

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 SEPTEMBER 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, WATSON, WARTERS AND REID (AS A SUBSTITUTE FOR CLLR CUTHBERTSON)
APOLOGIES	COUNCILLORS CUTHBERTSON AND FIRTH

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## 20. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda. No interests were declared.

## 21. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 9 August 2012 be approved and signed by the Chair as a correct record subject to Minute No 11 (Inspection of Sites) being amended to show that Councillors Fitzpatrick and King attended the site visits in addition to the other councillors listed.

## 22. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

## **23. 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.

### **23a 55 Rawcliffe Lane, York. YO30 5SJ (12/02484/FUL)**

Members considered a full application from Mr Nigel Courtis for a two storey and single storey rear and side extension (amended scheme) (retrospective).

Officers stated that they had received a revised plan that morning and that Members must agree whether they were happy to consider this revised plan. Members acknowledged that due to the application being retrospective, they had the benefit of being able to assess any concerns raised by neighbours with regard to the development.

Representations were received from the next door neighbour in objection to the application. He expressed dismay that the development bore little resemblance to the original approved plans and included glazed doors leading out onto a lead roof which were not shown on the original plan. He advised the Committee that he had barely used his own garden during the summer due to disturbance from building works taking place. He expressed the view that the applicant has total disregard for other people's privacy stating that if this scheme was approved, he would lose the privacy in his garden. He asked Members to require the applicant to reinstate the pitched roof and change the door to a window as well as to convert the main balcony to a Juliette balcony to prevent loss of privacy.

Representations were also received from a member of Clifton Without Parish Council. He questioned the point of consultation if the applicant then ignores the planning decision which takes account of consultation responses as appears to be the case here where the applicant has gone against the ruling and built two balconies.

Members considered how the application could be conditioned to prevent loss of privacy to the neighbour if they were minded

to approve it, for example preventing the lead apron being converted to a balcony at a later date, requiring that the glazed doors to be changed to a window or requiring the lead apron to be reinstated as a pitched roof. However concern was expressed that the applicant may ignore any conditions imposed.

Members agreed that use of the existing balcony and the potential use of the lead apron as a second balcony (accessed using the existing glazed doors) would lead to overlooking of the garden of the neighbouring property at number 57 Rawcliffe Lane and subsequent loss of privacy in the garden.

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

**REASON:** It is considered that the use of the balcony and the area annotated as 'lead apron' on the submitted drawing, both at first floor level at the rear of the dwelling, would result in (and in the case of the lead apron would potentially result in) unacceptable overlooking of the adjacent private rear garden of 57 Rawcliffe Lane to the detriment of the living conditions of the occupiers. The application would, therefore, conflict with guidance contained within the National Planning Policy Framework (paragraph 17) which states, inter alia, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It would also conflict with City of York Development Control Local Plan policy GP1 (i), which expects development proposals to ensure that residents living nearby are not unduly affected by overlooking, and policy H7 (d), which states that residential extensions will be permitted where there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

**23b Tyree, 97 York Street, Dunnington, York. YO19 5QW  
(12/01840/FUL)**

Members considered a full application from MDL Land Ltd and Mrs K Wheeler for the erection of four dwellings with associated garages, new site access and a pond extension.

Officers reminded the Committee that this application had been deferred at the last meeting in order to allow further work to be undertaken to find a more suitable location for the access road further away from the bridge than had been proposed. Officers explained that by moving the access road, plots 1 and 2 were now 1m further to the east and had bigger gardens and a larger turning area in front of the garages.

Officers advised Members that Highway Network Management had no objections to the revised layout and had made no other comments other than to reiterate previous comments and those of the applicant's highway consultants that the access meets national safety and design criteria and therefore a refusal on these grounds could not be substantiated.

Officers also advised that three letters of objection had been received from local residents. These did not raise any additional comments to those contained within the committee report under paragraph 3.11. The major concerns raised within the three letters were of the access and its perceived lack of safety for motorists, the danger the new access could cause to pedestrians using York Street and the loss of a pleasant green environment.

Representations were received from the Chair of the Dunnington Village Design Statement Group. She reminded Members of the issues she had raised at the last meeting and circulated a copy of her previous representation to those Members who had not be present at the last meeting. She reminded the Committee that the road in front of 97 York Street was in the conservation area and that the Village Design Statement was opposed to the subdivision of garden plots. With regard to concerns over drainage, she stated that after heavy rain, pools of water collected on the road, which is heavily used by cars and buses with cycle route 66 running through the village too. She advised Members that the bridge was used by pedestrians, including school children and a new housing

development would create extra danger for those children who have to negotiate an already dangerous junction.

Representations were also received from the agent in support of the application. He advised the Committee that if the access road was directly in front of no 97, officers would recommend refusal due to loss of residential amenity and they were constrained by how far to the east the access could be moved. He confirmed that in the new position, the access was 22m in excess of the min requirements. He pointed out that the applicant had agreed to the provision of additional signage and this was covered by a condition. With regard to the Village Design Statement, he confirmed that pitched roofs would respect existing roof heights and the choice of materials would be sympathetic to existing materials and there would be no harm to the character and setting of the conservation area. In response to a question as to whether there was an accident history for this stretch of road, the applicant's transport consultant confirmed there were no recorded personal injury accidents on that part of the road.

Councillor Brooks spoke as Ward Member for Dunnington. She asked Members to take account of the Village Design Statement with regard to the subdivision of garden plots. She stressed that road safety was of paramount concern given that there was data to prove that motorists exceed the speed limit both entering and leaving the village. She asked Members to make it a condition that warning signs are erected on the road, if they decided to approve the application. She warned that school children use the bridge and have to cross the road and noted that there were two bus stops the other side of the bridge.

Members acknowledged the guidance contained in the Village Design Statement but noted that this was an advisory rather than a statutory document.

Some Members raised concerns about the proximity of the pond to the development due to the existence of great crested newts in the area and expressed disappointment that Natural England had not been consulted on the application. Officers advised that the Council's Ecologist/Countryside Officer and Countryside Assistant have visited and assessed the site with regard to this issue. Officers confirmed that due to the presence of great crested newts on the site, a licence was required from Natural England to carry out the development before the development

could commence and they explained that this licence would cover the management and maintenance of the habitat.

**RESOLVED:** That the application be approved subject to a Section 106 Agreement and the conditions listed in the report.

**REASON:** The proposal, subject to a 106 agreement and the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of development; the density, design and visual impact including the impact on the setting of the Conservation Area; the impact on neighbouring amenity; access and highway safety; sustainability; ecology; drainage and open space, affordable housing and education provision. As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP4a, GP9, GP10, NE6, NE7, HE2, H4a, H5a, and L1c of the City of York Development Control Local Plan.

**23c Manor Park, Sheriff Hutton Road, Strensall, York. YO32 5TL (11/02460/FUL)**

Members considered a full application by Nelson Parks Lodges for the retention of a show lodge and the siting of 14 holiday lodges.

Members' attention was drawn to a written representation which had been submitted by Councillor Wiseman which raised concerns that some residents living on the site were using it as their main residence and that the new lodges could also become permanent residential properties if conditions regarding residency are not adhered to. She asked the committee to consider deferring or refusing the application until the investigation into an enforcement complaint regarding the use of an existing lodge as permanent residential accommodation was complete. The Chair reminded Members that they must consider the application in front of them not surmise what may happen in the future.

Representations were received from the applicant and owner of Manor Park in support of the application. He advised the Committee that the alleged use of the park as a permanent residence was incorrect. He confirmed that the park was occupied according to planning conditions and that he had provided copies of customer contracts and records to prove this. He confirmed that there were no objections from drainage officers. He expressed his frustration at the delays in the planning process and asked Members to make a decision at the meeting.

Representations were received from a representative of Strensall Parish Council in objection to the application. He expressed concern that the site today bore little resemblance to what was approved when planning permission was granted in 2007. He raised further concerns with regard to foul drainage stating that the use of cesspools was only a temporary solution until a more permanent solution could be found as the necessity of frequent tanker visits to empty the cesspools was not sustainable.

In response to questions from Members, the applicant provided clarification on the number and size of current and planned cesspools on the site.

Members agreed that this site was a generally well run and tidy site apart from the current storage area, which these proposals would tidy up.

**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 sustainability of the proposal, the proposed means of foul and surface water disposal and impact upon the visual amenity of the surrounding countryside. As such the proposal complies with Policies GP4a, V5, GP1 and GP15a of the City of York Development Control Local Plan.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 3.30 pm].

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