
Meeting	Area Planning Sub-Committee
Date	4 July 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Lomas, Melly, Orrell, Waudby, Webb and D'Agorne (as a substitute for Cllr Craghill)
Apologies	Councillor Craghill

8. 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 Cullwick declared that he manages a small number of HMOs but did not consider it to be a prejudicial interest.

9. Minutes

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

10. 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.

11. 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.

12. 25 Bedale Avenue, Osbaldwick [18/02806/FUL]

Members considered a full application from Mr Sullivan for a two-storey rear extension, single storey side and rear extension, hip to gable roof extension with rear dormer and detached cycle and bin store to rear, in connection with existing use as a House in Multiple Occupation.

Officers updated the committee on the application and mentioned an additional objection and a dismissed appeal.

Members questioned officers on whether it was possible to add a 'working time' condition and why this was not considered normal practice for extensions. Officers stated that it was down to necessity and that there is separate legislation designed to deal with that issue. It was noted however, that it was within the rights of the committee to impose such a condition.

Cllr Warters, ward Cllr for Osbaldwick, then addressed the committee. Cllr Warters made the following comments regarding the application.

- That the additional parking bays in the application would make access increasingly difficult for both the occupants and neighbours.
- That the proposed extension is overdevelopment of an HMO.
- That the application of planning policy is subjective and it could easily be said that the policies that have been used to support this application could also be used to refuse the application.
- Refusal from this committee would set a clear marker for HMO development over the next four years.

In response to questions from Members, Cllr Warters noted a recent appeal that had been upheld regarding HMO's in the Hull Road Ward.

During debate, Members highlighted the following points:

- That the amount of sunlight that the rear of the neighbouring property would receive was over-generous in the report.
- That the extension was not in-keeping with neighbouring properties and would be overbearing.
- That the appeal in the Hull Road Ward is relevant, particularly with regard to the increased noise and

disturbance that a single extra occupant at an HMO could cause.

It was noted that the number of occupants and bedrooms could be increased under permitted development rights. Officers also noted that the appeal in the Hull Road Ward was different as it involved a change of use to a large HMO outside of use class C4.

Members felt that it would be difficult to refuse this application on HMO grounds (increasing the number of occupants), however Members felt that the proposal would be overdevelopment that would dominate the neighbouring property.

It was moved and seconded that the application be refused, and it was therefore:

Resolved: That the application be refused

Reason: The scale and design of the proposal dominates and is out of character with the traditional design of the house. It is harmful to the visual appearance of the area contrary to policies H7/GP1, D1/D11, Supplementary Planning Documents and the NPPF;

The two-storey element of the proposal has an overbearing impact on the neighbouring property.

13. Applefields School, Bad Bargain Lane [19/00712/GRG3]

Members received an application for General Regulations from Alison Kelly for the change of use from double garage to design technology teaching space and installation of additional security fencing.

Officers informed the committee that the objector had now withdrawn their objection.

It was moved and seconded that the application be approved, and it was therefore:

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

Reason: The proposed conversion would provide improved facilities for the school. The type of equipment that would be used would be unlikely to result in loss of amenity to neighbouring properties. On this basis, the proposal is considered to comply with policies D11 and ED6 of the Publication Draft Local Plan and policies GP1 and ED1 of the Development Control Local Plan.

1a) 10 Vicarage Lane, Naburn [19/00829/FUL]

Members considered a Full Application from Mr Andrew Holmes for a two storey side and rear extension which was a resubmission of application 18/01761/FUL.

Officers noted that this application was recommended for refusal as the application site was considered within the Green Belt and therefore Green Belt policies had been applied. Officers highlighted that changes to the wording of the NPPF guidance have affected the development of 'washed over' areas within the Green Belt.

Mr Andrew Holmes, the applicant, then addressed the committee. Mr Holmes highlighted that the Parish Council and neighbouring properties were all in support of the application. Mr Holmes also highlighted extensions on neighbouring properties that would have been tested under policy GB2 when Naburn was considered 'washed over' and stated that the distances between the boundary and neighbouring properties would be larger in this instance and that it would not therefore impact the openness of the green belt.

Ms Anne Clark then addressed the committee on behalf of Naburn Parish Council. Ms Clark was concerned that the planning process would be unfair on the applicant in this instance due to the extensions that have previously been allowed on this street. Ms Clark also stated that too much weight was being given to green belt considerations, particularly in an area in which until recently was considered washed over. Ms Clark concluded that the Parish Council deemed this an adequate and acceptable extension.

During debate, members made the following points:

- That this application seemed to be a sympathetic extension that would have little impact on street scene
- That whilst it was possible to argue whether Naburn should be in the green belt, the overturning of the recommendation would set a precedent for future applications within the green belt.
- Members sympathised with both the applicant and the parish council on the need to keep young families in the village.

Officers noted that should Members wish to approve the application, it would be necessary to find very special circumstances that outweigh the harm to the green belt.

Some Members noted that they felt that very special circumstances would be difficult to justify, however were more inclined to suggest that this extension was not disproportionate and would not harm the green belt. Officers clarified that whilst Members can have this view, the NPPF stated that the development of buildings within the green belt is inappropriate and the test of whether an exception could be made, could only be made in this instance if Members could argue that the extension was not disproportionate to the original size of the building.

It was moved by Cllr Galvin and seconded by Cllr Fisher that approval be granted on the grounds that the application is not disproportionate development in the green belt. On being taken to the vote, the motion was lost by 5 votes to 6.

It was then moved by Cllr Cullwick and seconded by Cllr Crawshaw that the application be refused, on being taken to the vote, the motion was carried.

It was therefore:

Resolved: That the application be refused

Reason: The application site is within the Green Belt. It is considered that the proposed extensions would result in a disproportionate addition over and above the size of the original dwelling and thus represent inappropriate development in the Green Belt. Whilst the proposal would enhance the amenity and living

conditions of the existing occupants, it is not considered that this factor constitutes very special circumstances that would outweigh the harm to the Green Belt and the other harms identified.

14. Poppleton Community Centre, Main Street, Upper Poppleton [19/00186/FUL]

Members considered a full application from Mr J Lister for the installation of 8 floodlights at Poppleton Lawn Tennis Club.

Mr Gavin Douglas then addressed the committee, speaking in objection. Mr Douglas stated that street lighting levels and community centre lighting is low and that the lighting levels suggested in this application are high for a community tennis club.

In response to member questions, the officers clarified that the Lawn Tennis Club's lighting requirements were not taken into consideration by the Planning Authority and that there had been no objections from the Environmental Health Team, although condition 4 in the report had been added on the advice of Environmental Health.

Officers clarified for Members that the Environmental Health Team would be responsible for checking the levels of lighting should there be any sign of a breach of condition 4.

It was moved and seconded that permission be granted and it was therefore:

Resolved: The approval be granted subject to the conditions listed in the report.

Reason: The proposed development of the floodlights to the existing tennis court is considered due to its siting and design to not harm the openness of the Green Belt or the purposes of including the application site within the general extent of the Green Belt. The proposal is also considered to be acceptable in terms of the impact on the street scene, the impact on the character of the adjacent conservation area, highway safety and on local ecology. With regard to

residential amenity, subject to conditions regarding lighting levels, restricting the use of the floodlights to no later than 2000 hours and to the use as tennis only, the proposal is considered acceptable.

Cllr A Hollyer, Chair

[The meeting started at 16:30 and finished at 18:30].

DRAFT