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Meeting	Area Planning Sub-Committee
Date	9 January 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Lomas, Melly, Orrell, Waudby and Webb
Apologies	Councillors

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#### **45. 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:

- (i) Councillor Galvin declared a personal, non-pecuniary interest in item 4a of the Agenda, planning application [19/01309/FUL], in that he knew the applicant. He declared that this would not impact on his ability to determine this application.
- (ii) Councillor Orrell declared a personal, non-pecuniary interest in item 4b of the Agenda, planning application [19/01393/FUL], in that Committee Members had received written representation, via email, from a former colleague.

#### **46. 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.

#### **47. Minutes**

Resolved:

That the Minutes of the previous meeting of the Committee held on 5 December 2019 be approved and signed as a correct record subject to the following amendment at Minute 44,

'Planning Enforcement Cases – Update', that the following paragraph:

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

be changed to:

'A report on the position regarding enforcement would be received at Executive in January **'and at Economy and Place Policy and Scrutiny Committee in February'**.

#### **48. 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.

##### **2a) Cedar House, York Road, Dunnington, York YO19 5LF [19/01309/FUL]**

Members considered a full application from Mr and Mrs Barnes for the removal of condition 3 (agricultural occupancy restriction) of planning permission reference 8/03/396/PA dated 12 March 1992.

Mr Mark Newby, the Agent for the applicant and Cllr Warters, Ward Member for Osbaldwick and Derwent spoke in support of the application. Their comments included the following:

- Officers do not have evidence for the assertion within the report that the property has been overvalued;
- The condition restriction for agricultural occupancy is prohibitive in securing a sale at a reasonable price;
- There were mitigating personal circumstances that explained why the applicant required a swift sale of the dwelling.

A Member considered that the stipulation for agricultural occupancy was prohibitive and that it had referred to a time when people predominantly worked in agriculture.

Although Members were sympathetic to the personal circumstances of the applicant, they considered that there had been six offers made by five people who would have satisfied the agricultural occupancy condition. Comparative searches had suggested that the valuation price of the property had been over inflated. Based on a more realistic reduction of 30 per cent, the original price would more realistically be £525,000 and three offers had been made in excess of that amount. Members considered that there were no obstacles to the sale of the property at a reasonable price and that it would not be appropriate to remove the agricultural occupancy condition as the only reason there had been a house on the land had been as a consequence of the local needs of agriculture.

It was moved to overturn the officer recommendation to refuse the application. This motion was not seconded.

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

Resolved: That the application be Refused.

Reason: It was considered that the property had not been marketed at a realistic price which reflects the depressant effect of the agricultural occupancy condition, and therefore failed to demonstrate that the condition is no longer necessary or reasonable. At this time it is considered that it would be premature to remove the condition until it had been adequately demonstrated that there was no demand for the property as an agricultural workers' dwelling and it is therefore recommended that the application be refused.

**2a) W L D Textiles Granville Works Lansdowne Terrace York YO10 3EA [9/01393/FUL]**

Members considered a full application from Mr Joe Jackson for the erection of 8 dwelling houses, following demolition of existing business premises.

Officers provided Members with an oral update on the application and reported 4 further consultation responses which had been received but not previously reported to Members. Officers confirmed that these further responses had raised no new substantive issues to those covered in the report.

Tim Hatton, Agent for the applicant, spoke in support of the application, raising the following points:

- Location was a residential setting. The business at this premises had taken the decision to move to a more suitable location due to the number of large lorries which frequently passed.
- The proposed plan had maximised the amenities and parking in a contemporary manner, in keeping with the area.
- Secure storage and the capacity for electrical charge had been provided.
- Construction was to a very high standard.
- Daylight studies had ensured that the proposals exceeded best practice guidance.

The following people spoke in objection to the application: a local resident who wished to remain anonymous, Mr Jethro Bagust, Mr Rob McNaught, Mr Matthew Dick and Cllr Fitzpatrick, Ward Member for Guildhall. Their comments included the following:

- Poor design in that it is a new property with windows that are only north facing.
- Eaves height, unattractive design, scale and mass mean the scheme is too high and overbearing, inappropriate for the location.
- The scale means it would cast a shadow on the court yard.
- The dwellings are too big.
- Density, the four bedroom units has led to unsympathetic design and dwellings that are unsuitable for families.
- The development gives the impression of being modern but does not add value or benefit to the community and is not in keeping with the area.
- Unrealistic sustainability measures.
- Limited access to dwellings would be hazardous, particularly for children and the disabled.
- Owner of a property adjacent to no 10 on east boundary considered that the proposal should protect privacy. The

area of the wall which would be cut out would allow plot 3 and 8 unobstructed views of their ground floor living room and garden. The proposed balcony would create a situation of overlooking into their garden and would compromise their privacy in an overly dense area. That resident in particular, would prefer that there be no area cut out of the wall.

- More casing windows without light.
- Herbert Street would have people outside their windows trying to access properties.
- A considerable number of properties surrounding this area are rented. These residents would also like to object these proposals but have felt unable to arising from concerns that it could jeopardise their tenancy.
- It is not a gated development but the wall creates an artificial separation.
- Contradicts the National Planning Policy Framework guidance in regards to day light, almost no light in plot 1 and 3 and just above the minimum in other units.
- Matthew Dick, spoke on behalf of residents at 21, 22, 24 and 25 Granville Terrace and raised concern that the ridge height would be too high and would take the elevation well above that existing. This would impact upon on my garden a view of a monolithic wall. The residents represented would be flanked by this wall impacting on their view.
- Regarding the garden decks, the glass at the end of balcony would allow overlooking into the garden at number 21.

During debate of this item Members discussed all of the concerns that had been raised by the registered speakers. In addition to this Members raised the following concerns:

- On the brick boundary wall at the side of Arthur Street the proposals were to replace the historic brick walls. Members sought assurance that there would be a condition that the wall would be replaced with historic or comparable brickwork to retain the character and standard of the wall should the proposal be confirmed.
- Members noted that there were 27 bedrooms and 27 bathrooms which they considered could indicate that the intention was for the dwellings to be for multiple occupancy use rather than for families.

- Members raised concerns regarding the ground floor bedrooms, outside of which there was a store, bin storage and parking places. Members considered that this compromised the ventilation for bedrooms.
- Officers confirmed that the width of vehicle entrance was meeting the required standards for emergency vehicles.
- Regarding the pedestrian access tunnel from Lansdowne Terrace Members considered that the poor lighting had posed a security risk and that that enclosed space could attract anti-social behaviour.

It was moved and seconded that the application be Deferred, this motion was lost.

It was moved and seconded that the application be Refused.

Resolved: That the application be Refused.

Reasons:

- (i) The site is constrained by its proximity to neighbouring properties. The position and orientation of plot 1, its proposed increase in height over and above the existing buildings on the site, would have an overbearing and domineering impact to the rear of properties at Granville Terrace (notably No's 21-25) harming the residential amenity of the occupiers of those properties contrary to paragraph 127 (f) of the National Planning Policy Framework (NPPF) and policy D1 of the City of York Council Publication Draft Local Plan (2018).
- (ii) The amount of development is considered to be too great for this constrained site and has resulted in a form of development that does not respect local form and character. The proposed dwellings 1 and 2, positioned along the southern boundary of the site adjacent to Lansdowne Terrace are designed with a link over the vehicular access. By virtue of its scale and height, the large expanse of brick and termination at the end of the street, the design of the proposed buildings when viewed from Lansdowne Terrace are considered to be unsympathetic to the character and appearance of the area contrary to draft policy D1 (Placemaking) of the City of York Council Publication Draft

Local Plan (2018) and paragraph 127 of the National Planning Policy Framework (NPPF).

- (iii) The application does not provide an objective assessment demonstrating that the loss of land/buildings that are currently in employment use are no longer viable in terms of market attractiveness and appropriate for employment uses contrary to the City of York Council Publication Draft Local Plan (2018) policy EC2 Loss of Employment Land and paragraph 80 of the National Planning Policy Framework (NPPF) which supports economic growth and productivity.
- (iv) The amount of development is considered to be too great for this constrained site and has resulted in a form of development that is compromised in terms of residential amenity and would not provide a high standard of amenity for future users. The proposed dwellings have been designed with bedrooms at ground floor level, adjacent to the car parking areas, and with a cantilevered canopy projecting over the car parking. This arrangement is considered to have a detrimental impact upon the residential amenity of future occupiers using the ground floor bedrooms, by virtue of outlook, daylight and sunlight and air circulation contrary to draft policies D1 (Placemaking) and ENV2 (Managing Environmental Quality) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 (f) of the National Planning Policy Framework (NPPF).

## **2a) 19 Blakeney Place York YO10 3HZ [19/02145/FUL]**

Members considered a full application from Mr and Mrs Thompson for a two storey side extension and installation of solar panels to the front of the above property.

Officers provided Members with an oral update on the application.

Stephanie Campbell, Agent for the applicant and Cllr. D'Agorne Ward Member for Fishergate, spoke in support application.

Their comments had included the following:

- The applicant had worked in consultation with the planning department on the resubmitted reduced scheme and had made a significant amount of changes.

- The revised proposal is not visually intrusive.
- No residents had objected to the original or revised proposals.
- The applicant had intended to increase the energy efficiency of their property by increasing thermal efficiency and making improvements to the poorly designed ground floor insulation.
- It would be more thermally efficient to have 2 storey side extension then a stepping down which would create difficult angles, be less sustainable and creates the potential for leaks as a significant stepping down would mean that the thermal panels would not work as well.
- To refuse this proposal would be contrary to the Council's declared climate emergency.

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

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: -BP/02 03/10/19 005, 006, 007, 008

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

- (iii) Details of the finish of the timber cladding shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: To ensure a visually cohesive development in the interests of the appearance of the estate.



- (iv) Any part of the hedge adjacent to the western boundary of site which is damaged or removed during the development process shall be reinstated as shown on drawing number BP/02 03/10/19 008 within a period of six months of the completion of the development. Any part of the hedge which within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area  
as the hedge is a design feature of the estate.

- (v) The hedge that bounds the flank of the property replace the hedge as it was before landscaping condition to reinstate and usual conditions.

Reason: It would be unduly restrictive to refuse it and it is in keeping with the area.

**2a) 9 Oak Tree Close Strensall York YO32 5TE [19/02130/FUL]**

Members considered a full application from Mr Darren Baxandall for a two storey side and rear extension, re-roof existing side extension, 6no. rooflights to rear, 1no. rooflight to front and 2no. rooflights to side.

Officers provided Members with an oral update on the application and reported the addition of the following condition:

Details of the colour and finish of the proposed external render shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being applied. The development shall be carried out using the approved materials.

Reason: To achieve a visually acceptable form of development.

John Chapman, Strensall with Towthorpe Parish Councillor, spoke in objection to the application raising the following concerns:

- the balcony on the first floor side extension would lead to overlooking and noise to 11 Orchard Close.
- the removal of trees would increase overlooking and would need to be replaced.

It was moved and seconded that the application be Approved subject to the removal of the balcony. This this motion was lost.

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 following additions:

- (i) That authority be delegated to the Development Manager, in consultation with the Chair and Vice-Chair, regarding the positioning of balustrade which should be positioned so that it is set back. In addition, that they secure a drawing detailing the position of the balustrade.

Reason: So that it does not unduly affect the amenity of the neighbours, with the aim of minimising overlooking.

- (ii) That authority be delegated to the Development Manager, in consultation with the Chair and Vice-Chair in relation to the re-planting of replacement trees.

Reason: In order to provide suitable shielding.

- (iii) Details of the colour and finish of the proposed external render shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being applied. The development shall be carried out using the approved materials.

Reason: To achieve a visually acceptable form of development.

Note: Cllr Fisher had abstained from voting.

, Chair

[The meeting started at 4.30 pm and finished at 7.20 pm].