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Meeting	Area Planning Sub-Committee
Date	6 June 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby and Webb
Apologies	Councillor Lomas

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## **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. None were declared.

## **2. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 4 April 2019 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.

### **4a) 25 Garden Flats Lane, Dunnington, York [18/01851/FUL]**

Members considered a full application from Mr and Mrs Craven for the erection of 2 dwellings with new access following demolition of an existing bungalow.

Officers corrected some of the separation distances at paragraph 4.15 of the officers' report. The correct dimensions are listed below:

- The distance from the proposed house at plot 1 to the boundary with No.27 Garden Flats Lane would be approximately 1m.
- The distance from the proposed house at plot 1 to the nearest habitable part of No.27 would be approximately 4.9m.
- The distance from the proposed house at plot 2 to the boundary with No.23 Garden Flats Lane would be approximately 2.4m.
- The distance from the proposed house at plot 2 to the nearest habitable part of No.23 would be approximately 5.6m.

In response to questions at the site visit on Wednesday 5 June, Officers clarified that the applicant had now submitted land registry documents confirming that the entire application site was under the ownership of the applicant. Finally, Officers stated that should permission be granted, there would be an additional condition for obscure glazed windows on the side elevations of the two dwellings.

Members asked Officers why there was no expectation on the applicant to go further than standard building regulations in terms of sustainable materials and energy efficiency that is set out in the Council's emerging Local Plan. Officers stated that it is not a policy that is currently being used as it is not yet a part of the adopted development plan. It could affect potential viability and won't be adopted until the plan has been through an examination process.

Ana Craven, the applicant then spoke in support of the application. Ms Craven highlighted the following points to the committee:

- That Garden Flats Lane has a wide range of properties including large two-storey houses and single storey and dormer bungalow properties that have been recently approved.

- The separation distances, boundary distances and ridge heights were all comparable to that of other properties on the street.
- That no objections had been received from drainage or highways.
- All matters raised during the application process had been addressed.

Pat Muir then spoke in objection, on behalf of residents in the area. Ms Muir stated that residents were concerned by oversizing of the properties and inadequate separation distances. Ms Muir went on to state as the committee whether it could be justified that the demolition of a previously well maintained bungalow and replacement with two highly priced properties was really meeting the housing need for the area. Finally, Ms Muir stated that objection was not prompted by a 'not in my back yard' attitude and that two town houses or bungalows suited to first time buyers would be very acceptable.

Jenny Brooks, on behalf of Dunnington Parish Council, then spoke in objection to the application. Ms Brooks stated that Dunnington Parish Council objected to the application as it was overdevelopment of a plot resulting on adverse impact on immediate neighbours. Ms Brooks stated that Dunnington has an ageing population and bungalows were highly sought after by elderly residents. Ms Brooks stated that condition 13 must be adhered to strictly and all drainage details be submitted and approved before work begins.

Cllr Mark Warters then spoke in objection to the application. Cllr Warters highlighted that he believed the two proposed properties to be out of character for the area, gross overdevelopment and with an unacceptable impact on neighbours. Cllr Warters urged the committee to refuse the application and let it be tested at appeal to set a precedent in York for future 'garden grabbing' schemes. Cllr Warters finished by expressing his discontent with the power of enforcement with York and informed the committee that they should take no comfort in the conditions and informatives listed.

Cllr Rowley then spoke in objection to the application. Cllr Rowley highlighted that Dunnington Parish Council have a proven track record for encouraging development to meet the City's housing need. He went on to state that this application doesn't not meet the housing need for the area, which is short of

two-bedroom starter homes in particular. Cllr Rowley also expressed his discontent with City of York Council's track record of enforcing planning conditions and urged the committee to refuse the application.

During debate, Members expressed sympathy with the residents and agreed that more affordable housing would have been gladly welcomed. However, Members were clear that they did not feel as though there were valid planning reasons to refuse the application and that if they did it would certainly be overturned at appeal.

It was moved and seconded that approval be granted and it was therefore

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The application would provide one additional house in a sustainable location. The scale, design and materials would be in keeping with the character of the area and would have no significant impact on neighbouring occupiers. The Council's highways officers have no objection to the access, parking, traffic generation or highway safety. Contamination and drainage could be dealt with by condition. The application complies with relevant policies of the NPPF and Publication Draft Local Plan 2018.

**4b) Dean Court Secure Car Park, Rear Of Portland Street  
[18/02853/FULM]**

Members considered a Major Full Application for the erection of a two storey block of 16 apartments on site of existing private car park with associated cycle and refuse stores.

Members questioned officers on the potential use of photovoltaic panels and the policy target of 28% reduction to carbon emissions. Officers stated that this was the target however it was not yet clear whether the 28% would be viable for this development or whether photovoltaics would be necessary in achieving the 28% reduction.

Members also asked whether a condition could potentially be added for maintenance of the sedum roof and whether officers

would look into the potential of further Section 106 contribution for public amenity space in the area, particularly Bootham Square. Officers said that since the recommendation was for delegated authority to approve, they would report back on Section 106 issue to Chair and Vice-Chair and that it would not be unlawful to impose a condition on the sedum roof.

During debate, Cllr Craghill moved and Cllr Cullwick seconded a proposal to amend condition 13 regarding the landscaping of the site. The motion fell by 6 votes to 5.

It was then moved and seconded that approval be granted and it was therefore:

Resolved: That delegated authority to approve be granted subject to the conditions listed in the report, an additional condition relating to maintenance of the sedum roof and a Section 106 agreement being approved with additional investigation into the potential for a financial contribution relating to amenity open space at Bootham Square.

Reason: The scheme is acceptable in principle, providing needed housing in a sustainable location at an under-used site in accordance with sections 5 and 11 of the NPPF. In accordance with sections 12 and 16 of the NPPF, the scheme is acceptable on design grounds, considering its functionality and its impact on the conservation area and neighbour's amenity. Conditions can be used to ensure the development is sustainable.

#### **4c) Hotel Noir Ltd, 3 - 5 Clifton Green [19/00108/FULM]**

Members considered a Major Full Application for the conversion of a hotel to 10 residential units (use class C3).

Officers updated the committee on further concerns from neighbours regarding:

- Access arrangements as the intention is for main access to be from Clifton Dale and that there would not be an option for people to access the car park from Clifton Green.
- Extra traffic on Clifton Dale

- Type of dwellings proposed, including 'Air B and B' and associated disruption / traffic that this may cause.

Members questioned whether anything could be done in terms of prohibiting Air B and B usage and the Officers confirmed that this is not possible within planning law.

Members also asked officers about the provision of cycle storage and officers stated that the required provision is 1 cycle storage space per dwelling and that therefore the developer was offering more than that. It was suggested that feedback could be given to the developer indicating that more cycle storage would be well received in such a sustainable location.

Richard Dykes, the agent for the applicant, then spoke in support of the application. Mr Dykes highlighted that the scheme provided a valuable mix of accommodation and a respectful and restorative addition to the street scene. Mr Dykes stated that he believed that the change of use from hotel to residential in a sustainable location would see a reduction in traffic and congestion and concluded that the scheme would be an enhancement to the area.

Bernadette Burbridge, a local resident, then spoke in objection to the application. Ms Burbridge stated that local residents are broadly in favour of the development, however the residents had some suggestions that they wanted the committee to consider. Ms Burbridge suggested that the site should have one way flow traffic and stated that particularly parking space 11 was not safe. Ms Burbridge also stated that residents believed that parking for Number 1 Clifton Dale should park on the street and that this would free up considerable room within the development for one way traffic flow. Ms Burbridge also expressed concern at the potential use of these properties for Air B and B letting.

During debate, Members discussed the issue of parking, one way traffic and the narrow entrance/exit from the site. It was also noted that whilst Members agreed that it was not ideal for parking space 11 to have to manoeuvre across a pavement and onto Clifton Green, they did not believe it to be hazardous.

It was moved and seconded that permission be approved and it was therefore:

Resolved: That delegated authority to approve be granted subject to a Section 106 agreement being agreed and subject to the conditions listed in the report.

Reason: In principal this change of use is consistent with the Government's objective (as detailed in NPPF section 5 to delivering a sufficient supply of homes). The scheme will enhance the character and appearance of the Clifton Conservation area. In accordance with section 9 of the NPPF, the scheme will promote sustainable travel, provide adequate access and would not have a severe impact on the highway network. There is no undue effect on residential amenity.

#### **4d) 1 Chestnut Row, Skelton [19/00384/FUL]**

Members considered a full application from Mr Appleton for a single storey rear extension.

Mr Appleton, the applicant, then spoke in support of the application. Mr Appleton stated that this small extension would make a big difference to his property. Mr Appleton stated that he thought it would be a quick project with minimal disruption to neighbours.

Karen De Vries, then spoke on behalf of Skelton Parish Council. Ms De Vries stated that Skelton Parish Council had objected to the original plans and had not received notification of revised plans. Ms De Vries stated that had the Parish Council received updated plans, they may have withdrawn their objection. Ms De Vries highlighted that whilst the Parish Council felt there would be some damage to neighbouring amenity, they noted that there were no objections from neighbours.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The proposal is not considered to harm the character and appearance of the conservation area, nor would it result in harm to residential amenity or highway safety. The proposal complies with NPPF

2019, policies D1, D4 and D11 Publication Draft Local Plan 2018, policies GP1, h7 and HE2 of the 2005 City of York Draft Local Plan, advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec 2012), and guidance provided by the Skelton Village Design Statement.

**4e) Unit 10, Monks Cross Shopping Park, Monks Cross Drive [19/00451/FULM]**

Members considered a Major Full Application from the Trustees of the Monks Cross Shopping Park Trust for the installation of a full cover mezzanine.

Mr Eric Hall spoke on behalf of the applicant. In response to Member questions, Mr Hall stated that the proposed client of the space, should planning permission be approved and the mezzanine built, had wanted the mezzanine and that is the reason for the application. Mr Hall stated that he was unable to inform Members of who the intended client was at this stage.

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

Resolved: That approval be granted subject to the conditions listed in the report.

Reasons: The proposal is to increase the size of the mezzanine in Unit 10 at Monks Cross Retail Park. There are no sequentially preferable sites in the City Centre or any other defined centre and the proposal would not significantly adversely impact on the vitality and viability of the City Centre or district centres. As a result, the proposal is considered to meet the policy requirements of R1 and R4 in the emerging Local Plan.

**4f) 8 Sandyridge, Nether Poppleton [19/00472/FUL]**

Members considered a Full Application from Mr Bryan for the variation of condition 2 of permitted application 18/00541/FUL (erection of dormer bungalow in rear garden) to alter design and external appearance of approved dormer bungalow.

The Officer informed Members that an additional letter of objection had been received from Cllr Anne Hook relaying concerns of a number of local residents.

Members were interested to know whether anything could be done to protect the tree at the rear of the property. Officers stated that there could potentially be a condition added however currently there was nothing to protect the tree from future development.

Mr John Howlett, the agent for the applicant, then spoke in support of the application. Mr Howlett stated that it is the applicants interest to create a safe access point to the site and noted that the applicants were happy to revert to originally submitted plans if they were deemed by the committee to be more feasible. Mr Howlett expressed the applicants thanks to officers for their work on the application.

Mr Limbert, a local resident, then spoke in objection to the application. Mr Limbert stated that his concern related to safety of the driveway. Mr Limbert felt that if the driveway was allowed to move to where it currently sits in the plan, it would go from a safe position, to an unsafe one.

Members were interested to know whether it was possible to remove permitted development rights. It was moved and seconded that permitted development rights be removed from this site and it was carried by 7 votes to 4. Officers clarified that the removal permitted development rights would relate to Class A and Class E development rights.

It was also noted that an additional informative, prohibiting bonfires on the site would also be added.

It was moved and seconded that approval be granted and it was therefore:

**Resolved:** That approval be granted subject to the conditions in the report and the additional condition and informative above.

**Reason:** It is considered that the proposed amendments to the design, siting and scale would not have any detrimental impact upon the amenities of neighbouring residents or the character of the area.

Amendments to the vehicular access would not result in vehicular conflict at the junction with sandyridge. The application therefore accords with the NPPF, Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 and T1 of Draft Plan 2018 and policies GP1 and GP4A of The Deposit Draft Local Plan 2005.

**4g) 56 St Stephens Road [19/00562/FUL]**

Resolved: This application was withdrawn by the applicant.

**5. Appeals Performance and Decision Summaries**

Members considered their regular report informing Members of the committee of the Council's performance in relation to appeals.

Resolved: That Members note the content of this report

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the planning Inspectorate

**6. Planning Enforcement Cases - Update**

Members received the quarterly update on planning enforcement cases.

Resolved: That Members note the content of the report.

Reason: To update Members on the number of outstanding planning enforcement cases and level of financial contributions received through Section 106 agreements.

Councillor Hollyer, Chair

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