
Meeting	Area Planning Sub-Committee
Date	12 August 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Galvin, Melly, Waudby, Perrett and Lomas (Substitute)
Apologies	Councillors Craghill, Orrell and Daubeney

14. 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 that Cllr Pearson, who was to speak in objection to Cedar House 29 Station Road Haxby York YO32 3LU's application was his nephew, but since Cllr Pearson was speaking as a Ward Councillor and had no personal interest in the item himself, it was deemed that Cllr Fisher's interest was not prejudicial or pecuniary.

Cllr Perrett declared that Cllr Webb, who was to speak in objection to 62 Heworth Road York YO31 0AD's application was her partner, but indicated that they had not discussed the issue together and that the interest was not prejudicial or pecuniary.

15. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 8 July 2021 be approved and then signed by the Chair as a correct record, subject to the amendment of Cllr Mary Urmston's public participation under Minute 11, which now reads as below:

'Cllr Mary Urmston (on behalf of Fulford Parish Council) spoke in objection to the application. She explained that the Parish Council was unable to support the expansion due to concerns about the felling of twenty trees which would result in harm to the public amenity and concerns around access arrangements.

She asked why the number of car parking spaces had increased and noted that the access road was never intended as a parking area. She noted concerns about parking on the northern boundary. She was asked and explained the history of the turning circle and previous assurance that had been made about the access to the site.'

16. 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.

17. 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.

18. Bright Beginnings Day Nursery 47 Rawcliffe Drive York YO30 6PD [21/00066/FUL]

Members considered an application which sought permission for the conversion of the existing property into two dwellings (dwelling 1 and 2) with associated extensions and alterations and the construction of a new dwelling (dwelling 3) in the rear garden with access from Ash Lane.

The Head of Planning and Development Services gave a presentation on the application. This was followed by an update with recent additional information and representations made. Members asked officers a number of questions to which they answered that:

- There was existing access to the rear of the property, and that although the development would cause an increase in traffic in the lane, the increased traffic would not in the opinion of highways officers meet the threshold for a severe or unacceptable impact on safety as set out in paragraph 111 of the NPPF.

- New passing places would be installed as part of the development to help ensure that traffic can flow.
- In order for the passing place to be clearly marked, the gravel surface of the lane would have to be replaced with paving and a sign installed.
- Officers considered the proposals to be acceptable from a planning point of view, and clarified that private disputes over ownership of land did not fall under the remit of the planning process.
- While there was no way to enforce the use of the vehicle turntable in forward gear, the possibility of cars reversing was not enough to recommend refusal of the application.
- There was enough room for bin storage for each of the proposed properties.
- There were spaces reserved in the plan for cycle storage.
- Emergency services were consulted on the proposed width of the lane after the installation of the new passing places and raised no objections.
- There was a previous application for the property in 2003 which was refused and dismissed at appeal, and that the comments of the planning inspector for that application had been taken into consideration when creating the present application.

Public Speakers

Diane Flowers spoke in opposition to the application as a local resident. She explained that she considered the new bungalow to be out of character with the surrounding properties and that the application ignored the influence the new property would have on its surroundings. She further explained that she considered the application to have ignored the City of York Design Guide, arguing that the application will lead to overdevelopment, noise and light pollution, and restrict natural light to other properties. She also referred to previously rejected similar applications on the site and on a nearby property.

Richard Bailey spoke in opposition to the application as a local resident, citing errors and omissions in the planning officers' report. He explained that he owns part of Ash Lane and the turning circle and that since the report encouraged parking in the lane for delivery vehicles and visitors, it was encouraging trespass on his land. He further explained that he considered that it had not been established that the new properties had a right to use the turning circle, so they would be forced to reverse down to the lane. He explained that, in his opinion, no

considerations had been given to previous refusals of similar applications, and that traffic along the lane had only increased since those refusals.

Paul Lee spoke in support of the application as the owner of the property. He thanked officers for their work on the application and highlighted the passing places as an addition to the application which, in his opinion, would increase access, visibility and safety. He explained that the needs and objections of neighbours were considered during the creation of the proposal. He referred to the proposals as having as minimal an impact as possible, and described the designs as making the best use of the space available. He addressed concerns around access, explaining that in the 5 years he has lived at the property, there had never been any issues around access, and that vehicle usage of the lane would continue to be low. He explained that there was a 280 square meter communal turning head for all residents which would negate any need to reverse out of the lane.

Cllr Edward Pearson spoke in objection to the application as Ward Councillor on behalf of local residents. He explained that he was not in principle opposed to the sub division to the house, but that the manner of division proposed in the application was inappropriate in his eyes, being out of character with the local area. He explained that the new properties would not benefit from any outdoor amenity space and that many previous applications had been rejected along Ash Lane for reasons of access. He considered the application to be contrary to the City of York Council's Highway Design Guide on shared driveways.

In response to questions from committee members, Cllr Pearson stated that he believed that large vehicles such as bin lorries could not turn in the lane, and while a smaller vehicle such as a delivery van could do so, it would limit access to anyone else attempting to use the lane at the same time.

In response to further questions from members, officers noted that:

- The passing places are a new addition compared to previous applications and that one of the previous applications referred to by a public speaker was for a 13-bed nursing home, which would have created much larger volumes of traffic than the current proposal. It was also

noted that there had been significant changes to planning policy since past refusals.

- The planning inspector from a previous application of May 2005 was of the opinion that a very similar proposal would lead to overdevelopment and was out of keeping with its surroundings.
- Dwelling 1 would retain permitted development rights if the application were approved, but that there would be no opportunities to implement these rights due to a lack of remaining space after the building of the proposed development.
- The development will have some impact on light to surrounding properties, but it was not considered by officers to be of a degree that would merit recommending refusal of the application.
- That the proposed passing place measured around 4.4 metres in width, and the general width of a car is 1.8 metres, which would allow cars to pass, although some larger vehicles may have to wait at the widest point at the top of the lane.
- Visibility splays would be within the acceptable limit.
- Officers do not consider the proposals to be overdevelopment because each dwelling retain adequate and appropriate outside amenity space such as bin storage.
- Officers had not deemed it necessary to install additional lighting on the lane.
- Cars currently reverse into the lane to park, and leave the lane in forward gear.

After debate, it was moved by Cllr Fisher and seconded by Cllr Melly to refuse the application. A named vote was taken and Cllrs Fisher, Lomas, Melly, Perrett, Waudby and Hollyer voted in favour, with Cllrs Crawshaw and Galvin abstaining. The motion was carried and it was therefore:

Resolved: That the application is refused.

Reason:

1 - The proposed erection of 1 dwelling and the conversion of an outbuilding to a dwelling by virtue of their scale, design and layout would result in the creation of dwellings which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in

principle. The proposals would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF), in particular paragraphs 130 and 134 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

2 - It is considered that insufficient information has been submitted to enable an assessment of the impact the proposal will have on the trees both on an adjoining the site and the associated biodiversity impacts. The proposal would, therefore not be in accordance with guidance contained within section 15 of the NPPF and policy G14 (Trees and Hedgerows) of the Publication Draft Local Plan (2018).

[The meeting adjourned from 17:38 to 17:52].

20. 62 Heworth Road York YO31 0AD [20/02010/FUL]

Members considered an application which sought full planning permission for the provision of two dwellings at the rear of 62 Heworth Road, which was a two storey property fronting the public highway with rear outbuildings and linear garden plot. The site comprised a collection of buildings in the northern part immediately south of no.62 and an area to the south that was undeveloped with overgrown vegetation. It was accessed by an existing private lane that also served the Nags Head Public House to the west and commercial building behind it. The area of land was bounded to the east and south by residential properties on Heworth Road and East Parade. It lay within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area No.5 ("Heworth CA"). The site fell within Flood Zone 1 (low probability).

The Head of Planning and Development Services gave a presentation on the application. A question was raised by a member regarding amenity space, officers responded that the only outside space for 62 Heworth Road was its driveway.

Public Speakers

Lee Vincent, an architect and agent acting on behalf of the applicant spoke in favour of the application. He emphasised that he considered the proposal to be modest in nature and referred to the mitigation efforts on the impact on neighbouring properties. He explained that in his opinion the property would provide a high standard of amenity for existing and future users, he also referred to the positive impact the development would have on biodiversity, and he referred to development's adherence to the City of York Council's Climate Change Policy. Referring to a previous question from a member, he clarified that the driveway for 62 Heworth Road was at the front of the property and that the area marked driveway on the papers was in fact an amenity space.

Molly Newton, a local resident, spoke in objection to the application. She raised her concerns that the development would not create affordable housing and would have a detrimental impact on biodiversity, claiming that it did not take into account that the area is a priority habitat. She referred to the heritage plum tree in her garden, which had been mislabelled as an ordinary apple tree, concerned that the development would affect its roots. She also suggested that the Council's Biodiversity Action Plan had not been adhered to, stating that a detailed ecology report had not been carried out. Finally, she stated that she had not been consulted on the impact of the development on her property, and raised concerns about the impact of increased traffic near the local primary school.

In response to a question from members, Mrs Newton stated that her greatest concern in regards to biodiversity was that three trees were due to be felled with no plans for them to be replaced. Furthermore she stated that there had been no communication from the applicants at any stage regarding air, light or noise pollution.

Cllr Robert Webb (Ward Councillor for Heworth Ward) spoke in opposition to the application. He emphasised that the property the application related to was situated in a conservation area and referred to the National Planning Policy Framework provisions for such areas. He explained the he considered the proposal to be harmful to a heritage asset and in his opinion the current proposal is not dissimilar to an application for the same

site rejected last year. Finally, he raised concerns around increased traffic levels around the local primary school.

In response to questions from members, Cllr Webb stated that the development is surrounded by residential properties which would be able to view it and that access to the development would be shared with the nearby pub.

In response to further questions from members, officers stated that:

- Trees in conservation areas are afforded extra protection, although on this occasion the consulted landscape architect had determined that none of the trees due to be felled were worthy of a tree protection order, which is why there were no proposals to replace them in the application. Furthermore, there would be little space left after the development for the planting of any replacement trees.
- That root protection measures for the heritage plum tree on Mrs Newton's property could be conditioned if required by members.
- It was possible to have discussions with the applicant around replacing the trees outside of the proposed development, but that may prove difficult.

Following debate, it was moved by Cllr Crawshaw and seconded by Cllr Lomas to reject the application. A named vote was taken, with Cllrs Crawshaw, Fisher, Lomas, Melly, Perrett, Waudby and Hollyer voting in favour and Cllr Galvin voting against. It was therefore:

Resolved: That the application is refused.

Reason:

The proposed single storey detached dwelling by virtue of its scale, design and layout would result in the creation of a dwelling which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in principle. The proposal would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF),

in particular paragraphs 130 and 134 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

Cllr A. Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.40 pm].

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