

Meeting	Area Planning Sub-Committee
Date	26 May 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Webb, Perrett and D'Agorne (Substitute) and Waudby (Substitute)
Apologies	Councillors Cullwick and Craghill

54. 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. None were declared.

55. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 30 March 2021 be approved and then signed by the Chair as a correct record.

56. 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.

57. 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.

58. 45 Lea Way, Huntington, York [20/00089/FUL]

Members considered an application for the erection of 5no. detached dwellings with new access and associated

landscaping following demolition of existing semi-detached bungalow and detached garage.

Officers gave a presentation based upon slides on agenda pages 41-57 detailing existing and prospective site plans, floor plans and elevations. A correction was noted in paragraph 5.35 and 6.21 to include the removal of a Sycamore (T1). An additional written representation from a neighbour was considered by all members. An update to conditions and informative was provided should the application be approved.

In response to Members questions it was confirmed:

- The application site is not in the green belt.
- A building regulations consent would be required for the demolition and works to construct a new external wall.
- The width of the access was acceptable for a minor housing development of 5 houses.
- There would be some risk to trees during construction but protection would be in place.
- Clarification of the Party Wall Act 1996 in regards to property boundaries, insulation and conflict resolution for the affected neighbour, outside of the planning process.

Public Speakers

Cllr Keith Orrell spoke in objection of the application with concern for the neighbour stating that the Party Wall Act 1996 does not provide adequate protection. He stated the application is resulting in loss of green land which is not in line with the Local Plan, removal of trees and impact on wildlife, lack of green space for a residential area, and issues with sewage.

Mark Andrews spoke in support of the application, as the agents speaking on behalf of the applicant. He explained the extensive consultation process and the substantial difference to the previous application. The development would provide a variety of dwellings including bungalows suitable for the local market and enhancing buyer diversity and visually in line with streetscape and nearby developments. He confirmed access routes and parking have been approved, ample clearance for Root Protection zones for the TPO's with additional tree and hedgerow planting, and the construction would be sensitive to the affected neighbour in line with Party Wall Act 1996 and building regulation standards. In response to Member's questions it was confirmed that the boundary for the affected

neighbour would be extended externally in line with building regulations for insulation.

In response to further questions from Members, officers confirmed:

- The landowner would be responsible for any ongoing tree and hedgerow maintenance and replacement.
- Condition 7 requires the junction meeting Leeway to be built to a standard approved by the local authority.
- It was not in the remit of Planning authority to enforce a condition or informative requiring the transfer of land when increasing the internal to external wall size. Planning had no power to compel any changes in ownership.
- The requirement for 8 replacement trees is covered by the Landscape Condition and TPO.

After debate, Cllr Webb moved, and Cllr Crawshaw seconded that the application be approved due to it being an application for a sustainable development providing housing options where there is a shortage in York.

Resolved: That the application be approved subject to:

- (i) Amended conditions and informative as set out in the update

New Condition treatment of side elevation of 47

Condition 27

Prior to the demolition of 45 Lea Way details of the proposed external finish of the proposed newly exposed side wall, chimney and eaves of 47 Lea Way and the time scale for such works to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To protect the appearance of the streetscene.

New Conditions relating to the provision and retention of a barrier around the landscaped area at the north of the site.

Condition 7

Prior to the occupation of any of the approved dwellings details of the location and design of the protective barrier to be erected around the landscaping and protected trees at the north of the site shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be erected as approved

prior to the occupation of any dwellings and thereafter shall be retained as approved.

Reason: To protect the landscaped area from encroachment by vehicles

Updated landscaping condition to take account of reference to the protective barrier being in new condition 7.

Condition 5

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, hedgerows and shrubs to be retained and planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or hedgerows on the application site as a whole and any other plants outside of private gardens which thereafter are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the species within the site and that they are retained in the interests of the character and appearance of the area.

New Informative

5. INFORMATIVE - THE PARTY WALL ETC ACT 1996

The proposed development, including demolition works may involve works that are covered by the Party Wall etc Act 1996. Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 5.28 pm].