
Meeting	Area Planning Sub-Committee
Date	30 November 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Daubeney, Fisher, Galvin, Orrell, Webb and Looker (Substitute)
Apologies	Councillors Craghill, Melly, Waudby and Lomas (Substitute)

30. 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 Fisher declared that Cllr Pearson, who was to speak in objection on the 29 Station Road, Haxby, York, YO32 3LU's application, was his nephew. Since Cllr Pearson was speaking as Ward Councillor and had no personal interest in the item himself, it was deemed that Cllr Fisher's interest was not prejudicial or pecuniary.

31. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 12 August 2021 and 11 November 2021 be approved and then signed by the Chair as a correct record.

Cllr Crawshaw raised a point of order regarding the minutes for 11 November 2021 and stated that he felt uncomfortable with the recording of Member's voting decisions at their own request. This was noted by the Chair. Cllrs Fisher and Orrell stated that individual Member votes could be recorded at their request as per the Constitution.

During the meeting it was established that due to a typographical error, the Reasons for items 19 and 20 for the minutes of 12 August 2021 had been transposed.

32. 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.

33. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

34. 29 Station Road, Haxby [21/02026/FUL]

Members considered an application which sought permission for the conversion of the existing property into two dwellings with associated extensions and alterations including a new access from Ash Lane.

The Development Manager gave presentation on the application, noting that it was a resubmission of application 20/01958/FUL which had previously included a detached dwelling to the rear garden. He explained that the application had been refused at sub-committee in August 2021 on the basis that the proposed single story dwelling was out of character for the area. The new application had removed the detached dwelling.

In response to Members' questions, the Officer confirmed the garden boundaries.

Public Speakers

Paul Lee spoke in support of the application as the owner of the property. He confirmed the garden size for one of the proposed properties would be 110 square metres, including parking and storage, he explained that he had not found any planning guidance in York for garden sizes and that close neighbours had 96 and 60 square metres. Access would be via a private drive and that a very small number of vehicles, pedestrians use the lane on a daily basis. He confirmed that the 3rd dwelling had been removed due to feedback from Members on the last application.

Richard Bailey spoke in opposition to the application as a local resident. He raised concerns regarding the size of the plot, the outlook for 1 Cedar Court and the access via Ash Lane. He

suggested that parking places to the front of the property would be more appropriate and in keeping with existing properties.

Cllr Edward Pearson spoke in objection to the application as Ward Councillor on behalf of local residents. He suggested that the figures provided by the first speaker did not take into account the front gardens of neighbouring properties. He noted that the application had removed the detached property but had not addressed the concerns of the Committee regarding garden size. He asked that Members consider conditioning parking at the front of the property and a more equitable split of the garden. He suggested that the application could be accepted with conditions.

In response to questions from Committee Members, Cllr Pearson stated that the houses close by had front and back gardens and that three houses on one driveway, with further access for two of the properties via a narrow lane, was dangerous and that there was no pedestrian access.

The Development Manager noted the following in response to further questions from Members:

- Should the dwelling that had been dropped from the application come back for planning permission in the future, the application would be considered on its merits at the time. Granting planning permission to the current application would not weaken the authority's position in the future.
- It would be considered unreasonable to refuse the application based on a different refusal reason as there had not been any material changes to the application apart from the removal of the single storey dwelling and it was that dwelling that had been the basis of the previous refusal.
- There was no local policy that stipulates minimum garden size.

Cllr Webb asked the Chair to consider whether Cllr Fisher was pre-determined based on his comments on the application at the planning meeting of 12 August 2021. The Chair took the view that Cllr Fisher was not pre-determined and made it clear that it was the responsibility of Cllr Fisher to decide if he was or not. Cllr Fisher stated that he had been expecting the gardens to come back to planning more evenly divided and that he was still undecided on the application.

It was moved by Cllr Galvin and seconded by Cllr Webb to approve the application. Cllr Orrell then enquired about a 'no bonfire'

condition. The Development Manager confirmed that an informative could be added referring to the Control of Pollution Act 1974, which included the exclusion of bonfires. Cllr Galvin, as the mover, accepted this proposal. Following a vote, the motion was carried unanimously by the Committee Members and it was therefore:

Resolved: That the application be approved subject to the conditions in the report, with the added informative regarding the Control of Pollution Act.

Reason: The proposed subdivision and extension to no. 29 was not considered to harm the appearance of the dwelling or cause significant impact to neighbour amenity. The newly created dwelling would be within a sustainable location, utilising an existing access lane which, given the modest additional vehicle movements, would not cause harm to highway safety. The proposals thereby comply with the National Planning Policy Framework and with Publication draft Local Plan (2018) policies D1, D11, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

35. 27 Lock House Lane, Earswick [21/01755/FUL]

Members considered an application that sought permission for various additions to a two storey detached dwelling in Earswick. The proposed scheme included:

- Single storey front extension to form an entrance hall and open porch.
- Single storey rear extension, spanning the space between two existing rear offshoots, with terrace above accessed from the first floor of the existing dwelling.
- Dormer to the rear roof slope of the existing house.
- One-and-a-half storey side extension to the main dwelling, linking the house to an existing detached garage. This extension would incorporate a dormer to the rear and a dormer to the front roof slope.
- Existing garage extended to the front and rear and increased in height, with a dormer to the side and a dormer to the rear roof slope, to facilitate additional accommodation within the additional roof space.

The Development Manager gave a presentation on the application and then clarified the plan in response to questions from Members.

There was a brief adjournment between 18:12 and 18:20 whilst the Development Manager sought to clarify if the Earswick Neighbourhood Plan had been considered in the writing of the report.

[Cllr Webb left the meeting during the adjournment]

Following the adjournment, the Development Manager confirmed that there were no policies in the Neighbourhood Plan that were material to the planning application. He also confirmed that the extension would be brick to match the existing building.

It was reported by the Chair that there were no public speakers registered to speak in support or objection this application and members indicated that they had no more questions to ask on the application. Cllr Galvin immediately moved to approve the application and this was seconded by Cllr Fisher. A vote was taken and by unanimous approval it was:

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

Reason: The proposal is considered to be appropriately designed and does not harm the appearance of the streetscene or residential amenity. It would comply with the National Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018, policy H7 of the 2005 Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

Councillor Andrew Hollyer, Chair

[The meeting started at 5.30 pm and finished at 6.27 pm].