

Meeting	Area Planning Sub-Committee
Date	10 August 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Orrell, Mercer and Looker (Substitute)
Apologies	Councillor Crawshaw

Site	Visited by	Reason
English Martyrs RC Church, Dalton Terrace	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
31 Malvern Avenue	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
Bootham Junior School, Rawcliffe Lane	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
31 Sandringham Close, Haxby	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
The Ridings, 95 York Street, Dunnington	Galvin Gillies Shepherd Cannon	As the recommendation was for approval and objections had been received.
64 Newland Park Drive	Galvin Gillies Shepherd Cannon	As the recommendation was for approval and objections had been received.

Festival Flats, Paragon Street	Galvin Gillies Shepherd Cannon	As the recommendation was for approval and objections had been received.
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7. **Declarations of Interest**

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

Councillor Cannon declared a personal interest in item 4J as the spouse of the applicant and left the room during consideration of this application.

Councillor Flinders declared a personal interest in item 4J and did not take part in discussion or the vote on this application.

8. **Minutes**

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 6 July be approved and then signed by the Chair as a correct record.

9. **Public Participation**

It was reported that there had been one registration to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

Councillor Warters spoke on planning conditions and the use of informatives, particularly in relation to damage caused by HGV's.

10. **Plans List**

10a) **English Martyrs Church, Dalton Terrace, York, YO24 4DA (15/02941/FUL)**

Members considered a full application by Father John Bane for construction of an egress route from car park to rear of presbytery and church hall, relocation of gate posts and erection of gates.

Officers gave an update, which was attached to the online agenda following the meeting, which contained further comments from local residents.

John Harris spoke, on behalf of local residents, in objection to the application. He stated that they felt a new road was inappropriate in a conservation area with no justification. It was also felt this would be detrimental to the area which was a green space.

In response to Member questions Officers stated:

- The driver for the application was the considerable safety benefits the scheme would provide.
- The refuge in the middle of the road was not close enough to hinder turning.

Councillor Cannon moved refusal on the grounds of loss of amenity and open space and highways issues. Councillor Craghill seconded this motion. On being put to the vote this motion fell.

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

Reason: It was considered that the proposals would respect the character and appearance of the conservation area and would not cause harm to the living conditions of local residents by reason of noise, or harm to air quality. As such it was considered that they satisfied national guidance in the NPPF and Development Control Local Plan Policy and were acceptable.

**10b) Land to the Rear Of 79 To 85 Stockton Lane, York
(16/02923/FUL)**

Members considered a full application by Pilcher Homes Ltd. for the erection of 9 dwellings with access from Greenfield Park Drive.

Officers gave an update to state that this item had previously been deferred to allow for further consultation with the immediate neighbours to Plot 9. However these residents were

still in objection as they were unable to attend the sub-committee meeting due to being on holiday.

In response to Member questions Officer's stated that there would be a standard condition restricting construction hours.

Andy Clark, a neighbour, spoke in objection to the application. He expressed concerns over loss of light and stated that plot 9 was now 1m closer to the site boundary with his property since the application.

Tom Pilcher, the applicant, explained that the application had been varied in order to address objections raised by neighbours and consultees. He stated that the proposal also met with local and national policies and that they were happy to accept conditions.

Councillor Ayre, Ward Member, spoke in objection to the application due to loss of amenity. He also stated that there needed to be significant landscaping to the area, should Members be minded to approve the application.

Members felt that this was an acceptable application, in keeping with surrounding development.

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

Reason: The proposal would respect the character and amenity of the local environment, without adversely affecting highway safety. Archaeology could be adequately mitigated. Revisions had been made to the scheme to address issues raised by Officers relating to protected trees and residential amenity, and further clarification had been provided on drainage. In light of the above, the application was approved as, subject to the imposition of conditions, it complied with national and local planning policy.

**10c) Bootham Junior School, Rawcliffe Lane, York, YO30 6NP
(16/02205/FUL)**

Members considered a full application by Mr Andy Woodland for the construction of a synthetic turf sports pitch and warm-up area

with flood lighting, acoustic fence, fence enclosure and reorganisation and extension to car park.

Anne Leonard, a local resident, spoke in objection to the application as it would cause additional traffic, light and flooding which could be avoided by joining forces with the nearby Vale of York Academy, who had an underutilised all weather pitch for hire.

Richard Garner, agent for the applicant, explained the great need the school had for a facility of this type as hockey could not be taught on the current pitch. He clarified that LED lighting fell within allowed limits, that the opening times would be capped during term time and that the pitch would not open at all in the holidays to reduce impact on neighbours. He also stated that the school would offer out this facility to the community when not in use.

In response to member questions he stated:

- Shared use with Vale of York Academy had been given consideration during consultation but it had been decided that there was too much equipment to move between sites and there were several timetable clashes.
- The pitch would be used by both the Primary and Senior School.
- CCTV would be installed which would increase security in the area.
- There would be an adequate drainage system for surface water.
- There would be parking provided to ease congestion on side roads, along with cycle parking provision.

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

Reason: There was a clear need for the pitch at the school but not a clear need for use by the community as there were sufficient good quality facilities elsewhere and thus the additional restriction in hours was not considered to outweigh the harm to neighbour amenity which is given more weight in this case. In attempting to resolve the issues raised in this application, particularly for neighbour amenity (the proposed lighting and intensification and extension

of use of this part of the field), it was considered that the application would only be acceptable if hours be reduced to term time only and 08:30 to 19:00 Monday to Friday, 09:00 to 16:00 Saturday and 09:00 to 14:00 on Sunday. Subject to this condition the application was considered to be in accordance with the general principles at paragraph 17 and section 8 on promoting healthy communities in the NPPF. It was also found to be in accordance with DCLP (2005) policies GP1 Design and GP4a on Sustainability.

10d) The Ridings, 95 York Street, Dunnington, York, YO19 5QW (16/02663/FUL)

Members considered an application by Mr Richard Fowler for erection of one dwelling.

Stuart Kay, Chairman of Dunnington Parish Council, spoke in objection to the application. He stated that it was a modest plot butting the conservation area and approving this application would contribute to the erosion of the village's character. He also felt that parking for additional vehicles would lead to a loss of amenity.

Lee Vincent, agent for the applicant, outlined the proposal for Members and explained that it was 30m from the public highway and there would be adequate amenity for both properties. He also stated that the materials used would be sympathetic to the local area. In response to a Member question on the turning circle outside the property he clarified that the shared area would need to be kept clear to allow for turning.

Councillor Brooks, Ward Member, spoke to endorse the comments of Dunnington parish Council and express her concerns on the impact the proposal would have on drainage. She felt that this was clear overdevelopment and would impact on the amenity of neighbouring properties.

Councillor Warters, Ward Member, echoed the concerns of both Dunnington parish Council and Councillor Brooks. He also proposed that should Members be minded to approve this application that they consider a Construction Environment Management Plan and condition working hours to lessen the impact on neighbours.

In response to Member questions, Officers stated:

- Construction Environment Management Plans would not normally be applied to such small scale schemes
- Responsibility for the highway came under the Highways Authority under the Highways Act.

During debate Members expressed their concerns on overdevelopment of the space, loss of amenity and light, the shared driveway and drainage.

Resolved: That the application be refused.

Reason: The proposal would have a negative impact on the amenities of neighbouring properties. The host dwelling and new bungalow would not benefit from adequate parking or garden space. There were also concerns over drainage and flooding.

10e) 31 Malvern Avenue, York, YO26 5SF (17/01247/FUL)

Members considered a full application by Mr Adrian Hill for a change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4) and a single storey side extension with dormers to the side and rear.

Officers gave an update seeking deferral of this item.

Resolved: That the application be deferred until a future meeting of the Area Planning Sub-Committee.

Reason: Further discussions with the applicant are required to address issues arising from the submission of revised drawings.

10f) Festival Flats, Paragon Street, York, YO10 4AG (17/00586/GRG3)

Members considered a General Regulations (Reg3) application by City of York Council to replace windows and doors to flats 6, 9, 11 and 14-19 Festival Flats.

Resolved: That the application be approved under General Regulations (Reg 3) subject to conditions listed in the Officer's report.

Reason: The proposals would not harm the character and appearance of the conservation area and the building. As such it was considered that they satisfied national guidance in the NPPF and Development Control Local Plan Policy and were acceptable

10g) 5 Monks Cross Drive, Huntington (17/01181/FULM)

Members considered a major full application by Mr Max Reeves for erection of a three storey, 80 bedroom hotel with an ancillary bar and restaurant.

Officers gave an update, which was attached to the online agenda following the meeting, which included an amendment to condition 2 to remove the landscape plan and replace this with a condition to submit a full landscape scheme (condition 10).

In response to Member's questions on loss of office space, Officers clarified that this site had been marketed for 10 years and there had been no interest so it was reasonable for the local planning authority to consider an alternative scheme for the site which would provide some employment opportunities.

Members felt that this was an acceptable proposal.

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

Reason: The site was identified as an employment allocation within the 2005 Local Plan and draft Publication Local Plan (2014). However evidence had been provided to show that the site had been advertised for 10 years without any interest and that there was other vacant office space at Monks Cross. The proposal would create new employment for 8 full time staff and 18 part time staff (17FTE in total) in the restaurant and hotel. The submitted sequential test showed that there were no sequentially preferable development sites within or in an edge of York City Centre location that were both suitable and

available at the present time. Overall it was considered that the development represented sustainable development and was in principle supported by relevant policies in the NPPF.

10h) 64 Newland Park Drive, York, YO10 3HP (17/00343/FUL)

Members considered an application by Mrs Fereshteh Hurst for a change of use from dwelling (Use class C3) to a 6 bed House in Multiple Occupation (Use Class C4).

Darren Hartshorn, a local resident, spoke to express his concerns around the number of HMO properties in the area and issues that this led to such as anti-social behaviour, rubbish left in the street and car parking.

Mrs Hurst, the applicant, stated that the house had been occupied as a student HMO for eight years and that the extension was currently unused as she could not let it as a separate property.

Councillor Neil Barnes, Ward Member, spoke on behalf of local residents in objection to the application. He stated that he was unsure as to whether the house had been used as a HMO since 2011 as he had been unable to access Council Tax records confirming this due to Data Protection and had heard information to contradict this. He stated that whilst he realised Members of the sub-committee may have limited powers to refuse this application it was important to show local residents that their concerns were being taken seriously.

In response to Member questions he stated:

- HMO's were a huge issue in this particular ward. Anti-social behaviour, rubbish and parking problems were at saturation point.
- Article 4 direction should be amended to ensure that numbers were not breached and should be taken on a per bedroom basis.
- There should also be a compulsory registration scheme, given that in some areas of York up to 50% of properties had been converted for use as HMO's.

Officers clarified the following points in response to Member questions:

- This was not a straightforward application, essentially Members would be giving permission for occupancy as one 6 bed HMO, not for the annex to be let as a separate property and there were conditions to ensure that this did not happen.
- The property had been in use as a HMO prior to Article 4 and if planning permission was not granted the property could still be used lawfully as a HMO anyway.
- The only breach of planning control that was enforceable would be if the annex was let separately or if it were let to more than 6 residents.
- The impact to HMO numbers would be neutral as this was lawfully in use as a HMO at the present time.

During debate Members raised some of the following points:

- At least 21% of this street and 47% of the wider area were in use as HMO's and this may not even be a true figure.
- This was a new application and should be dealt with as such and therefore overriding weight should be given to the concerns of local residents.
- Some Members felt that if this application was approved then Officers could enforce planning conditions, giving local residents more protection.

Resolved: That the application be refused.

Reason: This should be considered as a new application and therefore fell outside of percentage thresholds for HMO's in this area. There were concerns on loss of residential amenity and the loss of another family home in the area would cause imbalance contrary to guidance in the SPD.

**10i) 31 Sandringham Close, Haxby, York, YO32 3GL
(17/01403/FUL)**

Members considered a full application by Mr & Mrs Brown for a single storey side and rear extensions, canopy to side, replacement bay window to front, installation of solar panels to side roof slope and replacement windows and doors in grey aluminium.

Mr Brown, the applicant, spoke to urge members to approve this proposal as it was to create a family home, not to create a HMO. He explained that they could create a larger extension under permitted development rights with an alternative footprint but it would not best fit the family's needs.

Councillor Richardson, Ward Member, spoke in objection to the application. He stated that the plan was not in keeping with the current street scene and expressed concern that walkers may be able to hear residents in the shower, as the windows were in close proximity to the street. Finally he stated that this proposal may spoil views of the Minster.

Members felt that this was an acceptable proposal.

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

Reason: The proposal was considered to be acceptable in terms of its impact on the appearance of the streetscene, the living conditions of neighbours and flood risk. As such it complied with the National Planning Policy Framework (2012), local plan policies GP1 and H7 and advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

10j) 39 St Pauls Square, York, YO24 4BD (17/00966/LBC)

Members considered a Listed Building Consent application by Mr James Cannon for the installation of a handrail with railings on steps to front door.

In response to Members' questions Officers confirmed that the application was being reported to Sub-Committee for decision only because the applicant was the spouse of a serving Councillor.

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

Reason: It was considered that the proposals would preserve the special architectural or historic interest of the listed building and its setting and would accord with guidance contained in the NPPF, Policy HE4 (Listed

Buildings) of the Development Control Local Plan
and Section 16 (2) of the Planning (Listed Buildings
and Conservation Areas) Act 1990.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].