

Meeting	Area Planning Sub-Committee
Date	7 June 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Hunter and Brooks (Substitute for Councillor Gillies)
Apologies	Councillors Gillies and Mercer

Site	Visited by	Reason
115 Fulford Road	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received.
64 Newland Park Drive	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
Thomas Dick Ltd, Hallfield Road	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
22 Hopgrove Lane North	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
Pigeon Cote Farm, Monks Cross Drive, Huntington	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received
Five Acres Site, Holgate Road	Galvin, Shepherd, Cannon, Craghill, Dew, Crawshaw and Flinders	As approval was recommended and objections had been received

1. 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.

Councillor Flinders declared a prejudicial interest in agenda item 4c (minute item 7) as he was employed by Network Rail and did not take part in the debate or vote on this item.

Councillor Craghill declared a personal, no prejudicial interest in agenda item 4d (minute item 8) as she was acquainted with one of the objectors.

2. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 3 May 2018 be approved and then signed by the Chair as a correct record.

3. 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.

4. 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.

5. 22 Hopgrove Lane North, York [18/00395/FUL]

Members considered a full application by Mr Stephen Johnson for the erection of one dwelling.

Officers gave an update, which was published online following the meeting, which covered two further representations received since the agenda was published and verbal confirmation from Yorkshire Water that it would not refuse an application for one additional property to be connected to the sewage system. It also covered two additional conditions and an informative relating to drainage.

In response to Member questions on flood risk, Officers stated that:

- Information on surface water drainage would have to be provided before any development could commence;
- There had been issues with flooding previously, the photos provided from an objector were from 2008;
- That to reach a surface water run off rate of less than 0.5l/s, the outfall orifice would be so small it would be prone to blockage and create more of a problem; and
- The Environment Agency no longer allowed septic tanks.

Fiona Hopkinson, a neighbouring resident, spoke on her concerns around overdevelopment of the area. She highlighted that other, smaller, developments in this area had been refused citing overdevelopment. She also stated that there were issues with drainage, access and that there were no special circumstances that would permit development in the green belt.

Ms Leaning, a neighbouring resident, also spoke on concerns around drainage and flooding. She stated that in the past homes surrounding this property had flooded up to a foot in an hour and that rainwater ran into the main sewer which meant that when the sewer backed up gardens were also flooded with sewage. This had happened in 200, 2008 and 2015.

Annette Kennelly, the applicant, stated that the objections raised by the previous speakers had been addressed in the Officer's report and drew Members attention to the fact that no objection had been received from the parish Council. She also highlighted that there would be new drainage for the existing bungalow and a new soakaway to the rear of this property.

In response to Member questions Officers stated that:

- Yorkshire Water had not refused a connection to the main sewer; and
- That, in terms of the green belt, the 2005 draft Local Plan was still in use for development control purposes and within this Hopgrove was identified as a village.

During the debate, Members felt that there were some finely balanced issues to consider, particularly around drainage and expressed their sympathy for local residents who had suffered flooding. However, several Members felt that with the measures to be put in place, this property would not be adding

additional surface water to the system or contributing to the existing problem.

Resolved: That the application be approved subject to the conditions listed in the report and the following additional condition:

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (Extensions and additions), D (Porches) and E (Outbuildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

Reason: The application site lay within the settlement of Hopgrove that was within the general extent of the York Green Belt. The proposal involves the provision of one dormer bungalow within the garden of no.22 Hopgrove Lane North that would infill the space between no.21 and the adjacent property, no.22. As such, the proposed development is considered to be appropriate in Green Belt policy terms, which would preserve the character and appearance of the ribbon development along Hopgrove Lane North. Subject to conditions, potential harm to land contamination, flood risk, highway safety and residential amenity could be adequately mitigated. As such, the application complied with planning legislation, advice and policies that are contained in the NPPF and Draft City of York Local Plans of 2005 and 2018.

6. Thomas Dick Ltd, Hallfield Road, York [17/02576/FULM]

Members considered a major full application by Helmsley Securities Ltd for the erection of a three storey building comprising of 14 residential units with associated parking, external refuse storage and private amenity areas following the demolition of the existing building.

Officers circulated an update, which was published online following the meeting. This stated that the reported objection at bullet point two, on further examination, was referring to a different development site and so should not be taken into account in determining the application. It also corrected the statement made at the site visit – no objections had been received from occupants of the residential building to the north of the application site.

In response to Member questions Officers stated that:

- In relation to flooding this scheme would provide a marginal improvement in the amount of flood water storage;
- As the drawings had been revised it was no longer necessary to remove the tree on the boundary in order to construct the scheme and a condition could be added to state that the tree should be retained; and
- That it was possible to enter into a discussion with the applicants on the number of electric vehicle charging points to be provided.

Resolved:

1. That, on completion of a S106 legal agreement to secure a contribution towards the expansion of teaching and workshop facilities at St Nicholas Fields, delegated authority be given to the Assistant Director, Planning and Public Protection, to approve the application subject to the conditions listed in the report.
2. That, after discussion with the applicant, and approval by the Chair and Vice Chair of this Sub-Committee, an amendment be made to condition No11, in relation to electric vehicle charging points.

3. That a condition be added to retain the tree that is shown to be removed on the approved

Reason: The revised scheme for the erection of a three storey building comprising 14 flats would provide homes within a sustainable and accessible location. The site was previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. The development would accord with the NPPF, the Draft Local Plan 2005 and the Emerging Local Plan 2018. On balance, it was considered the proposal complied with the thrust of national and local planning policy.

7. Five Acres Site, Holgate Road, York [17/02906/FULM]

Members considered a major full application by Network Rail (Infrastructure) Ltd for the change of use of land for operational railway purposes and construction of track fan to serve rail vehicle maintenance facility.

Officers gave a verbal update to Members to explain that since submission the application site area had been reduced.

Diane Cragg, representing the applicant, explained that Network Rail had a long history with this site which was currently used to house spares and for maintenance. She stated that this development would secure jobs and potentially create further employment opportunities. In response to Member questions she stated that both the Railway Heritage Trust and museums would be contacted to see if the traverser could be offered to railway heritage organisations.

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

Reason: The application was considered acceptable subject to the recommended conditions. The proposed change of use to operational railway was also considered acceptable subject to removal of certain permitted development rights to limit surface water run-off and noise levels. The proposed improvements to the current carriage works access

would improve services and activities at the site; support the business which is a significant employer, make a significant contribution to the local economy; and support sustainable transport. There would be no harm to the character of the area or neighbour amenity and any archaeology on the land would be protected by a watching brief. The application accords with the national planning policy in the NPPF and relevant policies of the 2018 Draft Plan.

8. 64 Newland Park Drive, York [18/00264/FUL]

Members considered a full application by Mrs Fereshteh Hurst for use as a 7 bedroom house in multiple occupation.

Darren Hartshorn, a local resident, spoke to express his concerns around the number of HMO properties in the area and issues that this led to such as anti-social behaviour, rubbish left in the street and car parking.

Councillor Neil Barnes, Ward Member, reminded Members that the previous application for this property to be used a 6 bedroom HMO had been turned down by the Committee. He stated that there were questions surrounding the current status of the house and that it had been used illegally as a 7 bedroom HMO in the past. He urged Members to refuse this application given the intensity of HMO use in this area.

In response to Members questions, Officers stated that:

- If the application was refused the property would be in use class C4, a small HMO;
- No part of the Planning Act would allow Members to return this property to C3 use;
- The use was lawful as the property was operating as a HMO prior to the Article 4 directive;
- The annex was also in lawful use as part of a small HMO;
- There had previously been a prohibition notice on one of the bedrooms as the floor space did not comply with regulations, however a wall had since been moved to create more floor space and the notice had been lifted; and
- If the annex was let separately to the HMO then enforcement action could be taken, if expedient.

During the debate Members raised some of the following points:

- At least 21% of this street and 47% of the wider area were currently in use as HMO's and it was likely that the true figures were far higher;
- This intensification of use was having a detrimental impact on the area and on the amenity of neighbouring properties that were still family homes;
- It was felt that, although this application would only increase occupancy by one person, that the cumulative impact needed to be considered.

Resolved: That the application be refused.

Reason: The Council's records indicated that at street level within 100m of the application site there were currently 10 known Houses in Multiple Occupation out of 47 properties, 21%. At the neighbourhood level there were currently 489 known HMOs out of 1035 properties, 47%. In the context of the existing high concentration of Houses in Multiple Occupation in the area it was considered that the intensification of the occupation of the application property would result in significant harm to the living conditions of nearby residents and the residential character and environmental qualities of the area by reason of cumulatively increased noise and disturbance and car parking pressures. It was also considered that granting planning permission for the proposed change of use would set a precedent for the approval of similar applications in the vicinity of the application site further eroding the environmental qualities and character of the area.

The proposal was therefore considered contrary to paragraph 7 of the NPPF, which requires the planning system to support strong, vibrant and healthy communities and Paragraph 17 which advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

9. 115 Fulford Road, York [18/00366/FUL]

Members considered a full application by Mr and Mrs Breene for the erection of dormer bungalow with garage.

Officers circulated an update, which was published online following the meeting. It contained a comments from a Ward Member, an amendment to condition No2 and an additional condition relating to retention of a hedge at the southern boundary of the site.

Keith Waudby, a neighbouring resident, spoke in objection to the application. He felt it would be overpowering and obtrusive and raised his concerns over drainage and the damage such a narrow access route may cause to the boundary of his property.

In response to Member questions, Officers stated that:

- In respect of the additional condition, if Members were minded to approve the application an alternative to a hedge could be agreed;
- A construction management plan would not normally be required for such a small site; and
- As planning permission had previously been given on this site, even though it had now lapsed, Members would need to demonstrate a material change in circumstances if they decided to refuse this application.

During debate some Members felt that the application should be approved, with conditions, as permission had previously been granted on the site and that this would provide another family home in a time of great housing need. However, several Members felt that there was a material change in circumstances due to the increased level of development in the city since the last application was approved. They also felt that the application did not meet the terms of policy D1 of the emerging Local Plan as it was too large a development for the site and this would negatively impact on the amenity of neighbours.

Resolved: That the application be refused.

Reason: The proposal was considered to be an overdevelopment of a backland site which, because of its plot coverage and massing, would be out of character with the established pattern of

development and would have an overbearing impact that would be harmful to the living conditions of neighbouring residential properties.

The proposal was also considered to be contrary to policy D1 of the Publication Draft Local Plan 2018, which states that development proposals should demonstrate that the resultant density will be appropriate for its neighbouring context and that the proposal does not dominate other buildings. The proposal would also be contrary to the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 64).

10. Pigeon Cote Farm, Monks Cross Drive, Huntington, York [18/00411/FULM]

Members considered a major full application by Pyramid Storage Ltd for the erection of self-storage facility (use class B8) and outline application for erection of industrial units (use class B1, B2 and B8) with associated car parking and landscaping.

Eamon Keogh, agent for the applicant, stated that this development would be a much needed redevelopment of an underused brownfield site. He suggested that there was a high demand in the area for both self storage and small industrial units.

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

Reason: The site was identified as an employment allocation within the 2005 Local Plan and was subsequently unallocated within the Publication Draft York Local Plan 2018 ("2018 Draft Plan"). Both the southern (full) and the northern (outline) parts of the site would be retained in employment use. It was considered that the development represents sustainable development and was, in principle,

supported by relevant policies in the NPPF. The possible impacts of the outline development in terms of noise; visual amenity etc in respect to the general amenity of the area can be controlled by the reserved matters and/or conditions. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to conditions.

11. 17 Barmby Avenue, York [18/00625/FUL]

Members considered a full application by Tracey Carter and Alison Gear for the erection of a detached single storey annexe building to the rear providing ancillary living accommodation.

Officers circulated an update which provided the following revised wording to condition 3:

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Barmby Avenue and shall not be used as separate holiday let accommodation.

Officers clarified that this application had been brought to Committee as the applicant was a senior officer of the Council, and for no other reasons.

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

Reason: The proposed annexe was of a design that is compatible with the application property and the character of the area. It was also considered that there would be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. The proposal was considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].