

Meeting	Area Planning Sub-Committee
Date	5 October 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Flinders, Gillies, Hunter, Mercer and Orrell
Apologies	Councillor Carr

Site	Visited by	Reason
87 Greenshaw Drive, Haxby	Cllrs Galvin, Crawshaw, Flinders, Gillies, Hunter and Mercer	As the recommendation was to approve and objections had been received.
Cherry Tree Cottage, Millfield Lane, Nether Poppleton	Cllrs Galvin, Crawshaw, Flinders, Gillies, Hunter and Mercer	To enable Members to appraise the site in respect of Green Belt policy.
Lidgett House, 27 Lidgett Grove	Cllrs Galvin, Crawshaw, Flinders, Gillies, Hunter and Mercer	As the recommendation was to approve and objections had been received.
54 Gillygate	Cllrs Galvin, Crawshaw, Flinders, Gillies, Hunter and Mercer	As the recommendation was to approve and objections had been received.

11. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Gillies chose to declare a personal, non-prejudicial interest in item 4a for the sake of transparency as, in common with other members of the Sub-Committee, he knew the applicant, Cllr Myers.

12. Minutes

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 10 August 2017 be approved and later signed by the Chair as a correct record.

13. 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 Sub-Committee.

14. Plans List

14a) Lidgett House, 27 Lidgett Grove, York, YO26 5NE (17/01393/FUL)

Members considered a full application by Cllr Keith Myers for single storey side and rear extensions to the above property, forming a 'granny annex'.

Resolved: That the application be approved, subject to the conditions listed in the Officer's report

Reason: The proposals will respect the character of the area and the building and will not have an adverse impact on the amenities of nearby residents. It is therefore considered that they satisfy national guidance in the NPPF and Development Control Local Plan Policy and are acceptable.

14b) 87 Greenshaw Drive, Haxby, York, YO32 3DD (17/01697/FUL)

Members considered a full application by Mr Steve Flint for the erection of a 3 bedroom dwelling and associated vehicular access.

Officers provided an update at the meeting, stating that a further objection had been received expressing concern about loss of vegetation on the site.

The applicant spoke in support of his application, indicating that he had modified his original proposal to address concerns raised.

Cllr Cuthbertson spoke as the ward member who had originally asked for the application to be brought to the sub-committee. He stated that, since the boundary issues had been resolved and the revised proposal was a better fit for the site, he was now happy to support the application.

Cllr Richardson also spoke as a ward member, objecting to the proposal on the grounds that it would have an adverse impact on the area and the new house would have insufficient garden space.

Resolved: That the application be approved, subject to the conditions listed in the Officer's report.

Reason: The proposal will provide a new three-bedroom dwelling in an existing residential area which will relate to the form of houses on the residential estate and will have sufficient space around it to avoid the site being over-developed. It will not have an unacceptable impact on the amenities of neighbouring properties and the host dwelling will still retain adequate parking and garden space. Taken on its merits, it is considered that the proposal to erect a new dwelling on the site amounts to sustainable development and complies with the advice in the NPPF and policies in the Local Plan which seek to support the sensitive and efficient use of land.

14c) Cherry Tree Cottage, Millfield Lane, Nether Poppleton, York, YO26 6NX (17/01507/FUL)

Members considered a full application by Mr and Mrs Reynolds for the erection of a detached dwelling on land adjacent to Cherry Tree Cottage.

Officers at the meeting reminded Members of the relevant policies and guidance in respect of applications in the Green Belt, in particular paragraphs 87 and 89 of the NPPF. Members were advised that the further points raised by the applicant in additional papers had been considered and in Officers' view did not amount to 'very special circumstances' as defined in paragraph 87 of the NPPF.

The applicant spoke in support of his application, expressing surprise that the site was not considered to be previously developed land (PDL) due to the existing buildings upon it and the previous farmhouse. He circulated a number of additional papers to members of the sub-committee (as referred to in the Officer's update), stating these had been sent to Officers previously but had not been uploaded to the system.

In response to Members' questions, Officers advised that:

- The farmhouse previously on the site had been demolished in 1950, so was not considered relevant to the issue of PDL.
- The site was considered to be land adjacent to, not in the curtilage of, Cherry Tree House.
- A key issue was the impact on openness; the proposed 8m high building would have a greater impact than the single storey buildings currently on the site.

Members debated the proposals in the light of Officers' advice and the comments of the applicant and a number of them expressed support for the application; however, a formal motion to that effect was not moved.

Cllr Flinders then moved, and Cllr Shepherd seconded, that the application be refused. A vote was taken and 6 members voted for the motion and 4 voted against. It was therefore

Resolved: That the application be refused.

Reasons: 1. The proposal constitutes inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. The application site makes a positive and significant contribution to the openness of the Green Belt to the south east of Nether Poppleton and assists in safeguarding the countryside from encroachment, encouraging urban regeneration and preventing

neighbouring towns from merging into one another. There has been no compelling case made for 'very special circumstances'. Whilst the scheme would result in the removal of temporary buildings on the site, it would not offer significant benefits that would clearly outweigh the identified harm to the Green Belt. Therefore, the proposal is considered to be contrary to paragraphs 87 to 89 of the National Planning Policy Framework, the retained policies YH9(C) and Y1(C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy and Policy PN1 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan.

2. Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such, the proposed development would conflict with paragraph 103 of the NPPF, which states that the Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information, the proposal conflicts with Policy GP15a 'Development and Flood Risk' of the City of York Development Control Local Plan (2005) and Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013).

14d) 54 Gillygate, York, YO31 7EQ (17/00580/FULM)

Members considered a major full application by Mr Neil Beard for the conversion of a ground floor pub (use class A4) to retail (use class A1) with a new shop front, and change of use of first and second floors to student residential accommodation (18 studio apartments) with first floor rear extension. The proposed scheme had been revised following the consultation process.

Officers at the meeting:

- provided an update on the comments of York Civic Trust on the revised plans; the Trust supported the development in principle but continued to object to the proposed shop front and suggested an alternative arrangement;
- proposed a minor amendment to Condition 5 in the report (Large Scale Details).

Eamonn Keogh, the agent for the applicant, spoke in support of the application, noting that the proposals would provide a viable use for a premises that had long been in disrepair and would add to the vitality of the city centre.

Resolved: That authority be delegated to Officers to approve the application at the end of the re-consultation period, subject to consultation with the Chair and Vice-Chair of the sub-committee if any further objections are received, and subject to the conditions listed in the Officer's report, with Condition 5 being amended to insert the words '*Notwithstanding the approved drawings*' at the start of the first paragraph.

Reasons: 1. The proposed uses are compliant with town centre policies in the NPPF and the proposed residential accommodation will contribute towards demonstrable housing needs in the city.

2. The proposals have been revised and the character and appearance of the conservation area will be maintained. The quality of the proposed development will be secured through conditions covering detailing and materials. There will be no harm to neighbours' amenity and conditions are proposed to secure suitable levels of amenity for future occupants.

3. Conditions are also necessary in the interests of heritage assets – archaeology, as the site is within the designated City Centre Area of Archaeological Importance, and to control the proposed use, as if the accommodation were not for students only there would be requirements for appropriate and justified planning obligations.

15. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2017 and summarised salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report. Of the 7 determined, 2 had been allowed. Appeals that currently remained outstanding were listed in Annex B. Excluding tree-related appeals, these numbered 12.

Resolved: That the content of the report and annexes be noted.

Reason: To confirm that Members are informed of the current position in relation to planning appeals against the Council's decisions, as determined by the Planning Inspectorate.

Cllr Galvin, Chair

[The meeting started at 4.37 pm and finished at 6.00 pm].