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Meeting	Area Planning Sub-Committee
Date	6 September 2018
Present	Councillors Galvin (Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter and Carr (Substitute for Cllr Mercer)
Apologies	Councillors Shepherd and Mercer

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Site	Visited by	Reason
Resource and Day Care Centre, 126 Acomb Road, York, YO24 4EY	Councillors Galvin, Cannon, Carr, Crawshaw, Fenton and Flinders	As the recommendation was to approve and objections were received.
Jinah Balti, 18 The Village Haxby, York, YO32 3HT	Councillors Galvin, Cannon, Carr, Crawshaw, Fenton and Flinders	As the recommendation was to approve and objections were received.
Simons Auto Services, 17 Mansfield Street York, YO31 7US	Councillors Galvin, Cannon, Carr, Crawshaw, Fenton and Flinders	As the recommendation was to approve and objections were received.

### 31. 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.

Councillor Flinders declared a personal interest in agenda item 4a (minute Item 34a) as he was employed by Network Rail, and he did not take part in the discussion on this item.

## **32. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 5 July and 9 August 2018 be approved and then signed by the Chair as correct records.

## **33. 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.

## **34. 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.

### **34a) Land To The West Of 1 Rose Avenue, Nether Poppleton, York [18/00201/FULM]**

Members considered a major full application by Mr Bottomley for the erection of three buildings for light industrial, general industrial or storage and distribution uses (class B1c, B2 and B8) on sites west of 1 Rose Avenue and north of Evans Business Centre, Rose Avenue.

Officers circulated an update, which was attached to the online agenda following the meeting. This included further details on surface water drainage, further representation in support of the development and a revision to the Officer's recommendation. Officers also reminded Members that this application was originally reported to this committee in August, when Members voted to defer the application and requested that Unit 1 be removed, in order to maintain the area as a potential site for a railway halt.

Tony Plowman, agent for the application, explained that issues raised in relation to drainage and the footpath had now been resolved and stated that the Council no longer had control of the land. In response questions he clarified that CYC and Evans Property Group who owned the land had an agreement between

2003 and 2013 to keep the land clear for a proposed railway halt. The agreement had now ended and the proposed railway halt was generally considered unviable.

Edie Jones spoke on behalf of Nether Poppleton Parish Council and the Neighbourhood Plan Group. She stated that the Parish Council were not unsupportive of the proposal, but they wanted the land where proposed 'Unit 1' sat to remain open ground. This was designated as T2 and T6 land in the Draft Local Plan and was the only area that could be considered suitable for a railway halt. This would be essential once the British Sugar Site was developed and there were an additional 1200 homes in the area. Finally she suggested that Network Rail had concerns about the proposal and the safety impact of lighting on drivers.

In response to questions from Members she stated:

- There was a critical shortage of parking in the area, approximately 100 spaces short;
- There was no public transport to the site; and
- There was no reference to this in the Neighbourhood Plan as it was not within their power so suggest changes to transport links.

Officers then responded to further questions from Members and stated that:

- There were no current plans, nor funding, to develop a railway halt; and
- The Draft Local Plan had limited weight as it had not been adopted yet. It was for Members to decide the balance.

During debate Members stated it was unfortunate that the applicant had chosen not to remove 'Unit 1' as the committee had previously requested, as they were supportive of the proposals for Units 2 and 3, as such units were needed for small businesses in the City. They considered the importance of future need for sustainable transport to this location. Some Members expressed that there was no current funding for a railway halt, but there was a strong view amongst the Committee that the site was safeguarded for a reason.

Resolved: That the application be refused.

Reason:

1. The proposed Unit 1 was sited on land safeguarded for potential future transport schemes on the Policies Map (North) of the Local Plan Publication Draft February 2018 (Regulation 19 Consultation). Policy T2 of the Local Plan Publication Draft states that the Plan will support development proposals that improve rail access and connectivity, including but not limited to new railway stations / halts for heavy or light rail services, and capacity improvements and other enhancements (including new technology applications, where appropriate) on rail lines running into or through York. Policy T8 of the Development Control Local Plan 2005 states that the use of rail services will be promoted by allocating sites for new stations at York Business Park.
2. The proposed development of Unit 1 was not considered to be sustainable development as it would prevent the construction of a rail halt to serve the business park, which currently experiences parking problems, and nearby strategic housing sites allocated in the 2018 Local Plan Publication Draft; namely policy SS6: British Sugar/Manor School (approx 1200 dwellings) and policy SS7: Civil Service Sports Ground (approx 266 dwellings). The loss of the site for a future rail halt would prejudice the implementation of a policy which seeks to encourage modal shift away from private motor vehicles to more use of public transport and provide for enhanced access for all members of the community to jobs, services and leisure opportunities and reduce reliance on private motorised transport for travel and hence minimise the increase in traffic levels arising from new development.
3. The Local Plan Publication Draft 2018 has been submitted for examination and is considered to be at an advanced stage of preparation. Policy T2 was considered to be in accordance with paragraphs 102, 103 and 104 "Promoting

sustainable transport" of the National Planning Policy Framework (July 2018).

**34b) Resource and Day Care Centre, 126 Acomb Road, York, YO24 4EY [18/00967/FULM]**

Members considered a major full application by Mr Matt Newton for conversion of offices into nine apartments (six 1 bedroom, three studios) to include replacement of rear two storey extension with four storey extension and roof conversion with dormers and the erection of one 2 bedroom dwelling to rear with associated parking and cycle storage (resubmission).

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

Reason: The proposal represents sustainable development for which the NPPF (para.11) recommends that there should be a presumption in favour of approval unless adverse impacts would outweigh the benefits. While some harm has been identified as a result of a small loss of amenity to neighbouring properties through over-dominance and overshadowing; and the impact on residential amenity from the slightly restricted floorspace available; these issues are not considered sufficient to outweigh the policy presumption in favour of this application to provide additional housing within a sustainable location. The proposal complies with policies D1, D11, T1 and EC2 of the emerging Local Plan.

**34c) 115 Fulford Road, York, YO10 4ET [18/01381/FUL]**

Members considered a full application by Mr and Mrs Breene for the erection of a dormer bungalow with cycle/refuse store and air source heat pump (resubmission).

Officers circulated an update, which was attached to the online agenda following the meeting. This was a revision to condition 11 of the report.

Keith Waudby, a local resident, spoke in objection to the proposal. He stated that this was an overdevelopment of a back land site and suggested that there had been no significant change to the application since it was previously submitted. He

felt that this was an obtrusive and over-dominant structure, which would have a detrimental impact on neighbouring amenity. Finally he raised his concerns regarding drainage at the site.

Susan Hollingsworth, as resident, also spoke in objection to the application. She stated that the proposal would be detrimental to the amenity of herself and other neighbours due to the structure being over-dominant, which would impact on light levels. She raised concerns around the destruction of trees ahead of the application being submitted and suggested that the outside structure would be used as a garage, not cycle and bin storage. She also expressed disappointment that several objections to the application were not yet published on the planning portal.

Matthew Groom spoke as agent for the applicant. He stated that Planning Officers felt this site was sustainable and that this proposal had the same footprint, height and mass as previously approved schemes. He suggested there was no evidence of overlooking or overshadowing neighbouring properties. Finally he stated that this was a sustainable development and that although it would change the area, change was not the same as harm.

In response to Member questions Officers stated that:

- The cycle/bin storage area was a fairly substantial structure; and
- Fishergate Planning Panel had objected to this application specifically.

During debate some Members considered that this application had not altered significantly since it was last refused. They still felt it was too big for the site and an overdevelopment. Conversely, some Members stated that changes to an area were not the same as harm and this was welcome development of a previously used area in a time of housing need.

Resolved: That the application be approved subject to the conditions listed in the report and revised condition 11.

Reason: It was considered that the development of this site for a dwelling was acceptable. The impact on highway safety and the impact upon residential

amenity were considered to be acceptable. The erection of a dwelling within this location would not have any detrimental impact upon the character and appearance of the area. As such the application accords with policies contained within the Draft 2005 Local Plan, Publication Draft Local Plan (May 2018) and policy contained within the NPPF.

**34d) Jinah Balti, 18 The Village, Haxby, York, YO32 3HT  
[18/01395/ADV]**

Members considered an advert application by Mr Matab Shamim for the display of an internally illuminated fascia sign (resubmission).

Officers circulated a letter of objection to the application from Honorary Alderman Richard Watson. They reminded Members that this was a retrospective application.

Councillor Cuthbertson, Ward Member, spoke in objection to the application. He stated that he had 'called-in' this item as he felt this was detrimental to the conservation area, as stated in Honorary Alderman Watson's letter. He pointed out the policy of having no internally illuminated signs within the conservation area and stated that previous applications had been refused on these grounds. He felt that approving this sign retrospectively would set a precedent.

In response to Member questions he stated:

- There was one internally illuminated sign at Ryedale Court but this was inside the building;
- Internal illumination was considered to be too modern for the conservation area;
- As this was a retrospective application it had not been possible to suggest alternatives to the applicant;
- The issue was not necessarily the brightness of the sign, more the principle of internally illuminated signs; and
- There were around 7 businesses in the village who operated after dark.

In response to further questions Officers clarified:

- If the sign was not illuminated it would have deemed consent. External illumination would still require planning permission;
- The preferred method of illuminating signs in conservation areas was external. However, this was not a traditional shop front and therefore external illumination would cause extra clutter. There was some justification for illumination when a business was part of the night time economy;
- Although approving this sign would not necessarily set a precedent, as each application would be considered on its merits, it may appear inconsistent to approve one sign and then refuse subsequent applications.

Some Members felt that there would be a degree harm to the conservation area, ~~which outweighed the public benefit of the sign~~ *\*and were unable to identify any public benefit associated with the sign*. Other members felt that harm had already been done to the historic cottages with other signs already in place and painting the original brickwork. They felt this sign would not cause any further harm.

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

Reason: The advertisement was considered to be acceptable in the conservation area. Whilst it would result in less than substantial harm to the designated heritage asset this would be outweighed by public benefits. The proposal would comply with the National Planning Policy Framework, the Publication Draft Local Plan policy D13 (Advertisements) and policies HE8 (Advertisements in Historic locations) and GP21 (Advertisements) of the Development Control Local Plan (2005).

\*as amended at the meeting of the sub-committee on 6 December 2018

**34e) Simons Auto Services, 17 Mansfield Street, York, YO31 7US  
[17/02991/FULM]**

Members considered a major full application by Mr Mark Allen for the erection of a five-storey residential block with ten flats



and associated parking following the demolition of a car repair garage.

Glen McGowan spoke, as agent for the applicant, and stated that several locations had recently been developed in this area. He suggested that this proposal would further enhance the area and simultaneously address housing need on a brownfield site. There would be no accommodation on the ground floor and a flood evacuation plan would be in place. Finally there would be no loss of employment due to this change of use as there had not been a tenant in the building for some time.

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

Resolved: An acceptable site specific flood risk assessment had been prepared for the development and the proposed use was acceptable in principle given the NPPF requirement to give substantial weight to the value of using suitable brownfield land within settlements for homes. The scheme was of a scale and design that related to its setting, there would be adequate levels of amenity for future residents and no impact in this respect on the neighbouring land uses. The use of planning conditions would ensure policy compliance with regards residential amenity, visual amenity and flood risk.

### **35. Planning Enforcement Cases - Quarterly Update**

Members considered a report providing them with a continuing quarterly update on planning enforcement cases.

Members requested that Officers provide them with a breakdown of uncollected vs. 'not yet due' Section 106 payments.

Resolved: That Members note the content of the report.

Reason: To update Members on the number of outstanding planning enforcement cases.

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

Members received a report informing of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2018, and providing a summary of the salient points from appeals determined in that period, together with a list of outstanding appeals at the date of writing.

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.

### **37. Urgent Business**

Members took this opportunity to record that a complaint against City of York Council, in relation to a planning application, which had previously been upheld by the Local Government and Social Care Ombudsman had been overturned at post decision review.

They noted the significance of this as it was rare for Local Authorities to challenge Ombudsman decisions and unusual for a decision to be overturned at this stage.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.25 pm].