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Meeting	Area Planning Sub-Committee
Date	5 March 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt

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Site	Visited by	Reason for visit
Carr Infant School, Ostman Road	Councillors Galvin, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and objections had been received.
York St John University Sports Centre, Haxby Road	Councillors Galvin, McIlveen, Merrett, Watson and Watt. Councillor Orrell (as Ward Member)	As the recommendation was for approval and objections had been received.
550 Huntington Road	Councillors Galvin, McIlveen, Merrett, Watson and Watt. Councillor Orrell (as Ward Member)	As the recommendation was for approval and objections had been received.
Land to south of 26 Pottery Lane	Councillors Galvin, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and objections had been received.
Turpin Smithy, 83C Main Street, Fulford	Councillors Galvin, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and objections had been received.

#### **48. Declarations of Interest**

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

Councillor Hyman declared a personal and prejudicial interest in plans item 5a (550 Huntington Road) as he had already declared that he was against approving the application. He addressed the committee as Ward Member then left the room for the debate and vote on this application.

Councillor McIlveen declared a personal non prejudicial interest in plans item 5a (550 Huntington Road) as he managed another house in multiple occupation (HMO) on behalf of his brother in law.

Councillor Cuthbertson declared a disclosable pecuniary interest in plans item 5i (26 Earswick Chase, Earswick) as the application was for his own property at which he was resident and joint owner of. He left the room for this application and took no part in the debate or vote on this item.

#### **49. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 5 February 2015 be approved and signed by the Chair as a correct record.

#### **50. 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.

#### **51. Plans List**

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out views of consultees and Officers.

## **51a) 550 Huntington Road, York, YO32 9QA (14/02613/FUL)**

Members considered a full application from Mr D Russell for a change of use from a dwelling (use Class C3) to a house of multiple occupation (HMO) (use Class C4) and a single storey extension to the rear.

Officers advised the committee that six further objections had been received. These raised concerns that the proposals would cause harm to the area through loss of vegetation and would pose a risk to the safety of children walking along the road. Concern had also been raised in relation to the boundary fencing being inadequate, and officers advised that condition 8 would be amended to require fencing around the front garden as well as around the parking area in the rear garden.

Ms Holly Firth Davies, a local resident, addressed the committee on behalf of a number of local residents. She raised the following issues:

- this was the wrong location for a HMO due to concerns over traffic, parking and general safety.
- accidents had occurred on that stretch of road which had not been reported to the police.
- this area had a strong identity as an area of family homes and the local community were fearful that introduction of an HMO would spoil the area.

Mrs Conyers, another local resident, spoke in objection to the application and raised the following concerns:

- Huntington Road was very busy and the property was located on the brow of a hill. It did not have adequate parking and on street parking would endanger road users, cause an obstruction to the cycle lane and increased the risk to children walking to school.
- Noise from cars leaving the property would impact on neighbours.
- An HMO would be detrimental to the area and the property was not maintained to a good standard.

Diane Geogheghan-Breen addressed the committee as Chair of Huntington Parish Council and raised the following points:

- the proposed extension would constitute overdevelopment of the site and five double bedrooms could potentially mean 10 residents living in the property.

- Three resident parking spaces and one visitor space was not sufficient. This would lead to on street parking raising safety concerns.
- There was a need for family homes in the area.
- There were concerns over issues with drains becoming blocked to the rear of Huntington Road, these proposals could add to the problem.

Melissa Madge, the agent, addressed the committee and responded to concerns which had been raised by previous speakers. She stated that:

- the application complied with thresholds set out in the supplementary planning documents on concentration of HMOs (with less than half a percentage of properties in the neighbourhood being HMOs). It would not therefore destroy the area as stated.
- the intention was to carry out full refurbishment of the property and garden.
- the property would be occupied by a maximum of five working professionals, no different to a large family.
- it would not create an additional strain on drainage network.
- There would be sufficient parking for residents. The additional parking space at front of property was at request of officers (this was originally proposed to be garden). No on-street parking would be required.
- Fencing was proposed to prevent car headlights shining into the adjacent property.

Councillor Hyman addressed the meeting as Ward Member for Huntington and New Earswick on behalf of local residents. He made the following comments:

- There was not sufficient space for a five bedroom property on the site. The property would be fundamentally changed through use as an HMO.
- Additional traffic movements would create danger to pedestrians and cyclists using Huntington Road.
- The plan to have professional people occupying the property was not enforceable.
- Visitors to property will have to park on road outside property which was on brow of hill.
- Concern that advice from highways was incorrect.

Members acknowledged the concerns raised by speakers with regard to the potential number of residents at the property but noted that the applicant had agreed to limit the number of occupants to a maximum of five and it was agreed that this be added as a condition. They noted that although the agent had advised that the tenants would be “professional people” it was impossible to restrict occupancy of HMO to certain group of people but that a management plan was due to be put in place.

With regard to concerns over road safety, while Members acknowledged that this part of Huntington Road was busy at peak times, they did not believe that cars exiting from this property would cause any greater problem than any other property on the street and felt that the parking facilities for this HMO were adequate.

Members agreed there were no serious planning grounds on which to refuse the application.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amended condition 8

Notwithstanding the submitted details, prior to the occupation of the property as a house in multiple occupation, details of the proposed boundary fence to be erected around the front garden, parking and turning area in the rear garden and between the side access and 552 Huntington Road shall be submitted to and approved in writing by the Local Planning Authority. The house in multiple occupation shall not be occupied until the fencing has been erected within the site in accordance with the approved details, and it shall be retained and maintained as agreed.

Reason: To screen the car parking and minimise the impact of glare from vehicle headlights.

Additional Condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the property when used as a House in

Multiple Occupation shall be occupied by a maximum of 5 residents.

Reason: So that the planning impact of any proposal to further increase the number of residents can be considered, with particular reference to parking and occupier amenity.

Reason: The number of existing HMO's in the surrounding area is well below the threshold at which it is considered there is an excessive concentration of such uses. The property would generally be considered to be one that would cause minimal impact in terms of neighbouring living conditions as it is not attached to any other residential accommodation. In addition, it is located on a wide and well used road and to the front is a bus stop. Visibility from the access of the proposed HMO is good and the parking standards within the site exceed the maximum figures set out in the Local Plan. Based on the Local Plan parking standards it is not expected that the level of vehicular comings and goings would significantly exceed that of a family dwelling or that the pressure for parking would normally force residents to park on the street.

**51b) Former Car Repair Garage, to rear of 70 to 72 Huntington Road, York (14/02713/FUL)**

Members considered a full application from Dimmack Brothers Limited for the variation of conditions 2 and 20 and the removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of four garages adjacent to the western boundary.

Members were reminded that this application had been reported at the Area Planning Sub Committee meeting on 5 February 2015 at which Members had agreed to defer the application to review the height and roof pitch of the proposed garage block.

Officers advised that the amended plan showed that the garage block had reduced in height by 200mm which had been achieved by lowering the pitch of the roof to 20 degrees (as it slopes from eaves level at the joint boundary), meaning the

ridge of the roof was 500m further from the joint boundary. This had been designed in such a way that would still allow for a slate roof covering, with a waterproof membrane underneath.

Mr Chris Nugent spoke on behalf of the applicant, in support of the application. He stressed the importance of ensuring that the full potential of the site was realised. He advised that they had taken on board the comments expressed by speakers and Members at the last meeting regarding the rear pitch height and angle of the garage roofs and had managed to reduce the rear pitch height to 20 degrees, thus reducing the ridge height and moving it further away from the boundary wall. He confirmed that this change would still enable the use of quality materials for the roof.

Members expressed their appreciation to the applicant for putting forward the proposed changes to the roof design in response to the concerns raised at the last meeting. They agreed that this was a good solution to the concerns raised in relation to the relationship of the garages with adjacent properties.

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

Reason: The amended layout and additional garages are considered to provide an acceptable relationship with the adjacent properties and therefore there is no basis to resist the application on residential amenity grounds. The new garage arrangement provides for the turning and parking of vehicles and is acceptable to Highway Network Management. It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties. This minor material amendment application is considered to be acceptable.

**51c) Turpin Smithy, 83C Main Street, Fulford, York, YO10 4PN  
(14/02580/FUL)**

Members considered a full application from Mack and Lawler Builders for a change of use from a coach house to a residential dwelling (Use Class C3) with a single storey extension.

Officers advised that following the site visit, they had reconsidered the materials to be used for the windows which were stated as aluminium on the submitted drawings. The applicant had now agreed that the windows would be timber framed and conservation roof lights would be used, but that the bi-fold doors in the kitchen would remain as aluminium as shown in the plan. Members acknowledged these would be hidden at the back of the site and would reflect the doors at the front of the property. These changes would require an amendment to condition 2 (Plans) to substitute drawing AL(0)01 Rev.D.

Ms Karen De Vries addressed the committee on behalf of Fulford Parish Council. She reminded the committee that development of the site had commenced without consent. She stated that the courtyard had been subject to multiple applications over the years, very little of the original site now remained and these proposals would further urbanise the courtyard and constituted overdevelopment. She also voiced concerns about the safety of vehicles exiting the site due to the narrow entrance and the limited space for parking.

The agent, Shanshan Chen, spoke in support of the application. She acknowledged the concerns expressed by the parish council but assured Members that the proposals would not impact negatively on the established character of Fulford but would secure a new use for an existing structure. She stated that officers had advised that the proposals would not have a detrimental impact on the amenity of neighbours dwellings. With regard to parking, she informed Members that the layout had been amended a number of times and was now considered to be acceptable by officers. She advised that the bat survey had been carried out correctly by a reputable company in consultation with the council's countryside officer.

Members noted the parish council's concerns regarding possible urbanisation of the site and recognised the importance of respecting the character of the area. However they noted the building had been in a very poor condition and the applicant's wish to make the best use of the site, and overall felt that this was a great improvement for nearby residents.

Resolved: That the application be approved subject to the conditions listed in the report and amended condition 2 (Plans) to show updated drawing.



### Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans:-

M5605 - AL(0)01 Rev B existing plans and elevations

M5605 - 900A proposed site layout plan

M5605 - AL(0)02 Rev D proposed plans and elevations

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

Reason: The proposal, subject to conditions would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the development on the Fulford Conservation Area, residential amenity, highways, access and parking arrangements and ecology issues relating to bats. As such the proposal complies with advice in the National Planning Policy Framework and Policies of the City of York Development Control Local Plan in as much as these policies are compatible with the National Planning Policy Framework. Consideration of the scheme has had regard to the duty under section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **51d) Carr Infant School, Ostman Road, York, YO26 5QA (14/02927/FULM)**

Members considered a full major application by Mr Paul Beattie for the erection of a two storey school building (use class D1) with associated hard surfaced play and circulation areas and the demolition of an existing school building.

Officers advised that since the committee report had been prepared, the applicant had presented minor revisions to the landscaping and location of the proposed cycle parking areas. As a consequence Condition 2 would need to be amended to include amended plans.

Councillor Tracey Simpson-Laing, Ward Member for Acomb, addressed the committee in support of the application. She advised Members that she had been a governor at Carr Infant School for a number of years. In recent years, the head teacher had helped the school to become an excellent school with great teaching staff. However the school buildings had not originally been built to a good standard and, with the school now at capacity, it was suffering from its poor facilities.

Members agreed that the proposals for the replacement school building were much needed and offered their support for the scheme.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below:

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:- BDP-03(PL)AP-100; BDP-03(PL)AP-101; BDP-03(PL)AP-102; BDP-03(PL)AE-101; BDP-03(PL)AE-102; BDP-03(PL)AS-100;BDP-03(PL)AS-101; BDP-03(PL)AX-100; BDP-03(9-)-LP-001G;BDP-03(9-)-LP-003B; BDP-03(9-)-LP-004A; BDP-03(9-)-LP-005B;BDP-03(9-)-LP-006F; BDP-03(9-)-LP-007A; SK01(6); SK2; 15955-1(Rev A);15955-2(Rev A); 15955-3(Rev A); 15955-4(Rev A); BPD\_06(9-)-LP\_003B; BDP\_C1\_L(9-)101\_A; BDP\_C1\_L(9-)102\_A; L(9-)103\_A; BDP\_C1\_L(9-)104\_A; BDP\_C1\_L(9-)105\_A; BDP\_C1\_L(9-)106\_A; BDP\_C1\_L(9-)201\_A.

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

Reason: Carr Infant School comprises a large single storey brick and prefabricated panel built complex dating from the 1950s. Planning permission is sought for the erection of a two storey replacement School building on land directly to the south east of the existing building. The existing school complex is in poor structural repair and not suited to modern

requirements and so the project is being undertaken under the umbrella of the Government's Priority Schools Building Programme. The proposed replacement would be erected at a significant distance from neighbouring residential property. The proposed pattern of scale and massing would reflect that of the adjacent junior school and is considered to be appropriate in respect of the visual amenity of the wider street scene.

### **51e) Land to the South of 26 Pottery Lane, York (14/02959/FUL)**

Members considered a full application from the City of York Council for the erection of six dwellings to include an ecology park.

Officers advised that an email had been received from the agent requesting that site clearance including the removal of earthworks be excluded from the commencement of development trigger in respect of conditions 3 (Archaeology), 5 (Drainage), 6 (Cycle parking), 9 (Materials), 10 (Means of enclosure) and 11 (Landscaping scheme). Officers advised that they considered this request to be acceptable in the circumstances as it would not adversely impact on the full consideration of the details prior to building works commencing on site. The timing of the removal of trees in relation to nesting birds was covered by the Wildlife and Countryside Act 1981 and so there would be no harm in this respect.

The Council's Housing Development Manager and the architect were in attendance at the meeting in order to answer any queries from Members. In relation to concerns raised in relation to the request to exclude site clearance (including the removal of earthworks) from the commencement of development trigger in respect of condition 3 (Archaeology), officers advised the City Archaeologist was satisfied with this approach.

Resolved: That the application be approved subject to the conditions listed in the report and conditions 3 (Archaeology), 5 (Drainage), 6 (cycle parking), 9 (Materials), 10 (Means of enclosure) and 11 (Landscaping scheme) being amended to include the words "with the exception of site clearance including the removal of earthworks".

Reason: The application is considered to be acceptable in planning terms. Very special circumstances have been identified that are considered to outweigh the harm to the openness of the Green Belt. The site lies in a sustainable and accessible location and would contribute towards meeting the acute affordable housing need in the City. Whilst it would be preferable to retain the trees, their loss needs to be balanced against their condition and long term value, and the benefits offered by the replacement scheme. The impact on bats can be mitigated for by the inclusion of the ecology park. The impact on archaeology can be addressed by the requirement for further archaeological evaluation prior to construction. There is no harm to the amenity of existing and future occupants, nor to highway safety, flood risk or land contamination. The application therefore accords with national and local planning policy subject to conditions.

**51f) York St John University Sports Centre, Haxby Road, York, YO31 8TA (14/02836/FULM)**

Members considered a major full application (13 weeks) from York St John University for the construction of a sports hall with associated changing, teaching and social facilities following demolition of pavilion.

Officers reported that a consultation response had been received from the council's Sport and Active Leisure Team. They advised that the provision of the sports hall was supported by the city's Built Sports Facilities Strategy. The layout and dimensions of the hall were consistent with Sport England design guidance, and would provide a facility able to accommodate a wide range of sports up to regional competition standard. They noted that the level of community use was unclear and as the sports hall was to be unheated the hall was likely to be cold in winter and hot in summer. This was not consistent with Sport England's sports hall design guide which recommended a hall temperature of between 12 and 20 degrees centigrade.

Officers advised that a response had also been received from Councillor Keith Orrell advising that the additional sports facilities were welcome, however greater consideration should

be given to the impact these facilities were having, and would have in the future, on the residents of Huntington Road in Huntington. Councillor Orrell had stated that Huntington Road residents had suffered from light pollution, excessive noise and the loss of tree coverage and this application should take these concerns into consideration with conditions that would ameliorate the impact on local residents.

Officers advised that an additional condition with regard to the minimum requirement of a BREEAM assessment of “Very Good” after construction was recommended as well as an informative advising that the landscaping scheme should include the provision of six extra heavy standard trees to replace those lost as part of the development proposal

Mr Richard Hirst, Estates Manager at York St John University, addressed the committee in support of the proposals which he explained would create a central hub at the sports centre on Haxby Road. In response to concerns which had been raised about the sports hall being unheated, he advised that this was suitable to meet the needs of its proposed users and would provide a covered sports park suitable for active sport. He explained that the sports hall on Lord Mayor’s Walk was just too warm for some activities. With regard to community use, he confirmed that access would be made available where possible between the University’s commitments for sport, research and teaching.

One Member raised the issue of road safety around the junction to the site, pointing out that the entrance was on a 40mph section of the road and stating that accidents could be caused by motorists/cyclists slowing down to find the entrance to the site. He asked that consideration be given to looking at making road safety improvements on this stretch of road. Officers advised that this was outside the applicant’s control and it was agreed that the member would follow up his concerns with highway safety officers.

Members expressed their support for the proposed scheme.

Resolved: That the application be approved subject to the conditions listed in the report and the additional condition below:

Additional condition

Prior to commencement of development the developer shall submit to the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason: To ensure the development complies with the principles of sustainable development in accordance with the Interim Planning Statement on Sustainable Design and Construction.

Additional Informative

You are advised that the landscape scheme should include the provision of six extra heavy standard trees to replace those lost as part of the development proposal

Reason: It is considered that the proposed development is acceptable. The resultant building would be located within a sustainable location where the principle of sporting facilities has previously been established. It would be visible from outside of the site, within the open aspect, but landscaping would reduce the prominence of the development. The loss of the trees can be justified on the basis that replacement planting takes place on site. There would be little additional impact in terms of noise disturbance and highway implications were assessed as part of the original application.

**51g) Bert Keech Bowling Club, Sycamore Place, York YO30 7DW (13/03727/FUL)**

Members considered a full application from Mr David Brown for the erection of four 2 storey dwellings and one 3 storey dwelling.

Members were reminded that at their committee meeting on 7 August 2014, they had determined to approve the application,

subject to the completion of a unilateral undertaking, to secure contributions towards education provision and open space, and to fund a required traffic regulation order.

Members were advised that as a unilateral undertaking was yet to be completed and the decision had not yet been issued, it was now proposed to grant permission subject to a different undertaking, due to changes in national planning advice, in the National Planning Policy Guidance (NPPG). As such, Members were asked to re-determine the application with a revised recommendation requesting a contribution to fund works to alter the highway but no longer requesting a contribution towards education or open space.

Members attention was drawn to the fact that as the application site was in flood zone 3, further information with regards to the flood risk assessment and the sequential test, were contained within the report.

Philip Homes of O'Neill Associated addressed the committee in objection to the application. He read a statement prepared by Janet O'Neill, who had not been able to attend the committee. He advised the committee that the reasons for objection listed in the original report still remained valid and that there was insufficient provision of play space in the local area

Members agreed that nothing had significantly changed to when they approved the application in August 2014 and the same reasons for approving it still applied.

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

**Reason:** The scheme would assist with housing supply in the city, which is a Government priority and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety.

## **51h) 12 Barley View, Wigginton (14/02173/FUL)**

Members considered a full application from Mr D Leeper for the erection of a detached dwelling to the side of 12 Barley View with a detached double garage and new vehicular access from Rye Cross.

Members were reminded that this application had been deferred at the meeting held on 8 January 2015 in order to investigate increasing the separation distance between the proposed property and 12 Barley View and creating access from the garage to the rear garden.

Officers advised that the parish council and all other contributors to the initial consultation had been re-consulted about the revised plans and the consultation period had expired on 3 March. Six responses had been received, all from objectors to the initial scheme, which raised no new issues except that the development represented “garden grabbing” and that building on gardens such as this, robbed the area of its green breathing space, which improved and controlled air temperature and provided a haven for wildlife.

Members commented that the boundary to the application site appeared to be slightly different to previously. In comparing the old and new drawings, officers advised that the boundary had altered slightly but this was not a material change warranting a new application.

Members agreed that the proposed changes to the distance between the existing and proposed house would reduce the degree of claustrophobia for the neighbouring property and that 12 Barley View would have a larger (although still relatively small) garden. Some Members however felt that this was still overdevelopment and would not enhance the local area.

**Resolved:** That the application be approved subject to the conditions listed in the report.

**Reason:** The proposals as revised accord with the National Planning Policy Framework and relevant policies of the 2005 City of York Draft Local Plan and are acceptable.



**51i) 26 Earswick Chase, Earswick, York, YO32 9FY  
(15/00117/FUL)**

Members considered a full application for a single storey rear extension from Mr and Mrs Cuthbertson.

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

Reason: The proposal would not be harmful to the amenity of neighbouring residents or to the character of the area. Therefore the proposal would not conflict with Local Plan policies CYGP1: Design and CYH7: Residential Extensions, and the SPD (Supplementary Planning Document) on House Extensions and Alterations.

Councillor Watson, Chair

[The meeting started at 2.00 pm and finished at 4.30 pm]