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Meeting	Area Planning Sub-Committee
Date	6 November 2014
Present	Councillors Watson (Chair except Minute Item 31), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen (Chair for Minute Item 31), Merrett and Watt
Apologies	Councillor Galvin

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Site	Visited by	Reason for Visit
Brook House, Main Street, Elvington	Councillors McIlveen, Watson and Watt	As the recommendation was for refusal and because it had been called in by the Ward Member due to support from the Parish Council.
1-12 Kensal Rise	Councillors McIlveen, Watson and Watt	As the recommendation was for approval, had been called in by the Ward Member and objections had been received.
The Memorial Hall, 16 The Village, Haxby	Councillors McIlveen, Watson and Watt	As the recommendation was for approval, had been called in by the Ward Member and objections had been received.

## **28. 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 Gunnell declared a personal non prejudicial interest in Agenda Item 3b (Minute Item 30b refers) as she had known one of the public speakers in her childhood.

No other interests were declared.

## **29. 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.

## **30. Plans List**

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

### **30a) Brook House, Main Street, Elvington, York. YO41 4AA (14/01720/FUL)**

Members considered a full application by Mr and Mrs J Benson for the erection of a two storey dwelling with a detached garage (resubmission).

Officers informed Members in an update to their report that;

- In addition to the 2009 refusal outlined in section 1.4 of the report a planning application was submitted for a new dwelling and garage in May 2014 (14/01084/FUL). The application was withdrawn in July 2014. This scheme had a larger footprint and was taller than the current proposal.

- That an addition should be made to paragraph 4.11 in that Section 72 of the 1990 Planning (Listed Buildings and Conservation) Act contains a general duty to pay special attention to the desirability of preserving or enhancing the character of appearance of the area.
- No further correspondence had been received since the writing of the report.

Questions from Members related to the trees on the site. In response Officers stated that there would be provision for replanting of trees at the front of the property. However, they felt that this would not adequately replace those which would be lost.

Representations in support were received from the applicant, Fiona Benson. She explained that following advice from Officers she had reduced the footprint of the proposed house and the eaves and height. She felt that these measures would keep the house hidden from view. She added that the trees that were currently on the site had a limited useful lifespan and that by leaving the site overgrown this would have a detrimental effect on the adjacent village hall.

In response to a Member's question, the applicant responded that the sycamore tree would be removed from the site but that there would be additional trees planted as a replacement. The trees that overhung the village hall would have to be removed on safety grounds.

Representations were received from the Chair of Elvington Parish Council. He informed the Committee that the land plot on which the proposed building would be constructed had in his view become an untidy piece of wasteland. He stated that the Parish Council supported the application because they felt its design and landscaping would enhance the village.

During discussion some Members felt that the land on which the development would not detract from the Conservation Area. Others felt that the trees on the site needed management, for example the sycamore tree in particular damaged foundations.

Councillor Watt moved approval of the application, Councillor Douglas seconded this.

On being put to the vote this motion was lost.

Resolved: That the application be refused.

Reason: The landscaped and treed character of the application site and its immediate surroundings is important in providing an attractive natural backdrop to the village hall and also in terms of forming part of the intact landscaped approach to the heart of the village. It is not considered that the proposed dwelling could reasonably co-exist with significant planting within and around the site and as such the introduction of the building would detract from the appearance of Elvington Conservation area. The proposal therefore conflicts with Policies GP1 (criterion a and e) H4a (criterion d), HE2, HE3 and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and advice in chapter 12 of the National Planning Policy Framework.

**30b) 1 Kensal Rise, York. YO10 5AL (14/01857/FUL)**

Members considered a full application by Mr David Jones for an additional storey to accommodate 6 no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise.

In their update to Members, Officers informed them that following the site visit the applicant had provided the following information;

- The gravel parking spaces in the south west corner of the site are accessed from the highway via the tarmac hard standing which served the garage owned by occupiers of the flat 1, Kensal Rise. This is an existing arrangement that had worked for a number of years under the control of flat 1 and the applicant did not foresee any future issues with the addition of the six roof top flats.
- The three proposed visitor parking spaces accessed from the turning head would be for private use only, for both existing and proposed flats. The three proposed visitor parking spaces will be managed by the residents of the flats through the residents association.

- The three proposed visitor parking spaces accessed from the turning head would create a level difference of about 0.5 metres between the front garden and the parking spaces. The level difference would need a retaining wall and a 1.2 metre fence to prevent the possibility of someone falling. This would meet the requirements of the Building Regulations.
- That a full photographic condition survey of Kensal Rise flats and the road would be undertaken prior to construction.
- The two balconies fronting Kensal Rise and the side balcony with potential views into the rear garden of No. 14 Kensal Rise would all have restricted access through the use of fixed glazing and windows. See drawing 870.12.B Proposed Floor Plans and 870.13.B Proposed Elevations and Sections.
- The Freeholder/owner of the flats had a duty/legal obligation to maintain a proportion of the road.

The other freehold owners accessed from Kensal Rise had a duty/legal obligation to maintain the remainder.

- With regard to the potential for washing lines erected on the proposed balconies, communal washing lines/rotary driers would be provided within the rear hard standing areas in required. The applicant was happy for this to be conditioned.
- With regard to potential construction noise and nuisance the appointed main contractor would be notified of his duties to the neighbouring properties and would be asked to make contact with potentially affected properties. This would be monitored through site meetings.

It was also reported that Members and the public were concerned that the use of the existing hardstanding next to flat 1 for additional parking would be dangerous because it would result in cars reversing out on to Cemetery Road.

The Council's Highways Officers did not object to the use of the hardstanding for parking because it was an existing situation, the space could only accommodate up to three cars, and cars using it would be unlikely to reverse out on to Cemetery Road as it would be just as easy to exit Kensal Rise in forward gear.

Officers recommended that as the only new section of the fence was around the three parking bays at the turning head they recommended that if Members approved the application, that the proposed condition 6 (requiring details of all boundary treatment) be amended.

Representations in objection were received from a local resident, Coral Fisher. She felt that Kensal Rise was very narrow and would not be able to support additional traffic. She commented in response to questions posed by Members that she would support additional parking spaces at the turning head as long as these were available for all residents to use. She stated that she would be happier if the fence around the three visitor parking spaces was the same height, this was because she felt reluctant to have a view of the fence as other fences in the area had not been maintained well.

Representations were received from the Chair of Fishergate Planning Panel, Michael Wills. He expressed a number of concerns relating to parking and the road conditions of Kensal Rise. He highlighted that a single parking space in front of a garage had been shown on the applicant's plan and expressed a concern that this would be knocked down in order for more parking spaces to be inserted. He felt that if the development was not approved that the existing site would be severely damaged, delivery vehicles would block people in and the road would not be wide enough to pass.

Representations were received from the agent, Phil Rickinson. He felt and informed Members that the building needed maintenance and in the roof's case constant maintenance, the existing steps up the back of the building were not visually appealing. He added that the applicant was responsible for the half frontage of the road but that they did not have control over the area of hardstanding.

Members were informed that if approved a construction management plan could specify that the Kensal Rise entrance to the site not be used by construction vehicles but that the rear entrance could be used instead.

Some Members felt that although they accepted there was a housing need that they were not happy about road safety on the junction and who would have the responsibility to maintain the site.

In relation to the suggested construction management plan, it was noted that the Council would not be able to enforce the condition if construction vehicles used Kilburn Rise. Officers could only encourage the applicant to adhere to a construction management plan.

Resolved: That the application be approved subject to a Section 106 agreement and to the following amended and additional conditions;

6. The proposed 0.5m-high retaining wall and 1.2m-high fence around the proposed visitor parking bays at the eastern end of Kensal Rise shall match the existing boundary wall/fence along Kensal Rise in colour, appearance and materials.

Reason: In the interests of the visual amenities of the area.

Additional Condition:

10. Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;
  - the routing that will be promoted by the contractors to use main arterial routes and avoid the use of Kensal Rise and the peak network hours
  - where contractors will park
  - where materials will be stored within the site
  - measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of users.

Reason: The proposal accords with national planning policy set out in the National Planning Policy Framework and relevant policies of the 2005 City of York Development Control Local Plan. The proposal is acceptable. The application requires a contribution of £5744 towards open space.

**30c) The Memorial Hall, 16 The Village, Haxby, York. YO32 3HT (14/01982/FUL)**

Members considered a full application by Haxby Town Council for alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, and 3no. dwellings (use Class C3) between 66 and 68 North Lane (resubmission).

In their update to Members Officers reported that in respect of the relationship of the proposed Library Extension with 12 The Village, the existing boundary treatment consisted of a mix of 1.2 metre brick wall, 1.8 metre high hedge and 1.8 metre high close boarded timber fence. An access path had been proposed for maintenance purposes along the eastern elevation of the proposed extension. The important section in terms of potential impact upon the residential amenity of the neighbouring property related to the rear north eastern section where any overlooking would be effectively mitigated by the proximity of the close boarded fence at the boundary.

They also commented that the application site was a building of significant townscape merit within the Haxby Conservation Area but not individually Listed. Section 72 of the 1990 Planning (Listed Buildings and Conservation) Act laid out a requirement to give special attention to the desirability of preserving or enhancing the character or appearance of the area.

Representations were received from Chris Moss, the treasurer for Haxby Memorial Hall.



He reported that the layout of the current hall was not flexible, in that there had been an increase in the number of larger bookings, and therefore the need for a larger hall. The trustees of the hall were particularly happy about the move of the library as they felt it would increase its use by the public. He clarified that the other houses at the end of the application site would be for rent, the new meeting room would be available for hire and that the building at the North Lane end would be used for storage.

Representations were received from Councillor Richardson the Ward Member. He expressed his support for the application and stated that it would provide a public hub and better facilities for Haxby.

Some Members felt that the application was particularly imaginative and would provide a local employment opportunity through the provision for a craft unit.

Resolved: That the application be approved subject to a Section 106 agreement.

Reason: The proposed extensions would be sympathetic to the existing in terms of their pattern of scale and massing and would secure the character and appearance of the Conservation Area. At the same time the proposed dwellings accessible from North Lane and the craft units would be to a subtle traditional design. It is felt that the proposed work would have a minimal impact upon the residential amenity of the adjoining properties and surface water drainage can be improved from the current situation. A commuted sum of £2508 is required in lieu of the provision of open space and a sum of £500 in respect of improvements to the adjacent bus stop which may be secured against a Unilateral Obligation. The proposal is therefore felt to be acceptable in planning terms.

### **31. Appeals Performance and Decision Summaries**

Following the departure of the Chair before consideration of this item and in the absence of the Vice Chair, the Committee elected Councillor McIlveen as Chair.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 July to 30 September 2014, and provided a summary of the salient points from appeals determined in that period.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Councillor B Watson, Chair  
[The meeting started at 2.00 pm and finished at 3.50 pm].