
Meeting	Area Planning Sub-Committee
Date	8 August 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Douglas (Substitute)
Apologies	Councillor Lomas

15. 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 Cullwick declared a personal, prejudicial interest in application number (19/00981/Ful) The Flat 114 Fishergate York YO10 4BB as he knew the applicant personally. Councillor Cullwick left the meeting for this item.

Councillor Orrell declared a personal, non prejudicial interest in application number (19/00981/Ful) The Flat 114 Fishergate York YO10 4BB as the applicant was known to Councillor Orrell having met several time during Councillor Orrell's role as the Lord Mayor.

16. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 4 July 2019 be approved and then signed by the Chair as a correct record.

17. 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.

18. 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.

19. Block H, Joseph Terry Grove, York [18/01934/FULM]

Members considered a full application from David Wilson Homes for the erection of four storey block of 34 apartments with associated parking and landscaping. This was the revised design of Block K, previously named Block H.

Officers provided Members with an oral update on the application and reported further consultation responses which had been received but not previously reported to Members. These were received from the York Civic Trust, the Flood Risk Management Team and the Micklegate Planning Panel.

Mr Eamonn Keogh, Agent for the applicant, spoke in favour of the application.

Ms Janette Ray spoke against the application.

Mr Terry Wilson spoke against the application.

It was moved and seconded that the application be DEFERRED:

Resolved: That the application be DEFERRED to a future meeting of this Sub-Committee.

Reason: Members requested to receive full details of any s106 requirements for education and outdoor sport provision and did not accept delegating the decision to the Council's Assistant Director.

Note:

- (i) Members requested that the following paragraphs of the Officer's report to the Sub-Committee be amended: 4.27 – 4.28 (4.30 if necessary) to refer to the contributions secured through the previous permission

(14/01716/FULM) with an explanation if the current scheme does not secure a similar provision.

- (ii) Members requested to visit the site again.

**20. 4 Croft Farm Close, Copmanthorpe, York, YO23 3RW
[18/02614/FUL]**

Members considered a full application from Mr Jon Browne for the erection of a detached one and a half storey dwelling with detached double garage and workshop on the rear garden of 4 Croft Farm Close. Access would be taken from the lane to the east of the site, which is adopted highway.

Officers provided Members with an oral report on the application and reported further consultation responses which had been received but not previously reported to Members this included:

- (i) Responses from the Flood Risk Management Team and the Micklegate Planning Panel.
- (ii) Three additional letters had been received: two new objections from residents on Church Street objecting to vehicular access along the lane because it would be unsafe. A further letter had been received from adjacent occupant reiterating previous points, that plans are not accurate, size of house and garage are large, presence of TPO tree.

Officers also reported the additional Policy context from the Copmanthorpe Village Design Statement ('VDS', 2003 and updated 2018). They had agreed with the officer recommendation to refuse the application. They had noted that the proposal would not accord with the aims set down in the VDS to provide a safe cycling and walking route to school.

The applicant, Mr Jon Browne spoke in favour of the application.

Mr John Carruthers, Independent Highways Consultant spoke on behalf of the applicant.

It was moved and seconded that the application be REFUSED:

Resolved: That the application be REFUSED

Reason: The NPPF establishes the presumption in favour of sustainable development in paragraph 11, which means granting permission where there are no relevant development plan policies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. York does not have an adopted Local Plan and the Development Plan comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy relating to Green Belt and neighbourhood plans not relating to Copmanthorpe.

The development of the site is acceptable in principle being in a sustainable and accessible location in an existing village. It would contribute one dwelling to the City's housing supply and, to a limited extent, increase natural surveillance on Yorkfield Lane. However, there is considered to be an unacceptable impact on highway safety due to the introduction of traffic along a restricted lane that is primarily used as a pedestrian and cycle link. It is considered that, when balancing the benefits and adverse impacts, the harm to highway safety for the wider public using Yorkfield Lane would significantly and demonstrably outweigh the benefits of one private dwelling. Issues relating to anti-social behaviour and any existing conflict on the lane could be addressed in part through increased lighting, cutting back of vegetation and the gating of the lane at its Low Green end, separate to, and without the need for, the proposed dwelling.

Therefore, in line with paragraph 109 of the NPPF, the proposal is recommended for refusal on highway safety grounds due to the unacceptable impact on highway safety.

21. The Flat, 114 Fishergate, York, YO10 4BB [19/00981/FUL]

As noted at Minute 15 above, Councillor Cullwick left the meeting for this item.

Members considered a full application from Mr Michael Hammill to install a glazed rooflight to the front elevation of his property. It was reported that the property was a two storey end-terrace property with commercial use on the ground floor and residential above. It was one of a number of commercial properties in two terraces that front Fishergate circa 400m to the south of the city centre. It lies close to three conservation areas; the Central Historic Core, the New Walk/Terry Avenue and Fulford Road.

The applicant Mr Michael Hammill spoke in favour of the application.

Mr Michael Laverack spoke in favour of the application.

Councillor Andy D'Agorne, ward Councillor for Fishergate, spoke in favour of the application.

It was moved and seconded that this application be approved. This vote was lost.

Resolved: That the application be deferred with delegated authority to the Assist Director of the City of York Council to APPROVE the application following negotiation with the applicant for a smaller front rooflight.

If no acceptable revision is received it was agreed that this application be referred back to this Sub-Committee.

Reason: Members were minded to approve the application for a front rooflight in principal, if a suitable size could be negotiated that would effectively improve the settlement.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.29 pm].