

Meeting	Planning Committee B
Date	10 November 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Crawshaw, Daubeney, Fisher, Orrell and Webb (Substitute for Cllr Perrett)
Apologies	Councillors Craghill, Galvin and Perrett
In Attendance	Gareth Arnold (Development Manager) Ruhina Choudhury (Senior Solicitor, remote) Sharon Jackson (Development Management Officer)

36. Declarations of Interest [16.31]

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

37. Minutes [16.31]

Resolved: That the minutes of the last meeting held on 17 October 2022 were approved and then signed by the Chair as a correct record.

38. Public Participation [16.32]

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

39. Plans List [16.32]

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and

relevant policy considerations and setting out the views of consultees and officers.

40. 6 Garrow Hill Avenue, York, YO10 3HY [22/00513/FUL] [16.32]

Members considered a full application from Nejla Aslan for a single storey side and rear extension with bin store to rear at 6 Garrow Hill Avenue, York.

Following a presentation on the application from the Development Manager, he was asked and confirmed that:

- The wall between the kitchen and dining room on the proposed floor plan denoted where the wall would be taken out.
- The increase in footprint and overall volume had not been calculated and there was nothing in the guidance to require it.

Public Speakers

Ben Powell spoke in objection to the application. He explained that over recent decades the community structure had eroded as houses became Houses of Multiple Occupation (HMO). He noted that 14 out of 27 residents had objected to the application and outlined their concerns regarding the impact of the extension.

Cllr Pavlovic, Ward Councillor, spoke in objection to the application on behalf of nine residents on Garrow Hill Avenue, who were concerned about the changing nature of the street. He explained that the house extension would be overwhelming and he outlined the reasons an application for the property had been refused in 2008. He noted that the ensembles had been taken out of the revised plans and it still resembled a HMO. He asked Members to refuse the application on the grounds of it being harmful to the area. In answer to Member questions, he explained that:

- On the Newton Park estate, 47% of properties were HMOs, most of which being pre Article 4 Direction. There were a number of enforcement cases on family homes being converted to HMOs.
- It was not possible impose a condition that the house couldn't be used as an HMO because a new planning permission would be required in any event. He added that his objections were on the size of the extension.

Emrah Ozan (Agent for the Applicant), spoke in support of the application. He noted the concerns during the consultation period that the house would be a HMO. He noted that all issues had been resolved and his client had no intention to use the house as a HMO as it would be lived in as a family home. He added that the application was different to the 2008 application

and that the previous application sought permission for a two storey extension which had been changed to one storey. In response to Member questions, he explained that:

- The kitchen and dining room were open plan and the living arrangements for the two families in the property was outlined.
- How the living room would be used.

During debate, the Development Manager was asked and explained the reasons for refusal of the 2008 application for a freestanding, two storey, two flat building. Following debate, the Chair moved the Officer recommendation to approve the application. This was seconded by Cllr Orrell. A vote was taken and with four votes in favour and three against, it was;

Resolved: That the application be given householder approval.

Reason: The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the City of York Publication Draft Local Plan 2018, policy H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

41. 19 Hillcrest Avenue, Nether Poppleton, York, YO26 6LD [22/00731/FUL] [[17.05]

Members considered a full application from Gareth Ede for the Erection of detached dwelling with integral garage following demolition of dwelling at 19 Hillcrest Avenue Nether Poppleton York YO26 6LD.

The Development Manager outlined the application and gave a presentation on it. In response to Member questions, he clarified that:

- The proposed roof ridge was further back than existing.
- The bricks from the existing building would be used as far as possible. The reuse of the bricks was included in the approved plans.
- The heat pump was in the plant room at the back of the building.
- Passivhaus could not be conditioned and there could be a condition in line with the 2021 building regulations.
- It was the intention of the applicant to install micro solar tiles on the roof. It was not known whether this would change the brown/red nature of the roof tiles as this was not part of the planning application.

Public Speakers

The Chair read out a written statement from Colin Wood (registered to speak, and unable to attend the meeting), in objection to the application.

David Partington spoke in objection to the application. He explained that all buildings on Hillcrest Avenue were consistent and that the new building was not consistent and that that section of the avenue was not suitable location for it. He noted there had been 23 objections to the original application and many for the revised application. He noted that the application did not fit in with the consistent design of Hilcrest Avenue.

The Applicant, Gareth Ede, spoke in support of the application. He stated that the bungalow was a tired 1970s building in need of renovation. He explained that renovating the existing building would not achieve an energy rating of C, whereas new build would create a passivhaus standard of building. He explained how the building would be constructed and would exceed building regulations. He added that the building would be net zero carbon to run and that under the NPPF there was a presumption for sustainable development. He noted that the streetscene was a mix of houses with the only consistent elements being the brick façades and tiled roof, which the new building would have. In answer to a Member question, he explained that regarding the use of photo voltaic tiles he wanted to generate his own electricity with no reliance on the grid.

Members then asked the Development Manager further questions to which he responded that:

- The general design ethos of the street was a buff yellow brick with a variety of roof tile shades.
- The building could not be demolished without permission but there was nothing in the policy preventing demolish and rebuild in terms of sustainability.
- In respect of how much weight could be given to the appearance of the street scene, he outlined policy PNP 6a regarding the design and visual appearance and policy PNP 4 on the village design statement.

Following debate, Cllr Webb moved the officer recommendation to approve the application and an added condition regarding sustainability. This was seconded by Cllr Fisher. A vote was taken with a unanimous vote in favour it was;

Resolved: That the application be approved subject to the conditions outlined in the report and an added condition regarding sustainability.

Reason: The application site lies within the village of Nether Poppleton in a sustainable and accessible location and in a predominantly

residential area. The proposed new dwelling will be an embodied low carbon “Passive – Standard” bungalow with integral garage which would contribute to National Governments incentives for reducing carbon emissions. In the planning balance, it is considered that by virtue of the design changes made to the proposal and the introduction of re-claimed materials to highly visible elevations would be likely to appropriately integrate into the prevailing character and appearance of the street scene. Moreover, the revised plans appear more compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of light and privacy will be retained. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with policies PNP4, PNP6a and PNP11 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, The National Planning Policy Framework (NPPF), the Emerging Draft Local Plan 2018, and the Development Control Local Plan 2005.

42. York College, Sim Balk Lane, York, YO23 2BB [22/01278/FULM] [17.36]

Members considered a major full application from Geoff Wroe for a two storey side extension to the construction centre at York College, Sim Balk Lane, York.

The Development Manager outlined the application and gave a presentation on it. He advised Members of an update to paragraph 5.16 of the report and noted that the proposal would not increase staff or student numbers. He was asked and clarified where the roof lights were located.

Cllr Webb moved the officer recommendation to approve the application. This was seconded by Cllr Crawshaw and following a unanimous vote it was;

Resolved: That the application be approved.

Reason: The proposal is for a two- storey extension to The Construction Education Centre at York College. Policy ED7 of the emerging DLP supports development for future expansion to the site and sufficient land has been identified on the DLP proposals map to facilitate anticipated growth of York College and continued delivery of its facilities in one location. The extension will provide additional workshops to practice practical manual trade

skills and additional classrooms for academic studying and more office space. The proposal has been advanced as a permanent solution to the existing temporary marquee to accommodate students enrolled with the construction faculty. The extension is of an appropriate scale and design and would not harm the character of the area. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with the National Planning Policy Framework (NPPF) and the Emerging Draft Local Plan 2018, with particular reference to policy ED7.

43. 56 Westminster Road, York, YO30 6LY [22/01631/FUL] [17.44]

Members considered a full application from Mr Jones for a Single storey side and rear extension, loft conversion and dormer to rear, and raised terrace to rear following demolition of existing detached garage at 56 Westminster Road, York.

The Development Manager gave a presentation on the application. Members then asked a number of questions to which he responded that:

- The neighbour's garden could be seen over the 1.4m wall.
- The grey line on the plan showed the existing ground level of the garage. It was clarified that there was a window on the back of the existing garage.
- The 1.4m height of the garden wall was submitted by the applicant.

Public Speakers

Margaret Richardson spoke in objection to the application. She explained that Westminster Road consisted of semi detached houses with garages. She noted that the proposed extension would turn her garden path into a narrow passage. She explained that the kitchen was a habitable room as they ate in it. She added that the proposed garden wall would not stop people looking into their garden and that the new terrace was 115cm away from the terrace on their house and would mean there was a view straight onto their terrace, kitchen, and living room/snug. In response to Member questions, she explained:

- The entrance to her kitchen.
- Her concern regarding the creation of a narrow passageway, and that there was nothing like it on the street.
- She accepted that the platform would be used as seating, and she added that next door was a higher elevation than their house.
- The new terrace was 45 inches from their terrace.

The Development Manager was then asked and explained that the kitchen was classed as a habitable room if it was used as a dining kitchen. He was asked and confirmed that if not connected to the rear the extension would be permitted development. He was asked if the width of the alley was a change in amenity and he explained that the issue was with outlook, which was something to consider as it had an impact on the house.

The Chair moved the officer recommendation to approve the application. This was seconded by Cllr Melly. Following a vote with six in favour and one abstention it was;

Resolved: That the application be given householder approval.

Reason: The proposed works will respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework, Publication Draft York Local Plan 2018, City of York Council Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

Cllr A Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.11 pm].

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