

Meeting	Planning Committee
Date	5 August 2021
Present	Councillors Fisher (Chair), Pavlovic (Vice-Chair), Craghill (Substitute), Doughty, Fenton, Hollyer, Looker, Warters and Waudby
Apologies	Councillors Ayre, Barker, Daubeney, Douglas, Lomas and Melly

37. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

No interests were declared but Cllr Craghill, in the interests of transparency, confirmed that although her partner Cllr D'Agorne would be making representations on the application under consideration, she herself had had no previous involvement in the matter and would approach the application with an open mind.

38. Minutes

In response to a query on the S106 contribution referred to in the resolution at Minute 31a, officers stated that the location of utilities prevented the planting of trees as suggested, and a solution was being sought to this.

Resolved: That the minutes of the meeting held on 17 June 2021 be approved, and signed by the Chair as a correct record.

39. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

40. Plans List

Members considered a report of the Assistant Director, Planning and Public Protection, relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

40a Frederick House, Fulford Road, York YO10 4EG [21/00116/FUL]

Members considered a full application by Laura Pennington for a variation of condition 2 of permitted application 19/00603/FULM seeking amendments to the external appearance, landscaping, internal arrangements, substation, refuse and cycle stores at Frederick House, Fulford Road, York YO10 4EG.

Officers provided an update at the meeting, seeking the removal of Condition 9 (relating to archaeology), which was no longer needed because the relevant information had already been submitted.

A presentation was given, based on the slides at pages 37-59 of the agenda pack. In response to Members' questions on the report and presentation, officers confirmed that:

- The application must be considered in the context of planning policies rather than building regulations, and on its own merits rather than by re-visiting the original application.
- The overall impact of the variation on the conservation area was considered to be neutral, and the 4-storey block was only visible from Kilburn Road in the gaps between houses.
- The colour of the brick replacement emulated the appearance of timber cladding, and kept the aesthetic.
- No enforcement action had taken place in respect of continued building work because the application for a

variation had already been submitted. This decision did not amount to a pre-judgment of the application.

Registered Speakers

David Hopwood, a local resident, spoke in objection to the application on behalf of his father and other residents of Kilburn Road, on the grounds that the increase in height would block the light to and view from their properties and the replacement of timber cladding with brick was unnecessary in terms of fire risk.

Cllr D'Agorne spoke in objection as the Ward Member for Fishergate, supporting the comments of the previous speaker and questioning why building work had been allowed to continue in breach of the conditions of the original planning consent.

Ben Wrighton, of Watkin James, spoke on behalf of the applicant, stating that the application sought to address issues relating to biodiversity, fire risk and climate change, and that changes had been kept to a minimum. He then responded to Members' questions, along with Jonathan Morris (Senior Design Manager for Watkin James), stating that:

- They had considered reducing the building height by sinking it lower into the ground, but this would affect drainage and disabled access.
- The substitution of brick for timber cladding was chiefly to address the perception of fire risk; it was not a cheaper option.
- Consideration had been given to reducing the pitch of the roof but this would have a negative effect on the appearance of the building.

Responding to further questions from Members, officers confirmed that the removal of the timber cladding and the increase in height were both material considerations. The increase was a maximum of 30 cm, and in view of the distance from neighbouring properties this was considered acceptable. A change in the roof pitch would be considered negative in terms of conservation.

During the debate that followed Cllr Warters moved, and Cllr Looker seconded, that the application be refused on the grounds of the detrimental impact it would have on the amenity

of residents of Kilburn Road. After further debate this motion was put to the vote, and 5 members voted for it while 4 voted against. The Chair requested that his vote against the motion be recorded.

Resolved: That the application be refused.

Reason: The proposed increase in height is considered to cause an unacceptable impact on the neighbouring properties at Kilburn Road due to the degree of overshadowing and loss of outlook which would harm their residential amenity. This is considered contrary to paragraph 130f) of the NPPF , Policy ENV2 of the Publication Draft City of York Local Plan (2018)

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 5.43 pm].