

Meeting	Area Planning Sub-Committee
Date	5 December 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Lomas, Melly, Orrell (present for agenda items 1, 2, 3, 4,4c,4d,4b), Waudby (present for agenda items 1, 2, 3, 4,4c,4d) Webb and Baker (present for agenda items 1, 2, 3, 4,4c,4d,4b),
Apologies	Councillor Craghill

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### **39. 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.

### **40. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 7 November 2019 be approved and then signed by the Chair as a correct record.

### **41. 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.

### **42. 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.

The planning applications were considered in the following order: 4c, 4d, 4b and 4a.

**42a) Principal, York Station Road, York, YO24 1AY  
[19/01322/FULM]**

- Note: (i) There was a short adjournment at 6:40pm for 5 minutes prior to discussion and debate on this item.  
(ii) At this point at 6:40pm, Cllrs Baker and Orrell left the meeting.

Members considered a full application from Mark Leary, for the erection of a 4-storey extension to create 45 bedrooms and reception/entrance space and to reconfigure car parking and landscaping.

Officers provided members with an oral update on the application and reported an amendment to condition 14, as a plan detailing the tracking of a delivery vehicle using the turning head was awaited (amended condition can be found as a supplement to the agenda and in the resolution below).

During debate members raised concerns regarding: (i) safety at the turning point and (ii) ensuring that trees removed would be replaced and replanted at the most suitable location.

In response to concerns raised by members, the Conservation Architect assured them that the proposals on this site posed minimal harm to the conservation area.

It was moved and seconded that the application be Approved as set out in the officer report with the amended condition 14.

Members requested that officers investigate if the position of the turning head could be relocated and delegated this to officers. Members also requested that details of landscaping be decided in conjunction with the Chair and Vice-Chair.

It was therefore:

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

With the addition:

- (i) That decisions in relation to a revised turning area be delegated to the Head of Development Services.
- (ii) An amendment to condition 14, this now reads as follows:  
No part of the site shall come into use until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.
- (iii) Landscaping details including additional tree planting to be agreed with the Chair and Vice-Chair.

#### Reasons

- (i) This proposal is the resubmission of a scheme granted planning permission in June 2016 with some minor changes relating to the landscaping to accommodate a revised turning head. The local plan context has changed since the original submission and the relevant policies of the Emerging Plan have been detailed. It is considered that there has been no material changes to the policy content in the intervening period to the 2016 approval to warrant a different appraisal of the scheme.
- (ii) The application would provide 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. There would be some minor harm to designated heritage assets, i.e. the setting of the Royal York Hotel and the Central Historic Core Conservation Area. Having attached considerable importance and weight to the desirability of avoiding such harm, the local planning authority has concluded that it is outweighed by the application's public benefits of improving the conference facilities at this premium hotel and by the new building

having been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced. All other issues are satisfactorily addressed.

- (iii) The application accords with national planning policy set out in the National Planning Policy Framework and policies of the Draft and Emerging Local Plan.

Reasons for the additional condition, amendment and informative:

- (i) To address the committees concerns regarding the provision of a safe turning point.
- (ii) To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.
- (iii) To satisfy the committee that trees removed would be replaced appropriately.

**42b) York St John University Sports Centre, Haxby Road, York, YO31 8TA [19/01667/FULM]**

Note : At this point at 6:30pm, Cllr Waudby left the meeting.

Members considered a full application from York St John University Sports Centre for the erection of an indoor tennis facility.

Officers provided members with an oral update on the application and reported further updates on drainage and additional tree planting (these can be found as a supplement to the agenda).

Philip Homes from O'Neal Associates spoke in support of the application outlining that it was a high quality indoor facility for local schools, tennis clubs and local/York Saint John students.

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 with the addition that delegated authority be given to the Head of Development Services as regards a satisfactory drainage solution, which may result in additional conditions.

**Reason:** The provision of the tennis centre would allow for improved sports provision at the Haxby Road site which has the benefit of being able to be used year round. An existing community use agreement is in place at the site. The site is relatively well screened from the highway and the visual intrusion would be limited. It is considered that the application accords with the NPPF, particularly paragraphs 96 and 97, policies ED5, GI1, GI5 and HW3 of the Publication Draft Local Plan (2018) and Policy GP7 of City Of York Draft Local Plan (2005).

**42c) 45 Osbaldwick Village, Osbaldwick, York, YO10 3NP  
[19/02200/FUL]**

Members considered a full application from Mr and Mrs Sanderson for a two storey side extension following demolition of garage, and a dormer to front.

Officers provided members with an oral update on the application and reported further comments from Design, Conservation and Sustainable Development (these can be found as a supplement to the agenda).

The Conservation Architect was present to respond to questions.

The following registered speakers spoke in support of the application: Cllrs Warters and Rowley, Ward Members for Osbaldwick & Derwent and the applicant, Mr Rory Sanderson. Their comments included the following:

- The applicant had intended to create a useable family house.

- The applicant had worked with the Parish Council to submit a suitable plan and had been very open and transparent in consultation regarding the proposals.
- The Parish Council, neighbouring properties and had fully supported the plans.
- During consultation a whole host of organisations had raised no objections to the proposals, two organisations had been in support.
- The new proposal was an improvement on that previously submitted in terms of the size, it introduced symmetry, the dormers were in keeping with the area in that they were similar to the house across the road. The proposal was an enhancement to the village.
- The Ward Members stressed that they always seek to preserve the conservation area and that they were both fully supportive of these proposals.
- Page 71 paragraph 5.20 of the officer's report referred to features that are 'not characteristic of the area' these comments were considered to be subjective.
- Page 70 paragraph 5.18 referred to the previous extension and mentioned how the new extension would 'mirror the existing extension' which had been approved in 1986. Members asked how this could be considered acceptable for approval in 1986 but not acceptable now.

The following information was provided in response to questions from committee members:

- Officers clarified that Osbaldwick Parish Council had previously objected to the previous proposal but were in support of this proposal.
- The area had become a conservation area in 1976.
- Catslide dormer windows were considered to be more prevalent in suburban areas, this is a rural area.
- The Conservation Architect explained that defining characteristics of a rural dwelling in the conservation area would be symmetry, quality of design, traditional windows with timber frames, spaces between dwellings, gables rather than hipped roof, the setting of dormers, properties being set back from the road. Ultimately does a proposal preserve or enhance the character or appearance of the conservation area.

- The overriding reason for refusal on this application had been scale and massing rather than features of a rural area.

A motion to overturn the officer recommendation to refuse was proposed and seconded. This motion was Lost.

Members considered that the ideal outcome would be if the applicant resubmitted a proposal which would be acceptable to the conservation area.

To that end a second motion was proposed to Defer the application, and it was therefore:

Resolved: That the application be Deferred.

Reason: The existing proposal was not considered to be acceptable in the conservation area. The application has been deferred until such a time as a revised scheme, which is more acceptable in the conservation area, is submitted.

**42d) 10 Vicarage Lane, Naburn, York, YO19 4RS [19/02126/FUL]**

Members considered a full application from Mr Andrew Holmes for a two storey side and rear extensions and single storey front extension.

Officers provided members with an oral update on the application.

Mr Andrew Holmes, the applicant and Miss Anne Clark, Naburn Parish Councillor, spoke in support of the application. Their comments included the following:

- The intention was to build a modest extension for a small 2 bedroom house.
- The completed extension would not appear overwhelmingly large and would not impact on the visual openness or harm the special character of the greenbelt.
- Officer reason for refusal is subjective opinion.
- The proposal meets criteria in terms of ridge height.
- The applicant's neighbours support the application.

- There are special circumstances to overturn the officer recommendation for refusal such as the fact that a number of local schools are closing down, if local people are unable to create a family home there would be a loss of community in that there would only be an elderly population able to live there.

In response to questions from members regarding the design, the applicant explained that this design was submitted in accordance with planning and greenbelt requirements that the side extension is separated from the rear and in relation to the view from the rear.

The following information was provided in response to questions from members:

- The Head of Development Service confirmed that this area is considered to be the greenbelt and that the relevant legislation does apply.
- Applications in the greenbelt could only be approved in a situation where it is deemed to have very special circumstances or the extension does not impact upon the greenbelt.
- Since the previous application the new application had changed in that the side extension had reduced. In terms of the greenbelt concern nothing had changed.
- The previous application had been 146% increase on the original footprint, this application was 107% increase a 55% increase was acceptable under permitted development.

Members debated concerns such as whether or not the vitality of the village and school were special circumstances.

Members considered that changes needed to be made to the Local Plan and how the greenbelt is designated.

A motion to overturn the officer recommendation for refusal and to Approve the application was proposed and seconded on the grounds that there were special circumstances in that this proposal would provide a family home, was necessary for the vitality of the village and school and would allow diversity for the village.



Resolved: That the application be Approved subject to the following conditions:

- (i) The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- (ii) The development hereby permitted shall be carried out in accordance with the following plans:-  
Revised Proposed Elevations Revision A  
Revised Proposed Floor Plans Revision

A

Block Plan dated 7 August 2018.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority

- (iii) The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

Reason for Approval:

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority negotiated a revised scheme following a previous refusal to reduce the design and size/scale of the extensions. The Sub - Planning Committee considered the revised scheme and agreed with the applicant's and the Parish Council's statements justifying that very special

circumstances exist which would outweigh the impact on the green belt. These included: the need for a family home, vitality of the village and school and to allow diversity of the village. Thus a positive outcome has been achieved.

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

Members considered a report that informed them of the council's performance in relation to appeals determined by the Planning Inspectorate between 1 July 2019 and 30 September 2019. A list of outstanding appeals at date of writing was also included.

Resolved: Members noted the content of the report.

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

#### **44. Planning Enforcement Cases - Update**

Members considered a report that provided a quarterly update on planning enforcement cases for the period between 1 July 2019 and 30 September 2019.

A Member expressed concern regarding the lack of progress on enforcement and considered that there appeared to be some disparity between the planning department and legal department. The head of development service responded that the planning department were aware that the council's planning enforcement policy needed to be updated. A report on the position regarding enforcement would be received at Executive in January. The Area Planning Sub-Committee were also undertaking a scrutiny review on these matters. The planning department were in the process of reviewing historic cases. Regarding staff resources, the head of development service confirmed that the enforcement team currently had 3.8 full time equivalent enforcement officers and a team leader.

Resolved: That members noted the content of the report.

Reason: To inform Members of the current position in relation to planning enforcement cases.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 7.25 pm].