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Meeting	Area Planning Sub-Committee
Date	6 February 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Melly, Orrell, Waudby, Webb, Fitzpatrick (Substitute), D'Agorne and Carr
Apologies	Councillors Galvin, Craghill and Lomas

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### Site Visit

Grimston Court, Hull Road, Dunnington	Hollyer, Crawshaw, Cullwick, Melly, Waudby and Carr	At the request of the Ward Councillor.
Southbank Stores 75 Balmoral Terrace	Hollyer, Cullwick, Melly, Waudby and Carr	At the request of the Ward Councillor.

### 49. 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 Crawshaw declared a personal prejudicial interest in item 4b of the agenda, Southbank Stores, 75 Balmoral Terrace [9/02133/FUL], in that he had received correspondence from the applicant and had held discussion with the applicant and officers regarding this application. He considered that it would be reasonable to conclude that he had predetermined his view on the application and for that reason he would be withdrawing from the meeting during discussion of this item.

There were no further declarations of interest.

## **50. 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.

## **51. Minutes**

Resolved: That the Minutes of the Area Planning Sub-Committee meeting held on 9 January 2020 be approved and then signed by the Chair as a correct record.

Matters arising:

### 9 Oak Tree Close Strensall York YO32 5TE [19/02130/FUL]:

The Chair confirmed that the concerns regarding the positioning of the balustrade and replanting of replacement trees for which authority had been delegated to the Development Manager, in consultation with the Chair and Vice-Chair, had been resolved.

## **52. 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.

The planning applications were considered in the following order: 4c, 4a and 4b.

### **52a) Grimston Court, Hull Road, Dunnington, York YO19 5LE [19/02692/TPO and 19/02693/TPO]**

Members considered an application from Stan Timmins and Sons Ltd, for various tree works including the felling of 99 trees protected by Tree Preservation Order no. 3/1973. Two separate tree works applications had been submitted, both at Grimston Court, Hull Road, Dunnington, York, YO19 5LE:

- 19/02692/TPO - Various tree works including the felling of

- 49 trees protected by Tree Preservation Order no. 3/1973.
- 19/02693/TPO - Various tree works including the felling of 50 trees protected by Tree Preservation Order no. 3/1973.

Officers provided members with an oral update on these applications.

The following options were available to Members:

- (i) refuse the application in total;
- (ii) approve the application in total; or
- (iii) allow some of the works and refuse the rest, which could be a number of variations.

Representations were heard from Cllrs Rowley and Warters, Ward Members for Osbaldwick & Derwent, who observed that whilst no one wants trees to be felled, the report had outlined a detailed considered rationale that had explained the necessity of felling and various tree works in order to preserve and enhance the trees in this area.

It was moved and seconded that the application be Partially Approved / Partially Refused and it was therefore:

Resolved: That the application be Partially Approved / Partially Refused as set out in the officer report subject to the conditions listed in the report. With the addition of an informative that Members would encourage the applicant to provide more than the ratio of 1:1 replacement trees required by the legislation in order to maximise opportunities for new trees on the site.

Reasons:

- (i) The tree stock on this site not only provides a very high attractive amenity value they also provide valuable wildlife habitat, absorbs CO2 emissions, contributes to reducing the water table, assists in the reduction of noise pollution and provides a windbreak.
- (ii) The tree stock on this site has not been well maintained for a number of years which has contributed to the poor condition of many trees. The high water table may well have contributed to the spread of disease such as

- Honey fungus. The mature age group combined with overcrowding of trees is also contributing to the demise of many trees.
- (iii) Consequently, it is felt that most of the proposed tree felling is acceptable, but some is unnecessary at this time. The removal of some of the trees presents an opportunity to replant with more suitable species of young, healthy stock.
  - (iv) The recommendation is to 'part refuse and part approve' the application with a condition to replace all of the trees to be felled. This would allow the majority of the proposed works; to approve the removal of 71 trees; to refuse felling of 28 trees, and in some cases with lesser works allowed, as summarised in Appendix 2.

**52b) Southbank Stores, 75 Balmoral Terrace, York YO23 1HR  
[19/02133/FUL]**

Note: Cllr Crawshaw left the meeting for discussion of this item.

Members considered a full application from Ms Sara Winlow, for a two storey rear extension, single storey rear extension, dormer to rear, 1no. rooflight to the rear and 2no. rooflights to the front following demolition of single storey rear extension.

Officers provided Members with an oral update on the application and reported six additional representations from interested parties in support of the application. It was also noted that a petition in support of the application had been submitted which had 631 signatures in support of the application. Additional comments from the applicant had also been received and can be viewed as a supplement to the Agenda.

Representations were received from the applicant Ms Sara Winlow and Ms Liz Musk who spoke in support of the application, and the neighbouring resident, Ms Elena Myers who spoke in objection to the proposal.

Ms Liz Musk spoke and then read out a statement on behalf of the applicant, Ms Sara Winlow, who explained her intention was to re-open a shop on the ground floor and to create a family

home. She reported that the application had generally been well received and that she considered the impact of the two storey extension and dormer on the neighbouring property at 75A to be negligible. What they had proposed had been similar to developments in nearby properties.

Ms Elena Myers of 75A Balmoral Terrace spoke in objection to the proposal stating that although she supported local businesses and the intention of the applicant to re-open the shop on the ground floor, she considered that the extension and dormer proposed to be dominant and overbearing. She had made several efforts to communicate with the applicant regarding creating a reduced extension and dormer. Her concerns were the close proximity of proposal and how that would reduce the amount of daylight into their living room and bedroom. She considered that this would create a sense of being 'boxed in.' The extension would create overlooking into their kitchen and dining room. Furthermore, she considered that the proposal was unattractive and not in keeping with the area.

Members considered that the difficulty in agreeing a scheme that was satisfactory to both parties was in relation to the size and mass of the rear extension, the dormer and the impact that that would have on the amenity of no.75A. The Development Manager explained that the wish to convert the attic into a bedroom required a new set of stairs into the roof which would be difficult without a dormer.

It was moved and seconded that the application be Deferred to allow the applicant time to produce an acceptable scheme suitable for both parties. It was also requested that a day light and sun light study be undertaken which accords with Building Standards requirements, in order to provide clarity and certainty of the impact of this aspect to the amenity of no.75A. It was therefore:

Resolved: That the application be Deferred.

Reason: To allow the applicant time to produce an acceptable scheme suitable for both parties.

**52c) 45 Osbaldwick Village Osbaldwick York YO10 3NP  
[19/02200/FUL]**

Members considered a full application from Mr & Mrs Sanderson for a two storey side extension following the demolition of the garage and dormer to the front. The application was a resubmission following the decision of the December 2019 Committee that the application be deferred on the grounds that it was not considered to be acceptable in the conservation area. The applicant had since worked in consultation with officer's to submit a revised scheme to satisfy these concerns.

Officers provided Members with an oral update on the application and reported that a further representation had been received from a neighbouring resident in support of the scheme. It was also reported that there had been an amendment to the description. The description of the proposal referred to the insertion of a dormer window. However, this element of the scheme had been removed as part of the revisions.

Cllrs Rowley and Warters, Ward Members for Osbaldwick & Derwent and the applicant, Mr Rory Sanderson spoke in support of the application.

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.

**Reason:** It is considered that the amendment to the scheme now create an acceptable form of development which sits comfortably within the streetscene and does not harm the character and appearance of the Osbaldwick Conservation Area. There would be no loss of amenity to neighbouring residents as a result of the proposed development and as such the application accords with the NPPF, policies D4 and D11 of the Publication Draft Plan 2018 and policies GP1, HE2, HE3 and H7 of the Development Control Local Plan 2005.

Cllr Hollyer, Chair

[The meeting started at 4.37 pm and finished at 6.10 pm].