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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	14 JUNE 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, HYMAN, PIERCE (SUB FOR CLLR KING) TAYLOR, VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS DOUGLAS AND KING

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### 1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Creepy Crawlies, Cliftongate Business Park Wigginton Road, Wigginton	Cllrs Moore, Wiseman	To familiarise Members with the site and site access.
Garage Yard, Escrick Street, Fishergate	Cllrs Firth, Moore, Wiseman	To familiarise Members with the site and assess the impact on neighbouring properties.

### 2. ROGER ARMISTEAD, DEVELOPMENT CONTROL AREA TEAM LEADER (EAST)

The Chair announced that this was the last meeting to be attended by Roger Armistead, the Development Control Team Leader, prior to his retirement. He stated that Roger had joined the Authority in January 1975 and had served the Council for 32 years, which was these days, a rare event. On behalf of Members he expressed his appreciation for all his hard work over the years and wished him a long and happy retirement.

### 3. 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.

Cllr Firth declared a personal prejudicial interest in plans item 3a (Creepy Crawlies, The Arena, Cliftongate Business Park, Wigginton Road, Wigginton) as he had been a member of Wigginton Parish Council when they had considered this application and he left the room and took no part in the discussion and voting thereon.

Cllr Wiseman declared a personal non-prejudicial interest in plans item 3b (Greystone Farm, Towthorpe Moor Lane, Strensall) as a member of

Earswick Parish Council but that she had not viewed any plans or taken part in any discussion or voting at that meeting.

In connection with plans item 3d (376 Huntington Road, York) Cllr Moore confirmed that he had been a member of the Licensing Panel that had considered an application by Tesco at this site for a drinks licence. He confirmed that following legal advice he had been assured that as the licensing application and the planning application for an ATM were separate matters this would not affect his consideration of the application.

#### **4. PUBLIC PARTICIPATION**

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

#### **5. 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.

##### **5a. Creepy Crawlies, The Arena, Cliftongate Business Park, Wigginton Road, Wigginton (07/00072/FUL)**

Members considered a full application, submitted by Creepy Crawlies, for the proposed creation of an outdoor adventure play area and animal area, formation of new pond and new doors to existing play barn.

Officers updated that new plans had been received showing the heights of the trees and play equipment. An amended car parking layout had also been received which included a red lined area showing the exact site boundary. It was explained that the green car parking spaces indicated on the plan showed those spaces dedicated to Creepy Crawlies with two spaces for dedicated coach parking. Highways had not had sight of the new parking layout. Officers requested the addition of three additional conditions relating to receipt of detailed landscaping and parking schemes, the amendment of Condition 3 to include that group parties "should not exceed 100 children" and Environmental Protection had requested the imposition of a condition relating to contaminated land.

Representations in support of the application were made by a Director of Creepy Crawlies, who confirmed that she had had 20 years experience in this field and that the proposal would be a huge educational resource for children in the area. She confirmed that expert advice had been sought to make the facility all inclusive, to provide natural play to enhance children's lives. She stated that 400 letters had been received supporting the scheme. She also confirmed that they wished to limit the numbers of children visiting the site, as a large number would diminish the experience.

Members questioned the figure of 197 children at any one time in the indoor play barn and how enforceable proposed Condition 3 would be relating to numbers both in the indoor and outdoor areas. They queried

what consultation had been undertaken with schoolteachers in the area and the opening hours of the play barn. The applicants were also asked whether any lighting was proposed in the outside area as Members had raised concerns and they questioned details of animal husbandry on the site. Concerns were also raised regarding railings and the partial hedge fronting Wigginton Road.

Officers confirmed that a landscaping condition had been imposed on a previous application for this site in June 2003, which had shown trees planted along this boundary but it had also been intended to erect a wall. It was confirmed that enforcement action could be taken to enforce this condition or negotiate a scheme more in keeping with the rural area.

The landowner confirmed that she felt that this was not an issue and she agreed to undertake a planting scheme to include native species to be agreed with the Local Planning Authority.

Members also questioned waste management and requested the addition of an informative requesting that visitors should have access to recycling facilities as part of their education on this site.

**RESOLVED:** That permission be granted subject to the deletion of Condition 3 and the addition of the following additional conditions:

1 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and boundary hedging. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

2 No development shall be carried out until a plan showing the layout of car and cycle parking has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the areas shown on the approved plan for parking of vehicles and cycles have been constructed and laid out in accordance with the approved plan, and thereafter such areas shall be retained solely for such purposes.

3 The development hereby approved does not include any external lighting.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt and issues of highway safety and neighbour amenity. As such the proposal complies with Policy E9 of the

North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB13 and GP4A of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

**5b. Greystones Farm, Towthorpe Moor Lane, Strensall, York (07/00617/FULM)**

Members considered a major full application, submitted by Mr G Chapman, for the formation of two ponds for amenity and fishing purposes at Greystone Farm.

Officers updated that no further comments had been received from the Foss Internal Drainage Board. Officers requested the addition of conditions requiring details of surface water drainage and the discharge rates, conditioning the number of fishing pegs to 20 and that there should be no illumination without the prior approval of the Local Planning Authority.

Members questioned disabled access to the site and the fishing area. Officers confirmed that no details of the fishing pitches had been received and that disabled access was covered by other legislation. Members also raised points relating to future separation and sale of the businesses and the use of spoil excavated from the ponds.

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

1 A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on site shall be kept clear of all new buildings, ponds and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority in consultation with the Foss IDB. Ground levels must not be raised within this area. Access arrangements should be agreed with the Foss Internal Drainage Board.

2 There shall be no more than 20 fishing locations/pegs available at any one time, unless a greater number are agreed in writing with the Local Planning Authority.

3 No development shall commence until details of the fishing locations/pegs, including construction, materials, position, and access, have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and thereafter maintained.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the landscape character of the area and the Green Belt. As such the proposal complies with Policies GB1, GB13, and NE7 of the City of York Draft Local Plan.

**5c. OS Field 0005 Langwith Stray, Heslington, York (07/00650/FUL)**

Members considered a full application, submitted by Mr and Mrs Dixon, for the erection of a two storey detached dwelling in association with fishing lakes.

Officers confirmed that this was considered an appropriate form of development in the Green Belt and that the business appraisal, which had been assessed by the Council's Agricultural Consultant, had confirmed that there was a need for a dwelling on site. A photograph of the present temporary relocatable building on site was circulated at the meeting.

Members questioned what would happen to the dwelling if the business closed or became unviable. Officers confirmed that enforcement action would be taken against non compliance with the condition tying the dwelling to a person solely or mainly employed in the management of the fishing lakes. Members expressed concerns that this condition should be strengthened.

Representations in support of the application were received from the applicant's agent who stated that her client had worked hard to make the fishing lakes a success. He proposed to erect the dwelling between the lakes to reduce harm to the Green Belt. She felt that the application was appropriate as the policy requirements had been met and there was a functional need for a permanent dwelling. In answer to Members questions she confirmed that the value of the capital investment by the landowner was £400,000 and that the value of the house would not increase the value of the land substantially.

Members requested the addition of an informative requesting the applicant to contact the Council's sustainability officer for advice.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the addition of the following informative:

**INFORMATIVE:**

You are advised to contact City Of York Council Sustainability Officer (Kristina Peat) on 01904 551666 to discuss the use of sustainable materials in construction.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt and the functional and financial appraisal of the site. As such the proposal complies with National Guidance in PPG2 (Green Belts) and Annex A of PPS7 (Sustainable development in Rural Areas), Policy E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB6 and GB7 of the City of York Draft Local Plan

incorporating the 4th set of changes (approved April 2005).

**5d. 376 Huntington Road, York (07/00736/FUL)**

Members considered a full application, submitted by Tesco Stores Ltd, for the installation of an ATM (cash machine) at 376 Huntington Road, York.

The Chair referred Members to the Officers report which stated that the original application by Tesco for the express store had included an ATM. Highways had at that time recommended a highway reason for refusal specifically related to the ATM. This aspect of the application had been withdrawn and the application for the store had been granted on appeal.

Cllr Hyman, as Ward Member, referred to resident's objections to the proposal, as Huntington Road was a busy route into the city used by school children. He confirmed that the store had recently opened and that there was already indiscriminate parking in the vicinity. He felt that the 24 hr use of an ATM would cause disturbance to neighbours and requested members to support refusal.

Members questioned why Highways did not now raise objections to this application and they felt that the previous highway reason should be added to the refusal of the application.

RESOLVED: That the application be refused for the following reasons:

- 1 The development will result in an unacceptable loss of amenity to residential properties adjacent to the site caused by the use of the ATM machine after the shop has closed. Disturbance will be caused by the noise of cars arriving, doors slamming, car stereos, voices from users of the ATM, car engines starting and revving and then setting off at a time when there is little other traffic or pedestrian movements and ambient noise levels are naturally low. This is in conflict with policy GP1 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005), and related advice in 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development (2005).
- 2 The ATM will give rise to vehicles stopping for short periods of time, potentially in an indiscriminate manner, which in this location will be both detrimental to the free flow of traffic and to the safety of highway users, particularly vulnerable road users.

**5e. Site Adjacent to Roundabout at Junction of Malton Road/Jockey Lane, Huntington, York (07/00664/REMM)**

Members considered a major reserved matters application, submitted by Mr James Downes, for the erection of a two storey office building.

Officers updated that Highways comments on the revised plans had now been received details of which were circulated at the meeting. They

confirmed that they had no objections to the car parking and cycle storage subject to the imposition of standard conditions HWAY18 and 19. Officers confirmed that public access to the ATM lobby amounted to 100 sq metres and requested the imposition of an additional condition to limit this.

Members questioned if there would be 24hr public access to the lobby and the public parking proposed. They questioned whether the ATM's would be manned and raised concerns regarding possible anti social behaviour. Details of the HSBC signage were requested and Officers confirmed that this would consist of a subtle contrast on etched glass, samples of the contrast would be required and that a condition to reserve this aspect of the scheme for Officers approval. Members also questioned whether this proposal fell within the previously approved development brief for the area, which Officers confirmed it did.

Representations in objection to the proposal were received on behalf of the Helmsley Group, details of which were circulated at the meeting. They challenged the details and assessment of the proposals, particularly the sequential test, which they felt, was out of date and based on a wrong interpretation of guidance in PPS6.

Representations in support of the application were received from the applicant's agent, who stated that the proposed building was required as a regional headquarters for HSBC. He stated that 20 other sites had been examined in the area but that none had been found suitable. He confirmed that the building would have a floor area of 1085 sq m of which 100 sq m would be for ATM's including a service area. He confirmed that part of the service charge for the site would include finance for the provision of CCTV and security patrols as the site developed and gave details of their sustainability statement and their willingness to achieve a BREEAM rating of at least "very good".

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

Amended Condition 6: The developer shall achieve a BREEAM "very good" or "excellent" assessment standard for the development. Within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to.

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

8 Access to the building by the public and customers for the purposes of personal banking, shall be limited to be for the use of

automated banking services in an area up 100 square metres only. This area shall include the areas for the servicing of those automated banking services.

9 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

The wind turbine

REASON: The proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6 and PPG13.

**5f. St Laurences C of E Primary School, Heslington Road, York (07/00594/GRG3)**

Members considered a general regulations (Reg 3) application, submitted by Alison Kelly, for extensions and alterations to existing school building including new reception area, office and meeting room and 2 no. new educational rooms.

Officers updated that the Council's Countryside Officer had visited the site to inspect the existing 'wildlife area' proposed to be replaced by an infill classroom and had also considered the issue of bats which had previously been reported at the school. Details of these issues were circulated at the meeting together with a Sustainability Statement for the site. Officers also confirmed that one tree would be removed in connection with the development and requested the inclusion of a condition requiring the submission of a method statement to cover this point.

Members referred to reference in the Sustainability Statement that the extended reception would be constructed using an aluminium frame. They asked that an informative be included requesting the use of reused aluminium as had been used in the construction of Huntington School. A request was also made for the updating of a Green Travel Plan for the school.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report and the addition of the following additional conditions:

1. The development hereby permitted shall only be occupied in accordance with a Green Travel Plan that has been submitted to and agreed in writing by the Local Planning Authority, and that has been updated to reflect the altered building and use.



2. Materials informative.

You are advised to contact City Of York Council Sustainability Officer (Kristina Peat) on 01904 551666 to discuss the use of sustainable materials in construction. It is recommended that recycles aluminium be used, as was the case at Huntington School.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the need for the extensions to the primary school, community benefit, visual amenity, crime, sustainability, historic environment, natural environment, open space and playing fields to serve the school, residential amenity, and parking and highway safety. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Principles, Planning Policy Guidance Note 15: Planning and the Historic Environment, Planning Policy Guidance Note 16: Archaeology and Planning, and Policies GP1, GP3, GP4a, GP9, NE1, HE2, HE10, T4 and ED1 of the City of York Draft Local Plan (incorporating fourth set of changes).

**5g. Garage Yard, Escrick Street, York (07/01114/FUL)**

Members considered a full application submitted by, Aberford Investments Ltd, for the erection of a two storey block of 3 no. flats including associated works.

Officers referred to the two previous applications for this site which had been refused on the grounds that they were overbearing and for their domineering impact on the residents of Escrick Terrace. They confirmed that the present application was a reduced version of the previous scheme with a smaller footprint and only two storey. It was reported that Fishergate Planning Panel had now submitted late objections to the scheme as they felt that this was a small site, which would be overcrowded, cause a noise nuisance and add to air pollution and vehicle usage in a problem area. Officers confirmed that they were satisfied with all aspects of this new scheme.

Officers referred to the site visit when possible access difficulties had been raised particularly turning circles and exiting the site in a forward gear. It was reported that Highways had confirmed that it would be possible to exit the site in a forward gear including turning in the site. Officers also confirmed that, in keeping with the character of the area, the materials would be brick and render.

Members expressed concerns over the width of Escrick Street at this point and questioned details of the proposed gate. They also questioned the ridge height of the proposed development which it was confirmed would be the same as adjacent dwelling but this could be conditioned.

Representations in support of the application were received from the applicant's agent who confirmed that he had worked with Officers, following earlier refusals, to ensure that the scheme alleviated previous objections to improve an unsightly area. He circulated large-scale plans of the turning circle on site and confirmed that he was happy to include the provision of an electronic gate in the scheme.

**RESOLVED:** That the application be approved subject to the imposition of the conditions listed in the report and the addition of the following conditions:

Amended Condition16: The development hereby approved shall be no higher at eaves and ridge level than the adjacent building at No.1 Escrick Street.

20. No development shall take place until details of the vehicular entrance gates have been submitted to and approved in writing by the Local Planning Authority. The gates shall be erected in accordance with the approved details before the development hereby approved is occupied.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, refuse/recycling facilities, flood risk, open space, access and neighbour amenity. The application complies with policies H4a, H5a, GP1, GP4a, T4, GP15a and L1c of the City of York Local Plan Deposit Draft.

#### **5h. 2 Ingleton Walk, York (07/00613/FUL)**

Members considered a full application, submitted by Mr and Mrs D Gallagher, for a two storey pitched roof side extension at 2 Ingleton Walk.

Officers reported details of the application and displayed plans of the scheme.

**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, would not cause undue harm to interests of acknowledged importance, with particular reference to principle of development, visual amenity, residential amenity and parking and highway safety. As such, the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005) and the City of York Council's 'Guide to

extensions and alterations to private dwelling houses',  
March 2001.

**5i. 27 Ashley Park Crescent, York (07/00920/FUL)**

Members considered a full application, submitted by Mr A Seymour, for a first floor flat roof front and rear dormers.

Officers reported that they had managed to negotiate smaller dormers with the applicant and that the dormers were within the existing roof.

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance and neighbour amenity. As such the proposal complies with policies GP1, and H7 of the City of York Local Plan Deposit Draft.

**5j. Haxby Road County Primary School, Haxby Road, York (06/02362/GRG3)**

Members considered a general regulations (Reg3) application, submitted by the Education Committee, for the erection of two single storey extensions and internal alterations to the existing school, new covered play area, conversion of outbuildings to cycle stores and construction of replacement ramp.

Officers confirmed that the reference to the ramp to be constructed in par.1.7 of the report would be 2m high including the railings and that the word "conversation" in the fourth line of this para should read "conversion". It was confirmed that the Conservation Trust had not responded to the consultation.

In answer to questions Officers confirmed that English Heritage had made the point that the extensions should not try to reflect the existing listed building but should be more contemporary and of this age. They confirmed that the pods were not temporary buildings but were high specification modular buildings, pictures of which were circulated at the meeting. It was confirmed that consultations had been undertaken on the scheme with governors, parents and teachers.

Members expressed differing views on the scheme, which Officers confirmed would be subjective in view of the nature of the scheme.

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not

cause undue harm to interests of acknowledged importance, with particular reference to the existing educational facilities, design and development in a historic location, traffic and pedestrian safety, loss of playing areas and planning against crime. As such the proposal complies with Policies GP1, GP3, HE2, ED3, ED11 and T5 of the City of York Local Plan Deposit Draft.

**5k. Haxby Road County Primary School, Haxby Road, York  
(06/02363/LBC)**

Members considered a listed building consent application, submitted by the Education Committee, for the erection of two single storey extensions and internal alterations to the existing school, new covered play area, conversion of outbuildings to cycle stores and replacement ramp.

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting and the original character and fabric of the grade II listed building. As such the proposal complies with Policies GP1, HE4 and HE2 of the City of York Local Plan Deposit Draft.

CLLR R MOORE, Chair  
The meeting started at 2.00 pm and finished at 4.50 pm.