
Meeting	Area Planning Sub-Committee
Date	16 February 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Galvin, Melly, Orrell, Waudby, Perrett and Lomas (Substitute for Cllr Webb)
Apologies	Councillor Webb

50. 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 Orrell declared a personal, non-prejudicial interest in item 4c as one of the public speakers, Verna Campbell, had been the Sheriff of York during his time as Lord Mayor.

51. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 20 January 2022 be approved and then signed by the Chair as a correct record.

52. 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.

53. 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.

54. 9 Bransdale Crescent, Osbaldwick, York, YO10 3PB [22/00003/FUL]

Members considered a retrospective full application for a single storey flat-roof rear extension, rear dormer and replacement of former detached garage, with an attached garage to the side at 9 Bransdale Crescent, Osbaldwick, York YO10 3PB. The Development Manager gave a presentation on the application and updated the committee on two additional representations.

There were no public speakers on the item and following Members' questions the Officer responded that:

- The building on the right side of the proposed west elevation was a garage.
- The original extension had projected 4 metres from the property, the new extension projected 6 metres from the house.
- There was a planning condition proposed that the flat roof of the extension could not be used as a roof terrace. An informative was included in the planning permission for electric charging points as this was a replacement and not a new building.
- If Members considered it necessary, there could be a condition added, with appropriate timescales included, for additional boundary planting.

Following a debate, Cllr Orrell moved for the approval of the application subject to the following additional conditions:

- Prior to first occupation of the extension, boundary fencing must be installed
- Hedging must be planted in the first planting season following occupation of the extension.

Cllr Fisher seconded the motion. On being put to the vote, all were unanimously in favour and it was:

Resolved: That, subject to the conditions outlined above, the application be APPROVED.

Reason: The development was considered to be appropriately designed and not to harm the appearance of the street scene or residential amenity. It complied with the National Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018, policy H7 of the 2005 Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations'.

55. The Lord Nelson 9 Main Street Nether Poppleton York YO26 6HS [20/02513/FUL]

Members considered a resubmitted full application that sought to erect two dwellings on land to the rear of the Lord Nelson public house at 9 Main Street, Nether Poppleton, York, YO26 6HS.

The Development Manager gave a presentation on the application in which he outlined the plans. He also provided an update on the revised plan and highlighted the reason for the previous refusal.

Public Speakers

Richard Harper, a local resident, spoke in objection to the application. He stated that the revised plan was more detrimental than previous plans. He raised concerns regarding the dwellings being inappropriate in the Conservation Area and that there were potential problems with drainage. In response to Members questions, he described the listed buildings in the immediate area.

Paul Harper, a local resident, also spoke in objection to the application. He drew attention to the Public House being a community asset, and highlighted the Conservation Officer's report that the harm to the Conservation Area would outweigh the benefits.

Councillor Anne Hook, spoke in objection to the application as the Ward Member for Rural West York. She spoke about the inconsistencies in the application of planning policy with regard to a similar planning application. She explained that the building proposed for plot 2 was very close to listed buildings within the Conservation Area. Cllr Hook noted the comments of the Conservation Officer and raised the concerns of the Design Conservation and Sustainable Development (DCSD) team as contained within the Officer report.

In response to questions from Members, she confirmed that the public house was open and that she considered that there was insufficient parking for both the pub and the village. She also explained that she felt that the proposal constituted an overdevelopment of the site. She commented that she felt that the site should not be subdivided as the site was intrinsic to the pub.

Lionel Lennox, a local resident, spoke in objection to the application. He highlighted the reasons for rejecting the previous

application and explained that the dwelling on plot 1 was harmful to the character and appearance of the Conservation Area. He suggested reducing the floor plate and the gradient of the roof slope and make the house a 1.5 storey dwelling.

In response to questions from Members he explained that the new building would be seen from both Hallgarth Close and Ferryman's Walk.

Richard Irving, the agent for the applicant, spoke in support of the application. He referred to the planning balance and highlighted the innovative design by local architects. He noted that York Civic Trust, Highway Network Management and Flood Risk Management had not objected to the application.

In response to questions from Members, the architect explained the revision to the plans since the previous submission and spoke to the advantages of the proposal.

In response to questions from Members, Officers gave the following responses:

- There had been minor changes to plot 1 and significant changes to plot 2 which would mean that the dwelling would not be visible from any public viewpoint. The neighbourhood plan allowed for some contemporary design.
- The building plot was separate to the Public House and was therefore not considered to be a threat to the viability of the community asset.
- Condition 20 covered noise insulation and Electric Vehicles (EV) charging.

Following questions, Cllr Waudby moved to refuse the application due to the overbearing design of the buildings and the perceived harm to the conservation area. This was seconded by Cllr Fisher. A vote was taken and there were 8 votes for the motion and 3 against. It was therefore:

Resolved: That the application be REFUSED.

Reason:

- i. The scale of house 1 and subdivision of historic plot was considered harmful to conservation area and setting of listed Poppleton House
- ii. The design of house 2 was out of character with the surrounding development and harmful to the conservation area.

56. Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York, YO10 4QA [20/01471/FULM]

Members considered a resubmitted, major full application, for the change of use of existing bungalows (Use Class C2) to residential accommodation where care is provided (Use Class C3(b)) with construction of associated parking court and access driveway from Fulford Park. The Development Manager gave a presentation on the application and provided an update that covered additional representations and changes to the conditions.

Public Speakers

Verna Campbell, a local resident, spoke in objection to the application. She described the parking situation and driving conditions in Fulford Park and explained that another access road would cause additional congestion.

Mary Urmston, a neighbour, spoke in objection to the application. She was concerned that the plans would urbanise and therefore spoil the park. She felt that the refurbishment and subsequent rental of the bungalows and the proposed car park was for private, not public, benefit.

Jesper Phillips, a local resident, spoke in objection and raised concerns regarding the harm to protected trees, the impact on the conservation area and impact to Fulford's heritage.

Cllr Aspden, spoke in objection as the Ward Member for Fulford and Heslington. He noted the similarity to the previous application which had been refused by the Committee. He also stated his support for the bungalows return to use but, he raised concerns about the prominence of the bike store and car park and underlined the impact of the changes on the conservation area.

Cllr Juliet Koprowska spoke in objection on behalf of Fulford Parish Council. She highlighted that the parkland was a community asset and that in her view, the public benefit did not outweigh the harm to the trees and wildlife. She also raised concerns regarding the access road, the weight of the gates as well as the loss of the green corridor for wildlife.

Ray Haddock spoke in objection to the application and questioned the reasons for no previous refurbishment to the bungalows. He raised concerns regarding the impact of the access road on the

green space. He stated that from an ecological point of view, the harm outweighed the public benefit.

Marc Nelson-Swift spoke in support of the application on behalf of the applicant, the Royal Masonic Benevolent Institution Care Company (RMBI). He explained the importance of making the bungalows accessible for residents and the reasons for not extending the residential care to the bungalows.

In response to questions from Members, the applicant gave the following answers:

- The bungalows would be rented at the affordable rent rate of 80% of the market value and that the residents would be local, two from the council list and the rest on a first come, first served basis.
- It was not possible to provide physical access through the care home for vulnerable adults, current resources could not be diverted from the existing residents.
- The road way was designed as no dig in order not to damage tree roots.

In response to questions from Members, the Officers responded as follows:

- The previously proposed route for access was a reasonable distance from the tree cover, judging by the photograph.
- It would not usually be possible to remove a tree with a Tree Protection Order (TPO) unless it was deemed unhealthy. The removal of a tree with a TPO for planning purposes must be considered as part of the planning balance. Any risky from construction over the root plate of a tree could be managed. The planning balance would include the loss of the trees versus bringing the bungalows back in use.

Following debate, Cllr Crawshaw moved to approve the application and this was seconded by Cllr Galvin.

During further debate, Members noted that the applicant had made an offer to provide affordable housing and questioned if a condition could be included to ensure that this offer was adhered to. The Officer confirmed that it had not been included in the recommendations as current planning policy does not apply in this instance. Should Members take the view that it was an additional public benefit, the offer would form part of the planning balance, outside of planning policy. In the view of the Officer, it was reasonable to secure this through planning permission.

Cllr Crawshaw and Cllr Galvin, as the mover and seconder for the application, agreed that a condition or planning obligation be added to cover the affordable housing provision.

A vote was taken and with 7 votes for the motion and 4 against, the motion was passed. It was therefore:

Resolved: That the application be APPROVED subject to the completion of a Section 106 agreement and the conditions outlined in the report as well as the additional condition or planning obligation to secure affordable housing as outlined above.

Reason: Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area and great weight given to the conservation of all relevant heritage assets. While harm is assessed as being less than substantial, the harm to the conservation area is nevertheless a matter of considerable importance. This harm has been weighed against the substantial public benefits of bringing back into use 10 homes for older people in need of care and the provision of affordable housing. It is concluded that, subject to safeguards provided by planning conditions and a s.106 planning obligation, the substantial public benefits of bringing forward the 10 dwellings outweigh the identified harm to the conservation area and provide clear and convincing justification for approving the application. It complies with the requirements of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 5 (Delivering a sufficient supply of homes) and 16 (Conserving and enhancing the natural environment) of the NPPF and policies H3 (Balancing the Housing Market), H9 (Older Persons Specialist Housing) and D4 (Conservation Areas) of the 2018 eLP.

Cllr Andrew Hollyer, Chair

[The meeting started at 4.32 pm and finished at 7.37 pm].

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