
Meeting	Area Planning Sub-Committee
Date	30 March 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Baker (Substitute), Cullwick, Fisher, Galvin, Melly, Orrell, Perrett, Waudby and Webb
Apologies	Councillor Craghill

42. 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.

Cllr Fisher declared an interest in Agenda Item 4a (The Jubilee) as a member of CAMRA, and indicated that he would withdraw from the meeting should any discussion take place on that application.

Cllr Cullwick declared a personal interest in Agenda Item 4b (Quad West, York St John University), as he had been employed by York St John University between 2004 and 2014.

Cllr Crawshaw declared a personal interest in Agenda Item 4c (1 Duncombe Barracks), as he had had prior contact with one of the speakers on this item in respect of a matter not connected with Planning.

Cllr Waudby declared a personal interest in Agenda Item 4d (33 Patterdale Drive), as she had been contacted by the Applicant in respect of the first application; however, she had not formed or expressed an opinion on the application.

Cllr Webb declared a prejudicial interest in Agenda Item 4f (2 Garden Street, York), as the Applicant. He left the meeting during consideration of that item and took no part in the debate or decision thereon.

Cllr Perrett declared a prejudicial interest in Agenda Item 4f, as the partner of the Applicant. She left the meeting during

consideration of that item and took no part in the debate or decision thereon.

43. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 18 February **2021** be approved as a correct record, to be signed by the Chair at a later date.

44. 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.

45. 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.

45a) The Jubilee, Balfour Street, York, YO26 4YU [20/01498/FUL]

Members received a report on a full, resubmitted application by Dominic Woodward for alterations and conversion of part of the first floor and all of the roofspace of the public house building to 3 self-contained apartments and retention of the public house on the ground floor and altered function room on the first floor at The Jubilee, Balfour Street, York YO26 4YU.

Officers advised that, due to a publication error, the report had been in the public domain for less than 5 clear working days and recommended that the application be deferred to the next meeting of the sub-committee.

The Chair then moved, and Cllr Webb seconded, that the item be deferred. There was no debate in respect of the application. A named vote was taken, and all Members voted in favour of the proposal except for Cllrs Baker and Fisher, who both abstained.

Resolved: That the application be deferred for consideration at the next meeting.

Reason: In accordance with legal requirements regarding publication of the report.

45b) Quad West, York St John University, Lord Mayors Walk, York [21/00472/TPO and 21/00474/TCA]

Members considered a Tree Preservation Order (TPO) and Tree Works in a Conservation Area notification by Robert Scott, York St John University, to fell 9 lime trees protected by a TPO and 5 lime trees in a Conservation Area.

Officers provided an update, reporting the receipt of 2 additional representations in objection to the application. They then gave a presentation based upon the plans at pages 61-63 of the agenda papers and a series of photographs of the trees. In response to questions from Members, the Tree Conservation Officer confirmed that:

- Removing the old trees would provide a better chance of survival for the replacement trees;
- The existing trees could only be sustained by regular pollarding;
- Repeated pollarding reduced the ability of a tree to absorb CO₂.

Representations in objection to the proposals had been received from Cllr Craghill and circulated to Members before the meeting.

Following debate, Cllr Galvin moved, and Cllr Fisher seconded, that the recommendations in the report be approved subject to an additional informative on the sustainable disposal of wood from the felled trees. A named vote was taken, and Cllrs Crawshaw, Cullwick, Fisher, Galvin, Melly, Orrell, Waudby, Webb and Perrett all voted in favour of that proposal, while Cllr Baker voted against it.

Resolved: That the applications be approved subject to the conditions listed in the report, with the following additional informative:

Informative:

The Sub-Committee would wish to see the re-use of the wood in a sustainable way for the benefit of the city.

Reasons: (i) The tree stock on this site has not been well maintained for a number of years, which has contributed to the poor condition of many of the trees. Given the life expectancy of the remaining 14 lime trees it is considered that it would be beneficial in the long term and significantly more sustainable to fell the trees and re-plant. The removal of the trees presents an opportunity to re-plant with more suitable species of young, healthy stock and provide a more attractive amenity feature which will be more sustainable than the current situation. It will reduce competition for resources such as light, water and nutrients that can reduce a tree's ability to successfully establish and produce a canopy of good shape, form and structure.

(ii) The pollarded lime tree stock on this site produces only a limited amenity value and wildlife habitat and their capacity to store CO₂ emissions is also limited in comparison to fully grown mature lime trees. Although the planting of young trees initially will not provide the same level of amenity value for wildlife or absorb same the levels of C~O₂ as mature trees, neither do regularly pollarded trees.

**45c) 1 Duncombe Barracks, Burton Stone Lane, York, YO30 6BU
[20/01902/FULM]**

Members considered a major full application by City of York Council for the erection of 34 dwellings (Use Class C3) and a commercial unit (Use Class E) with associated parking, landscaping, access and ancillary works at 1 Duncombe Barracks, Burton Stone Lane, York YO30 6BU, following demolition of existing buildings and structures.

Officers provided an update, reporting the receipt of comments from the Flood Risk Management Team in respect of future maintenance of drainage, amendments to Conditions 2 (updated plans), 10 (drainage) and 23 (cycle and bin storage), and an additional informative in respect of drainage. With the

consent of the Chair, an additional letter of objection, relating to the lack of on-site electric vehicle charging, was reported. Officers then gave a presentation based upon the slides at pages 93-116 of the agenda papers.

In response to questions from Members, officers confirmed that:

- A contribution towards the city-wide provision of fast electric vehicle chargers (EVCs) in lieu of on-site provision was proposed because this was a low-vehicle site with potential power supply issues.
- Highways officers would prefer a wider access point for vehicles, but this was not considered a reason for refusal.
- Proposals for affordable housing within the development were in line with the local planning policy; the site was designed to provide a mix of housing.

Phil Bixby, of My Future York, spoke in support of the application.

Michael Jones, Assistant Director of Housing, spoke in support of the application on behalf of City of York Council and responded to further questions from Members in relation to EVCs, site access for vehicles and affordable housing provision.

Following debate, Cllr Fisher moved, and Cllr Cullwick seconded, a motion to approve the recommendations in the report subject to the amended conditions reported and an amendment to Condition 14 requiring the provision of on-site electric vehicle charging, with the wording of that condition to be delegated to the applicant in consultation with the Chair and Vice Chair. A named vote was taken and all Members voted in favour of the motion.

Resolved: That the application be approved, subject to:

- a) Conditions 1, 3-9, 11-13, 15-22 and 24-28 as listed in the report;
- b) The following amended conditions:

Amended Condition 2 – Approved Plans

The development hereby permitted shall be carried out in accordance with the following plans:

(00) 010 P04 Site plan; (00) 011 P04 Roof plan; (00) 020 P01 Demolition plan

Ground floor plans

(00) 100 P01 Block A;(00) 110 P04 Block B; (00) 120 P04 Block C

Plans and elevations for flats

Flat A (00) 130 P04; (00)131 P01; Flat B (00) 132 P03; (00) 133 P01;
Flat C (00) 134 P03; (00) 135 P01; Flat D (00) 136 P03; (00) 137 P01

Plans and elevations for houses

House type A (00) 140 P01; (00) 141 P01; (00) 142 P01; (00) 143 P01
House type B (00) 144 P01; (00) 145 P01;(00) 146 P01; (00) 147 P01
House type C (00) 148 P01; (00) 149 P03; (00) 150 P01; (00) 151 P03

Site elevations (00) 200 P03; (00) 201 P01; (00) 202 P03; (00) 203 P01

Block elevations (00) 210 P03; (00) 211 P03; (00) 212 P01

Sections (00) 300 P01; (00) 301 P01

Cycle storage Strategy 288A 80 001 P02

Cycle store design 288A 80 002 P02; 288A 80 003 P01

Typical details SK 001 P01; SK 002 P01; SK 003 P01; SK 004 P01; SK 007 P01 (communal bin stores); 33 - 402 - 404 - internal cycle storage - typical detail.

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

Amended Condition 10 – drainage

Surface water run-off from the site shall be no more than:

- Discharge to the public surface water sewer network at a restricted rate of 3.5 (three point five) litres/second
- Discharge to the public combined sewer network at a restricted rate of 13.1 (thirteen point one) litres/second.

Site specific details of the final drainage strategy (including on site surface water attenuation that is to the satisfaction of the Local Planning Authority and details of future maintenance) shall be approved in writing by the Local Planning Authority prior commencement of the development hereby permitted (this allows demolition works and other site preparation to commence in advance of approval of details). The development shall be carried out in accordance with the approved drainage strategy.

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF paragraph 163.

Informative

Drainage details are recommended to include the following:

- Orifice plates to be replaced with vortex flow control devices
- New connection to the south of the site - saddle connections to public sewer to be removed (as requested by Yorkshire Water).

Amended Condition 23 – cycle and bin storage

Amended to include stipulation for self-closing doors to storage buildings.

- c) An amended Condition 14 requiring the provision of Electric Vehicle Charging on site in accordance with the Low Emissions Strategy; the wording of this condition to be delegated to the Assistant Director of Housing in consultation with the Chair and Vice-Chair.

Reasons: (i) The scheme overall is compliant with the overarching sustainability principles and the policies with the NPPF. The site is vacant and in a sustainable location in terms of access to services. The housing proposed is broadly consistent with local need. The scheme is compliant with sustainable design principles in terms of promoting walking and cycling, providing different types of outside amenity space and community uses and in

building to Passivhaus standard, which significantly exceeds local and national targets in terms of environmental performance.

(ii) In terms of decision-making, paragraph 11d ii of the NPPF applies; the presumption in favour of sustainable development and that proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this respect, technical issues can be addressed, by design, and through condition, considering in particular, residential amenity, archaeology, land contamination, drainage and promoting sustainable travel.

(iii) Because the council are landowner and developer, negatively worded conditions limiting the development that can take place, until a planning obligation or other agreement has been entered into, to secure affordable housing, education and open space provision and electric charging facilities, are appropriate in this case. Each requirement is reasonable and necessary and compliant with the 6 tests for using planning conditions, as set out in the NPPF.

45d) 33 Patterdale Drive, York, YO30 5TW [21/00045/FUL]

Members considered a full, re-submitted, retrospective application by Mr and Mrs Stephenson for the erection of a dormer to the front at 33 Patterdale Drive, York YO30 5TW.

Officers provided an update, reporting that the brick porch referred to in paragraph 4 of the report did not form part of this application. They then gave a presentation based upon the slides at pages 127-130 of the agenda papers.

In response to questions from Members, officers confirmed that:

- The porch had been removed from the original application before the decision on that application was made;
- If Members were minded to approve the application, they would have to give clear reasons for deviating from the previous decisions of the sub-committee and the Planning Inspector;

- There had been no policy changes since the previous decisions were made.

The Applicant, Mrs Stephenson, spoke in support of the application, stating that the dormer was similar in style to others in the area and removing it would be detrimental to her family. In response to Members' questions, she (and Mr Stephenson) added that:

- The existing rear conservatory could not be converted into a bedroom;
- They had not applied for planning permission in advance due to the advice given by the planning officer and their builder that the development was permitted.

The following also spoke in support of the application:

- Lewis Horsfall, a local resident;
- Sarah Wear, a neighbour living opposite the premises;
- Cllr Smalley, as Ward Member for Rawcliffe & Clifton Without.

Following debate, Cllr Fisher moved and Cllr Galvin seconded, approval of the officer recommendation to refuse the application. A named vote was taken and all Members voted in favour of this proposal.

Resolved: That the application be refused.

Reason: The proposed dormer to the front roofslope would have a detrimental impact on the character and appearance of the host dwelling and the visual amenity of the wider streetscene, constituting an addition of unsympathetic and dominant scale and design in the context of the shallow roofslope of the host bungalow. This would be out of character with the largely unaltered roofscape on similar properties along Patterdale Drive. The proposal is considered to represent poor design contrary to paragraphs 127 and 130 of the National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and guidance contained within Supplementary Planning Document 'House Extensions and Alterations' (December 2012), in particular paragraphs 14.1 and 14.5.

45e) Grange House, Main Street, Elvington, York, YO41 4AG [21/00315/FUL]

Members considered a full application by Mrs A Slater for 1 rooflight to the north elevation and 2 rooflights to the south elevation of Grange House, Main Street, Elvington, York YO41 4AG.

Officers gave a presentation based upon the slides at pages 139-142 of the agenda papers.

Cllr Crawshaw then moved, and Cllr Webb seconded, approval of the recommendations in the report. A named vote was taken and all Members voted in favour of that proposal.

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

Reason: The roof windows are considered to be acceptable in terms of design and appearance and, by virtue of their size and position in the roof slope, will not cause harm to neighbours in terms of loss of privacy. The proposal is considered to comply with the NPPF, policies D11 of the Publication Draft Local Plan 2018, policies GP1 of the Development Control Local Plan 2005 and the council's Supplementary Planning Document 'House Extensions and Alterations' (December 2012).

45f) 2 Garden Street, York, YO31 7QX [21/00122/FUL]

[Cllrs Webb and Perrett left the meeting and did not take part in the vote]

Members considered a full application by Robert Webb for a single storey rear extension and new gate to yard wall after demolition of existing rear extension at 2 Garden Street, York YO31 7QX.

Officers provided an update, reporting the inclusion of an additional informative in respect of archaeology. They then gave a presentation based upon the slides at pages 151-155 in the report.

Cllr Crawshaw then moved, and Cllr Cullwick seconded, approval of the recommendations in the report. A named vote was taken and all present Members voted in favour of that proposal.

Resolved: That the application be approved, subject to the conditions listed in the report and with the following additional informative:

Additional Informative

This development lies within the Area of Archaeological Importance designated under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The owner must serve an Operations Notice under Section 35 of the 1979 Ancient Monuments and Archaeological Areas Act at least 6 weeks prior to development commencing. The Operations Notice can be downloaded from: <https://www.york.gov.uk/downloads/download/349/operations-notice>

Reason: The proposal is considered to comply with the National Planning Policy Framework (2019), policies D11 of the City of York Publication Draft Local Plan 2018 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (December 2012).

Cllr A Hollyer, Chair

[The meeting started at 4.30 pm and finished at 9.10 pm].