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Meeting	Area Planning Sub-Committee
Date	20 January 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Galvin, Melly, Orrell, Waudby, Perrett and Webb
Apologies	None

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In view of the changing circumstances around the Covid-19 pandemic, this meeting was held remotely. Any relevant decisions recorded in these minutes will be formally approved by the Chief Operating Officer, using his emergency delegated powers.

#### **43. Declarations of Interest**

At this point in the meeting, Members were invited to declare, any personal interests not included on the Register of Interests, any prejudicial or disclosable interests that they might have had in the business on the agenda.

Cllr Crawshaw advised that, as the Ward Councillor for Micklegate, he had been in a significant amount of contact with the applicant for item 4a. He had also spoken to Officers concerning the previous applications on the property. Since then, there had been some contact regarding the applicant's request to have this item determined by the committee. Given this level of contact, he had sought advice from the council's Legal Officers. He was satisfied that he had not a pre-determined view on the application, he had decided to withdraw from the meeting for Item 4a. This was to ensure that there was no possible suggestion that he had influenced the outcome of the application.

Cllr Craghill noted, for transparency reasons, that as a Guildhall Ward Councillor that she had attended the Minster Neighbourhood Forum but this was not a prejudicial interest.

#### **44. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 30 November 2021 and 8 December 2021 be approved and signed by the Chair as a correct record.

#### **45. 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.

#### **46. Plans List**

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

#### **47. Church House, 10-14 Ogleforth, York, YO1 7JG [21/00601/FULM]**

Prior to the meeting the Chair had received a request by the applicant to defer the item to a later date.

The proposal to defer the item was moved by the Chair and seconded by Cllr Galvin.

A named vote was taken and Cllrs Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell, Perrett, Waudby, Webb and Hollyer voted for the motion. Cllr Melly abstained. It was therefore:

Resolved: That item 4b be deferred.

Reason: To allow the item to be considered at a later meeting.

#### **48. 14 Mount Parade, York, YO24 4AP [21/02140/LBC]**

Members considered an application which sought to gain Listed Building Consent (LBC) for internal and external alterations to a grade II listed building located in York Central Historic Core

Conservation Area. The Development Manager gave a presentation on the application.

### Public Participation

Diane Baines, the agent for the applicant, spoke in support of the application. She highlighted that similar alterations had been made to neighbouring properties. She noted that the National Planning Policy Framework (NPPF) aimed to optimise the viable use of buildings and she also highlighted the areas of public benefit that she believed would result from the plans. These benefits were replacing the extension, improving means of escape from the building and contributing to the city's family housing stock.

In response to questions from Members, the agent explained that the public benefit was derived from a more sympathetic extension and by making the building safer in terms of fire safety.

The applicant, Linda Grenyer, also spoke in support. She described how the current use of the property and how the plans would improve the use and safety of the property.

Following an additional question from a Member, the agent confirmed that the neighbouring properties had been altered in the late 1990's / early 2000's.

In response to questions from members, the Development Manager stated that:

- Section 5.18 of the report referred to the 2004 planning application which proposed similar internal work and slightly different external works to the property. The 2004 planning permission for No. 14 had timed out and could not now be implemented.
- Neighbouring properties had received the following permissions:
  - No. 12, LBC in 2001
  - No. 13, there were no records
  - No. 15, internal and external alterations in 1998
- The NPPF had changed the way of assessing applications for alterations to heritage assets, great weight should be given to avoiding harm to the asset against the public benefit.

- For LBC, the impact on the building should be considered independently of surrounding buildings. The plans should be considered against the architectural interest of the building itself.
- Officers had determined that the plans would result in some harm to the listed building and that that the benefits put forward by the applicant were private rather than public benefits. The property was considered to be at its optimal viable use and 'public benefits' needed to significantly benefit the wider public.
- The use of the basement room as a bedroom raised a fire safety issue. It was difficult to justify this decision by the homeowner to use the room as a bedroom, if it was considered harmful to the listed building to address this issue.

Following a debate, Cllr Galvin moved that the committee recommend to the Chief Operating Officer that Listed Building Consent be approved.

The Senior Solicitor reminded members that they needed to consider if there were any levels of harm caused. If there was harm, even minimal, Members should take into account the public benefits and significant weight should be given to the harm caused. If it was considered that there was no harm to the listed building then the public benefit test would not apply.

Cllr Galvin then clarified his position and confirmed that he believed that there would be no harm to the building, should LBC be granted. Cllr Daubeney seconded the motion.

A named vote was taken with the following result:

- Cllrs Craghill, Daubeney, Fisher, Galvin, Orrell, Perrett voted for the motion.
- Cllrs Melly, Waudby, Webb and Hollyer voted against the motion.

The motion was therefore carried and it was

Resolved: That, as the sub-committee identified no harm to the listed building, the Chief Operating Officer be recommended to grant the application for Listed Building Consent and that authority be delegated to the Head of Development Services to set the conditions for the application.

Reason: That the proposed alterations would not result in harm to the listed building.

[Cllr Crawshaw left the meeting at 17:00 and was absent for item 4a]

[The meeting adjourned between 18:02 and 18:10]

**49. Land To The North Of 21 Main Street, Copmanthorpe  
[20/02043/FUL]**

[Cllr Crawshaw re-joined the meeting immediately after the adjournment, at 18:10]

Members considered an application that sought to erect a part 2-storey, part single-storey, detached, 3-bedroom house on land to the north of 21 Main Street, Copmanthorpe.

The Development Manager gave a presentation on the application in which he outlined plans for the property.

Public Participants

Parish Cllr, Lars Kramm, spoke in objection to the application on behalf of Copmanthorpe Parish Council and the Methodist Church trustees. He highlighted the Parish's concerns that the property was not needed and not in keeping with the identity of the village. He noted that the church was a valued community asset and drew Member's attention to problems regarding overshadowing and loss of light to the Methodist Church's outside space.

Phillip Watson spoke in objection, as a local resident. He raised concerns that the application had been filed incorrectly. He also noted that the land provided an open space amenity to the village and was a biodiverse habitat for wildlife. He stated that there were concerns regarding privacy; that the building was disproportionate, it was an overdevelopment and not in keeping with the village. Finally, he raised concerns regarding pedestrian safety.

Following a Member's query, Mr Watson explained that privacy issues revolved around the windows which over looked the neighbouring property and properties on the road behind the plot.

Andrew Piatt from Gateley Legal, agent for the applicant, spoke in support of the application. He described the plans for the property and explained the ways in which they would echo the street scene. He also explained the consideration given to neighbouring properties in terms of privacy and amenity.

In response to questions, the agent described the access to the property and explained the benefits, in terms of noise insulation, of the windowless elevation that would face the church.

The Development Manager and Case Officer then responded to a number of questions from Members as follows:

- Bins could be stored at the back of the property and prior to collection be brought to the front of the property and be stored off the highway.
- The Copmanthorpe Village Design Statement was approved in 2002 as a supplementary planning document and therefore had weight as a material consideration. The Draft Neighbourhood Plan had not been submitted for consideration by the City of York Council (CYC), it therefore had limited weight.
- Overshadowing was taken into account during the planning process, this would not override the actions an adjacent landowner could take in terms of private rights to light. The right to light to outside areas was a material consideration although the amount of weight it carried in the planning balance was less than the right to light in habitable spaces. Also in consideration was the impact loss of light would have on the functioning of a non-residential use.
- The windows on the side of the church building, next to the proposed house, were located over the stairwell.
- There would be some loss of sunlight to the church's patio area, particularly during the winter.
- Condition 15 defined the hours of operation for the site. Members could consider a construction environment management plan.
- The design of the building takes into account the activities of the church, in terms of noise and public access.
- The gap between the proposed building and the boundary of no. 21 ranged between negligible and 1 to 1.5 metres.
- All windows facing no. 21 had obscured glass, there was not a clear view from the proposed development.

Cllr Webb moved to accept the Officer recommendation and recommend to the Chief Operation Officer to approve the application. This motion was seconded by the Chair.

A named vote was taken which recorded the following:

- Cllrs Crawshaw, Melly, Orrell, Webb and the Chair voted for the motion.
- The following Members voted against the motion: Cllrs Craghill, Daubeney, Fisher, Galvin, Perrett, Waudby.

The motion was therefore lost.

After further debate, it was moved by Cllr Galvin and seconded by Cllr Fisher that the application be rejected due to overdevelopment of the site which would lead to a cramped development that was detrimental to the conservation area.

A named vote was taken which resulted in the following:

- Cllrs Craghill, Daubeney, Fisher, Galvin, Perrett, Waudby voted for the motion.
- Cllrs Crawshaw, Melly, Orrell, Webb and Hollyer voted against the motion.

The motion was therefore carried and it was:

Resolved: That the Chief Operating Officer be recommended to refuse the planning application.

Reason: The proposed development would, on the small, narrow plot, appear cramped, out of character and harmful to the character and appearance of Copmanthorpe Conservation Area.

Cllr A Hollyer, Chair

[The meeting started at 4.54 pm and finished at 7.30 pm].

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