

Meeting	Area Planning Sub-Committee
Date	10 January 2019
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Crawshaw, Gillies, Mercer, Shepherd, Cullwick (as a substitute for Cllr Fenton) and Richardson (as a substitute for Cllr Dew)
Apologies	Councillors Craghill, Dew, Fenton and Hunter

---

### **57. 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. None were declared.

### **58. 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.

### **59. 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.

### **60. Windsor House, 22 Ascot Way, York, YO24 4QZ [18/02177/FUL]**

Members considered a full application from Mr Stephen King for the erection of a sub station and associated parking at Windsor House, 22 Ascot Way.

Officers informed the committee of an additional condition suggested by Public Protection to address the concerns regarding noise coming from the apparatus. It was

recommended that the following should replace the original noise condition:

- Details of all machinery, plant and equipment to be installed in or located on the premises shall be submitted to the local planning authority for approval prior to the construction beyond foundation level. These details shall include average sound levels (LAeq), octave band noise levels and information on existing background noise levels at the location. If the machinery, plant and equipment increases the existing background noise levels across any of the octave band frequencies then details of proposed noise mitigation measures shall be submitted for the approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Officers were in attendance to introduce the application and answer questions on the application.

In response to member questions regarding anti-social behaviour in the area, Officers identified the following mitigations to reduce the risk of anti-social behaviour and improve the security on site:

- Additional lighting to illuminate the area
- CCTV cameras to be installed

Cllr Waller, the ward Councillor, addressed the committee regarding the application. Cllr Waller informed the committee of the security concerns raised by residents and noted that it would be important to have the security measures identified to help address this and was also pleased with the revised noise condition.

It was moved and seconded that the application be approved and it was therefore:

Resolved: That the application be approved subject to the conditions listed in the report and the amended noise condition noted in the update.

Reason: The proposal is modest in scale and would not give rise to any material harm to the visual amenity of the

wider street scene. At the same time, any environmental impacts or risk of anti-social behaviour can be mitigated by planning conditions attached to any planning permission. For these reasons the proposal was considered acceptable by Members.

**61. The Limefields, Scoreby Lane, Scoreby, York, YO41 1NR  
[18/02103/FUL]**

Members considered a full application from Mr Ben Smith for the conversion of a former agricultural building to a dwelling.

Mr Mark Newby, agent for the applicant, spoke in support of the application and highlighted the following points for the committee:

- That the redundant building would be converted to a dwelling and not a holiday let as suggested by some objectors
- That the development was appropriate and would not impact the openness of the green belt
- That there had been no objections from highways officers and no expected increase to the volume of vehicle movements
- That the design of the property and distance to neighbouring properties was such that there would be no detrimental impact to the local amenity
- That a new suitably sized treatment plant would be installed to service the proposed dwelling and there had been no objections from the drainage officer.

Mr Graham Cheyne also spoke in support of the application and emphasised that this development was intended as a family home and not a holiday let.

Mr Paul Rowntree spoke in objection to the application and made the following points to the committee:

- The size of the curtilage is unclear and doesn't comply with several parts of policy GB3
- The storage facilities for the property would be lost and it would be inevitable that new structures would be required
- Current properties have dedicated drains from septic tanks to a distant pond to take waste water away safely. The proposed water treatment solution was alarming due to being on the watershed of the Derwent and Ouse, the

drainage report doesn't address the lack of drainage during wet periods.

- That the swallow population residing in the barn would be displaced and as there is no alternative solution offered, it would be a loss to the local amenity.
- That four en-suite bedrooms and open living space resembled a holiday let and the applicant owns a holiday letting company. Residents would welcome another family, however a holiday let would fundamentally damage this unique rural community and set a dangerous precedent.

Cllr Mark Warters also spoke in objection and made the point that as there is no clearly defined curtilage, policy GB3 (points [vi] and [vii]), are not satisfied. Cllr Warters also drew attention to a high court ruling from 2012 in which the residing judge ruled that 'the use of a dwelling for commercial use or letting amounts to a material change of use and required planning permission'. Cllr Warters believed the committee, if minded to approve the application, should ensure that it is clearly designated as a residential dwelling and not as a commercial holiday let, allowing for future enforcement should this not be the case.

Officers then clarified this point by highlighting that the application does not refer to holiday let use and if the applicant did wish to use it as a holiday let, there would be no requirement for a change of use application as they are both classed as residential dwellings and fall within the same use class .

In response to Member questions, the Council's Flood Risk Engineer clarified that as there is no material change to the existing building, the surface water drainage would not be affected. Cllr Richardson asked a number of questions in relation to how the drainage system would operate which were answered by the Flood Risk Engineer

Members questioned whether a condition could be added to restrict the property to C3 use, officers stated that it was possible but specific reasons would need to be provided.

Some Members felt that despite being a similar footprint, it was not clear, under paragraph 4.7 (ii), that the development could be completed 'without major or complete reconstruction' and would therefore not be supporting the application.

It was moved and seconded that the application be refused on the grounds of being inappropriate development under policy GB3. The motion fell by 5 votes to 4.

It was then moved by Cllr Gillies and seconded by Cllr Galvin that approval be granted and the motion was passed by 5 votes to 4, it was therefore:

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

Reason: The conversion of the building would not have a detrimental impact upon the character of the area, on residential amenity or upon the openness of the Green Belt. As such the application accords with the NPPF 2018 paragraphs 143 to 145, policy GB1 of the publication Draft Local Plan 2018 and policies GB1, GB3 and GP1 of the Development Control Local Plan 2005.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.25 pm].