PPG15, Policies HE3 and S10 iii of the Draft City of York Local Plan and Policy E4 of the North Yorkshire County Structure Plan.

**77b. Land Lying to the East of Centurion Office Park, Tribune Way, York (07/00248/OUTM)**

Members considered an outline application for mixed use B1 and B8 development on land to the east of Centurion Park (layout, scale, appearance, access and landscaping) and residential development comprising 12 dwellings to land lying to the south of Centurion Park (siting and access only).

Officers updated that additional representations had been received from a resident of Thorntree Grove and these were distributed to Members at the meeting for information.

Representations were received from a local resident who spoke in objection to the application and said that the land was designated as employment land and should therefore be used as such. He said that the applicant wanted to erect housing to make the application financially viable and was not happy that Members 'underwrite' this kind of financial return. He also expressed concerns regarding access to the development.

Representations were received in objection from a resident of Hornbeam Close, who expressed the view that the land was designated for employment use and therefore Members should not agree to a change of land use to residential. He also raised concerns regarding loss of security and community and a probable increase in traffic in the area.

Representations were received on behalf of Clifton without Parish Council who recommended that Hornbeam Close remain a cul-de-sac and that the Sub-Committee should refuse the application.

Representations were received from the applicant's agents and they said that their client had a workforce of approximately 90 persons and were looking to expand by another 15 to 20 in the next 15 months. They said that without residential development to support the building of light industrial the scheme would not be financially viable.

Councillor Moore stood down from the Committee and spoke from the floor as Ward Councillor. He said that there were various issues regarding this application including:

- This should have been two separate applications
- The application made was erroneous:
  - Incorrect information had been submitted
  - The site plan failed to show the land within the ownership and/or control of the applicant
- The application would have a considerable negative impact on neighbouring properties.
- The applicant had failed to address Policy E3b of the Local Plan, detailed in the Officer's comments at para 4.3 on page 35 of the report.
- The applicant had not justified the loss of employment land as referred to in the Officer's comments in para 4.5, also on page 35 of the report.
- Planning Policy Statement 1 states that good design is indivisible from good planning. In Councillor Moore's view the impact of the access to the proposed residential area was certainly not good design.

Members clarified with the agents that they were saying the scheme could not go ahead unless there was approval for the residential side of the development. The agents said that this was correct.

Members discussed the fact that this was designated as employment land and if the application were to be approved then all efforts at balancing land usage would be lost.

RESOLVED: That the application be refused.

REASON:

- (i) The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that the proposed change of use would lead to significant benefits to the local economy. Therefore the proposed

residential development is considered contrary to Policy E3b of the City of York Draft Local Plan.

- (ii) The application site is within the urban area and it is considered to be in a sustainable location. The proposed residential development has split the site to create small unused areas of land to the north and west of the site. Due to its location and size, this land would not be capable of further development in the future. Therefore it is considered that the proposed residential development would not lead to an effective and efficient use of this site. This could place development pressure on land within less sustainable locations in the future. The splitting of the site has also artificially given the site an area of below 0.3 ha and therefore the requirement for affordable housing on the site has been avoided. Therefore the proposal is considered contrary to PPS1 and PPS3 and the City of York Council affordable housing advice note.
- (iii) It is considered that the increased traffic along Hornbeam Close would harm the level of amenity for residents. Hornbeam Close is a cul-de-sac serving 12 dwellings; the increased use of this road for cars accessing the proposed new dwellings would harm the living conditions which local residents have come to expect. The new access road and footpath is within 1 metre of 12 Hornbeam Close which would cause significant harm to the living conditions of the residents of this property.
- (iv) The proposed access route to the new dwellings through Hornbeam Close is not considered suitable to serve an additional 12 dwellings. Hornbeam Close has been designed with traffic calming measures suitable for a cul-de-sac of this size. Significantly increasing the traffic levels using Hornbeam Close would change the character and functionality of this Close which could cause harm to public safety.

**77c. 43 Yarburgh Way, York (07/00379/FUL)**

Members considered a full application for a two storey extension and change of use from single dwelling house to house in multiple occupation.

Officers updated that if Members were minded to refuse the application the reasons for refusal be amended to incorporate National Policy.

RESOLVED: That the Application be refused.

REASON:

- (i) It is considered that the proposed extension and conversion from private dwelling house to a house of multiple occupation would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. The application site is located close to neighbouring properties and therefore there is a high potential for the living conditions of neighbours to be harmed. The proposal constitutes an overdevelopment of the site and an intensity of use of the property which is disproportionate to its original purpose within its setting. The proposal is contrary to the aims of PPS1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.
- (ii) It is considered that the proposed two storey side extension would, by virtue of its massing and scale, harm the living conditions of residents of 41 Yarburgh Way through the creation of a dominant and overbearing structure. This is contrary to the aims of PPS1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.
- (iii) The proposed cycle parking hoops within the front garden are not covered and not considered secure. Therefore they would not promote cycle use and dependency on the car would not be reduced. This is contrary to the aims of PPS1 and Policies T4 and H8 of the City of York Draft Local Plan.
- (iv) The proposed extension harms the appearance of the dwelling and character of the area through the addition of an incongruous flat roof design. Therefore the proposal is contrary to Policies GP1, H7 and H8 of the City of York Draft Local Plan and design principles contained within Planning Policy Statement 1.

**77d. 43 Yarburgh Way, York (07/00376/FUL)**

Members considered a report for a full application for a single storey pitched roof side extension.

Members asked that an Informative be included on the decision notice that the extension was not used as a separate dwelling but was used in association with the main dwelling.

RESOLVED: That the application be approved subject to the conditions outlined in the report and subject to the following Informative .

- (i) PERMITTED DEVELOPMENT RIGHTS: Dwelling extension permitted development rights which are present at this property would be exhausted by the erection of the side

extension. Therefore, any further extensions of this property would require planning permission.

**REASON:** The proposal, subject to the conditions & Informative, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

**77e. Drome Farm, Elvington Lane, Elvington, York (07/00077/FULM)**

Members considered a report for the continued use of land for processing brick rubble and concrete.

Officers updated that the rectangular building that was queried at the site visit was not a dwelling.

Officers also updated that if Members were minded to approve the application that condition 8 be amended to 'Within one month of this permission, a plan showing sight lines of 2.4m x 160m in both directions shall be submitted to the Local Planning Authority for approval. This work shall be carried out, and thereafter maintained, within 3 months of approval by the Local Planning Authority.' Condition 10 should be amended to read 'The existing screening/boundary treatment of the entire site shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.'

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and the following amended and additional conditions.

8. Within one month of this permission, a plan showing sight lines of 2.4m x 160m in both directions shall be submitted to the Local Planning Authority for approval. This work shall be carried out, and thereafter maintained, within 3 months of approval by the Local Planning Authority.

Reason: In the interests of road safety.

10. The existing screening/boundary treatment of the entire site shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the Green Belt.

11. This permission relates solely to the processing of brick, rubble and concrete on the site identified as the 'Processing Area' on plan 06:22:02 received by The

CoYC on 12/01/07. The site cannot change its use nor can the size of the processing area increase without further planning permission.

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

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 Green Belt. As such the proposal complies with Policy GB1 of the City of York Draft Local Plan.

**77f. 5 Northfields, Strensall, York (06/02710/FUL)**

Members considered a full application for the erection of a five bedroom dwelling house to the rear of 5 and 6 Northfields.

Officers updated that an extra condition had been added regarding the existing ground levels.

Representations were received on behalf of Strensall Parish Council in objection. They said that this building would have a significant impact on Northfields. The house was very large and there would be a significant loss of garden land.

Representations were received from the applicant's agent in support of the application. He addressed the sub-committee and stated that there were no genuine grounds for refusing the application.

Councillor Cuthbertson spoke as Ward Councillor and stated that the size of the development was inappropriate for the surrounding area and it would have a direct effect on Netherwoods and Northfields. There would be a lack of amenity space for the persons living in the proposed building. A five bedroom house with double garage would be out of context for this area. There would also be a problem with access to the property. He asked the sub-committee to refuse the application on the size/massing of the building, loss of amenity space and the effect on neighbouring properties.

Members discussed whether this property was to be split into smaller units and Officers responded that the house was for a family or a group of people living as a family.

Members requested that an Informative be added regarding bonfires on this site.

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

11. Before development commences details of existing ground levels and finished floor, eaves and ridge heights shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity

INFORMATIVE: There shall be no bonfires on the site.

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 of the development on the character and form of the area and residential amenity. As such the proposal complies with Policies H4 (a), GP10 and GP1 of the City of York Local Plan Deposit Draft.

**77g. 101 East Parade, York (07/00327/FUL)**

This application was withdrawn by the applicant prior to the meeting.

**77h. Forest Farm, Lingcroft Lane to Crockey Hill, York (06/02719/FUL)**

Members considered a report for a full application for the change of use for four turkey sheds to B8 storage.

Representations were received from the applicant's agent, spoke in support of the application and said that the turkey contract had terminated in 2005. He reported that there was no viable agricultural use for the land due to the shape and size of the buildings and that a proactive approach would be to use the buildings as B8 storage rather than leave them idle. He stated that the buildings would not be changed and that any extra traffic generated by the change of use would not be detrimental to the area.

Members discussed putting a condition on the application regarding dark sky compliant light and the applicant's agent agreed to this.

The applicant had also offered to extend a public right of way as far as the bus stop on the main road and members welcomed this. There was talk of making the footpath into a public bridleway so that cyclists could use it as an off road route into York. Members also asked for an Informative that further discussions take place regarding opening up further public rights of way.

RESOLVED: That the application be approved subject to the conditions outlined in the report with the following amended condition, the additional condition and informative:

9. Details of any associated external lighting with the development hereby approved shall only be implemented in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. External lighting should be 'Dark Skies' compliant.

Reason: To ensure the development has an acceptable effect on the Green Belt and on the nearest residential properties to the site in terms of light pollution.

13. Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

INFORMATIVE: The applicant is encouraged to work with City of York Council in the improvement of cycle and pedestrian routes on the site.

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 effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1 and GP4a, of the City of York Draft Local Plan incorporating the 4<sup>th</sup> set of changes approved April 2005.

## **78. CLIFTON HOSPITAL : OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE.**

Members were asked to note a report detailing the current status of the outstanding Section 106 in relation to Clifton Hospital. Members discussed the importance of resolving issues on the site.

RESOLVED:

1. Members note the progress made with regard to the completion of Section 106 agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case.
2. That the Enforcement Officer work with the Countryside Officer to ensure that issues are dealt with promptly and efficiently.

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

#### **79. 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 area.

#### **80. CHAIR'S REMARKS**

The Chair thanked the Members of the Committee for their help over the past four years.

#### **81. MEMBER'S COMMENTS**

Members expressed concern that Highway Officers were not available to answer queries on several of the applications discussed at this meeting where they felt that Highway issues were of significant importance.

Councillor R Moore  
Chair

The meeting started at 2.00 pm and finished at 5.30 pm.