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Meeting	Area Planning Sub-Committee
Date	5 February 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Cuthbertson, Fitzpatrick, Gunnell, McIlveen, Merrett, Watt, Richardson (Substitute) and Ayre (Substitute)
Apologies	Councillors Douglas, Hyman and Looker

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Site	Visited by	Reason for visit
5 The Leyes, Osbaldwick	Councillors Galvin, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
11 Halifax Court	Councillors Galvin, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
Former Car Repair Garage to rear of 70-72 Huntington Road	Councillors Galvin, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.

#### 40. Declarations of Interest

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

Councillor Fitzpatrick declared a personal interest in agenda item 5a (City of York Council, West Offices, Station Rise) as the council's diversity champion and associate of the Travellers Trust.

#### **41. Exclusion of Press and Public**

Resolved: That the press and public be excluded during the consideration of annexes to agenda Item 7 (Planning Enforcement Cases Update) on the grounds that they are classed as exempt under Paragraphs 1, 2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### **42. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 8 January 2015 be approved and signed by the Chair as a correct record, subject to the third paragraph of minute 39d (32 Tranby Avenue, Osbaldwick) being amended to read "Some Members felt that if permission was granted, the suggested informative 3 (Damage to Highway and Verge – Highway Regulation) should be amended to make it clear that this included the use and protection of the **grass verge** as well as the public highway itself and this change was agreed. The resolution would be amended to read "That the application be approved subject to the conditions listed in the report and the amendment to Informative 3 as detailed above."

#### **43. 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 Committee.

#### **44. Plans List**

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

**44a) City of York Council, West Offices, Station Rise, York YO1 6GA (14/02320/FUL)**

Members considered a full application from Councillor Mark Warters for the use of the car park and forecourt at West Offices as a traveller site with three caravan pitches and associated bin storage area.

Representations were received from Mr Mike Hammill of Laverack Associates in support of the scheme. He read a statement which stated that the application strongly demonstrated the public's feelings that the local council were often seen to be unnecessarily restrictive and unprogressive in respect of planning applications. He acknowledged that the development could never be built as the applicant did not own the land but that the application had been submitted in order to draw attention to the council's policy of trying to enforce outlying villages to accept traveller sites whilst excluding them from the city centre. He stated that officers had not worked with the applicant to try and find solutions to enable the application to be approved and that if refused, the application would be appealed giving the applicant further publicity.

Councillor Mark Warters, the applicant, addressed the committee. He stated that this application presented the opportunity for the council which had for a number of years advocated extra gypsy caravan sites at Elvington, Nayburn, Rufforth and the withdrawn site at Dunnington and expanded the site at Osbaldwick. He responded to issues raised in the officer's report explaining that West Offices would be the both the amenity block and management building for the site. After speaking, Councillor Warters left the room for the debate and vote on the application, in accordance with paragraph 3.3 of the Planning Code of Good Practice, as he had a prejudicial interest in the application.

Members acknowledged that while there was a need for additional travellers sites in and around York, this was not a suitable location which would provide a unacceptably poor standard of amenity for its occupiers. Members agreed that the proposed grounds for refusal as set out in the agenda papers were valid.

Resolved: That the application be refused.

Reason: The caravan site, due to its location, size and design would provide an unacceptably poor standard of accommodation for the occupiers contrary to paragraphs 4 and 24 of national planning policy guidance in Planning Policy for Traveller Sites 2012. The use as a caravan site would, due to the visual impact of the caravans, horse grazing, bin stores, outside storage and ancillary paraphernalia cause harm to the setting of designated heritage assets for which there is no clear and convincing justification and which is not outweighed by public benefits of the scheme, contrary to paragraphs 132 and 134 of the National Planning Policy Framework 2012 and policies HE2 (Development in Historic Locations) and HE4 (Listed Buildings) of the 2005 City of York Draft Local Plan.

#### **44b) Traffic Island, Station Rise, York (14/02465/FUL)**

Members considered a full application from Councillor Mark Warters for the erection of a statue on the traffic island at Station Rise.

Mr Mike Hammill of Laverack Associates spoke in support of the application. He read out a statement which acknowledged that while the development could never be built, as the applicant did not own the land, it was still a valid planning application. He stated that it raised genuine concerns and was being submitted in response to control by the ruling party over any criticism. He stated that a planning application was the only way for an individual to draw attention to these problems and waste. He advised that York had fewer statues than many other cities and it would provide the opportunity to create a matching pair with the existing George Leeman statue.

Councillor Mark Warters addressed the committee as the applicant. He expressed dismay that the officer's report contained little information on the proposed statue. He asked Members to consider the implications that refusing this application might have on any future applications for statues in the city. After speaking, Councillor Warters left the room for the debate and vote on the application, in accordance with

paragraph 3.3 of the Planning Code of Good Practice, as he had a prejudicial interest in the application.

Some Members raised concerns that if the application was approved and a statue erected, pedestrians could gather round it to view it which could cause a danger to pedestrians and traffic.

Officers advised that the reason for recommending refusal was that the proposed statue would undermine and devalue the existing George Leeman statue and members noted these reasons.

Resolved: That the application be refused.

Reason: The proposed statue would undermine and harm the high communal and artistic significance of C19th and C20th statues, memorials and other heritage assets within the immediate area of the application site which enrich the lives of citizens and visitors to York. In particular, the statue would undermine and harm the setting of the George Leeman statue which has high historic significance, by being too close to it and by copying its C19th artistic style in a less dignified setting. It would harm the settings of the existing heritage assets and therefore fail to preserve the character and appearance of the conservation area as required in legislation, and be contrary to Policies HE2 and GP1 of the City of York Development Control Local Plan and national planning guidance as contained in the National Planning Policy Framework.

#### **44c) 5 The Leyes, Osbaldwick, York, YO10 3PR (14/02515/FUL)**

Members considered a full application (retrospective) from Mr James Featherstone for the change of use from residential (use Class C3) to House of Multiple Occupation (HMO) (use Class C4).

Mr James Featherstone, the applicant, addressed the committee. He explained that he was both the landlord and owner of the property and he would rent the other three bedrooms to working people. He advised that four cars would fit

on the drive therefore there would be no need to park on the road corner. He explained that the property had been operating as an HMO for 6 months, and no problems had been raised by neighbours during this time. He assured members that he had tried to keep the property looking like a family house and would continue to maintain it to high standard.

Councillor Mark Warters, raised concerns with regard to the loss of a family home to the letting market and questioned the accuracy of the HMO database and whether it gave a true picture of the number of HMOs in Osbaldwick taking into account those which had been set up without planning permission.

While Members acknowledged Cllr Warters' concerns about the need to ensure the accurate recording of HMOs in the city, they expressed the view that this was a very good example of an HMO application with the house being kept tidy and well looked after with no additional building work required.

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

Reason: The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be of a sufficient size, and with an acceptable internal layout, for use as a HMO. The thresholds within the Council's Supplementary Planning Document have not been exceeded and as such the proposal is considered to comply with Policy H8 of the Draft Local Plan.

#### **44d) 11 Halifax Court, York, YO30 5ZE (14/02333/FUL)**

Members considered a full application from Miss Emma Brownbridge for the erection of a detached dwelling.

Officers advised that in response to the comments of the Council's Landscape Architect, the agent had stated that the proposed house would enjoy an un-shaded garden from morning through until late afternoon in the summer months. The agent had also requested that the application be determined on the basis of the submitted plans disregarding the boundary fence line on site.

Officers stated that if Members were minded to approve the application, it was requested that delegated authority be given to Officers to approve the application with any additional conditions following the receipt of comments from Yorkshire Water. They requested that an additional condition was included to require a tree protection method statement to be submitted for approval in line with the comments of the Landscape Architect.

A registration to speak had been received from Mr Kevin Stones but he was not in attendance at the meeting.

Some Members raised concerns with regard to the amenity of the future residents of the proposed house due to its small size. They questioned whether it was overdevelopment of the plot advising of the need to consider the size of the remaining garden at no 11 for future residents of this property. It was suggested that the development could lead to a loss of sunlight to neighbouring properties at numbers 11, 15 and 17 Halifax Court and that the trees on western boundary could cause problems in future years.

With regard to concerns raised in relation to the development of gardens, Officers confirmed that the National Planning Policy Framework (NPPF) stated that local authorities may wish to put in place a policy restricting the development of residential gardens, and policy GP10 of the Draft Local Plan was in accordance with the NPPF. This allows for sub division of plots where it was not detrimental to the amenity and character of the local environment and was of an appropriate scale and density and would not impact on existing landscape features.

Members noted they were constrained by what the applicant had delineated as the site boundary on the application. Whilst the fence line on the site did not reflect the drawing they acknowledged that they were unable to control this. With regard to access onto Water Lane, they noted that highways did not object to the application subject to conditions and an informative. They acknowledged that the proposals complied with planning policy.

Resolved: That delegated authority be given to officers to approve the application with any additional conditions following the receipt of comments from

Yorkshire Water, and with the addition of a condition to require a tree protection method statement to be submitted for approval in line with the comments of the landscape architect.<sup>1</sup>

Reason: The proposal represents the efficient use of land in a sustainable location at low risk of flooding and for a use that is compatible with the surrounding area. The proposed house would be of traditional design and comparable in its scale to surrounding buildings. Its access and parking arrangements are acceptable in terms of highway safety. Drainage from the site could be satisfactorily addressed. The building would not have a detrimental impact on the visual amenity of the area due to the differing housing styles and informal layout of the street. The site could accommodate the dwelling proposed without causing substantial harm to the amenity of neighbouring residents. The property would be in close proximity to mature trees within a neighbouring property and, whilst the dwelling could be built without harm to the trees, it would have a smaller useable garden and experience significant shade from the trees in the summer months. However, on balance, the proposal is considered to be acceptable in planning terms, subject to conditions.

**45. Former Car Repair Garage, To Rear Of 70 To 72 Huntington Road, York (14/02713/FUL)**

Members considered a full application by Dimmack Brothers Ltd for the variation of conditions 2 and 20 and the removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow the previously proposed integral garages to be used as habitable rooms and for the construction of four garages adjacent to the western boundary of the site.

Due to having an interest in the application as he knew an objector, the Development Manager left the room during consideration of this item and the Development Control Officer responsible for this application provided advice to Members regarding this application.



The officer provided an update to the committee. She stated that they had received one additional letter of objection which raised concerns that the increase in number of buildings could reduce the area of surface water run off and permeability of the ground for rainwater. She referred to a previous email sent to officers in which concerns had been raised about the way the builders had approached the development, that a mock up of the proposed garages had been put up on site and that the builders were acting outside the agreed limits of the permission.

She informed Members that an additional letter had also been received from the Environment Agency advising that the council must satisfy itself that the proposed amendments would not increase flood risk elsewhere. The garages could be designed to allow the free ingress and egress of possible future flood flows so as not to displace them onto others. It should be ensured that resulting surface water run off was not increased and that ground level was not raised above existing levels. A condition was proposed to ensure that this could be achieved through the inclusion of permeable areas to the garage floors.

The Officer also advised that the Flood Risk Management Team had responded to confirm they were satisfied with drainage details submitted and but required a slight amendment to the plan to show that drainage was connected not to the gully outside the site but extended to the surface water sewer network in Dennison Street. An amendment would be required to condition 2 to refer to the correct and updated plans.

Officers provided some information in relation to an issue of relative densities of the application site in relation to the adjacent site which had been raised by a Member at the site visit.

Mr Roger Pierce addressed the committee on behalf of residents of 72 and 74 Huntington Road. He raised concerns about the accuracy of the site plan and reminded Members that the application was retrospective as work had already commenced on site. He expressed the opinion that if granted the proposals would lead to overdevelopment of the site and would lead to a loss of outlook from the living areas for existing residents and loss of residential amenity due to the outlook onto garage roofs.

Mr Chris Nugent, the applicant, addressed the committee and explained that he had submitted the application to ensure that the full potential of the site was realised for both existing and new residents. He pointed out that the new footprint would still be less than when the site was set out as a car repair workshop. With regard to the mock up on site, he explained that this was not intended to aggravate residents but to show how invisible the changes would be to residents.. He advised that the roofline of the garages had been designed following lengthy consideration so residents would not be able to see the garages. Residents had had the opportunity to comment on the proposed changes and the majority had been in favour of these.

Some members raised concerns that the apex of the garage roofs would be able to be seen by residents using their rear gardens although it was pointed out that the main objector at no 72 would not be able to see the roofs due to considerable tree foliage. Discussion took place as to whether it would be possible to lower the height of the garage roofs by using a different type of tile. The applicant advised that he would be happy to do what was necessary to be able to optimise the site for existing residents and was willing to consider the possibility of lowering the roof pitches and using roller garage doors.

Resolved: That the application be deferred to a future meeting of the committee.

Reason: In order that further discussion can take place between the applicant and officers with regard to the possibility of lowering the pitch of the garage roofs to make them less visible.

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

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

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.

#### **47. Planning Enforcement Cases Update**

Members received a report which provided them with a quarterly update on planning enforcement cases.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committee's area.

Councillor Watson, Chair

[The meeting started at 2.00 pm and finished at 5.10 pm].