
Meeting	Area Planning Sub-Committee
Date	5 March 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Kilbane (Substitute)
Apologies	Councillor Lomas

Site Visits

Site	Attendees	Reason for visit
Archbishops Holgates School, Hull Rd	Cllrs Hollyer, Crawshaw, Fisher, Galvin, Melly and Waudby	As the application was recommended for approval and objections had been received.
173A Osbaldwick Lane	Cllrs Hollyer, Crawshaw, Fisher, Galvin, Melly and Waudby	As the application was recommended for approval and objections had been received.
18 Main St, Bishopthorpe	Cllrs Hollyer, Crawshaw, Fisher, Galvin, Melly and Waudby	As the application was recommended for approval and objections had been received.
29 Gale Farm Court	Cllrs Hollyer, Crawshaw, Fisher, Galvin, Melly and Waudby	As the application was recommended for approval and objections had been received.

53. 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.

Cllrs Fisher, Hollyer, Orrell and Waudby each declared a personal, non-prejudicial interest in Agenda Item 4d) (Archbishop Holgate's School), as the registered speaker on this item was known to them.

Cllr Webb declared a prejudicial interest in Agenda Item 4d), as he worked at Archbishop Holgate's School. He left the room during consideration of that item and took no part in the debate or decision thereon.

Cllr Craghill declared a prejudicial interest in Agenda Item 4e) (29 Gale Farm Court), as the Executive Member for Housing & Safer Neighbourhoods. She left the room during consideration of that item and took no part in the debate or decision thereon.

54. Minutes

Resolved: That the minutes of the meeting held on 6 February 2020 be approved and then signed by the Chair as a correct record.

55. 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.

56. 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.

56a) Rose Cottage, Main Street, Holtby, York YO19 5UD [19/02608/FUL]

Members considered a full application from Mr Rounding for the construction of a first floor rear extension to be built above an existing side and rear extension. The proposal was a resubmission of an application (Ref: 19/02165/FUL) for the construction of a first floor side and rear extension, which had been withdrawn due to concerns raised about the impact of the extension on the Green Belt.

A number of photographs of the site were circulated, at the request of Cllr Warters, Ward Member for Osbaldwick & Derwent.

Representations in support of the application were made by:

- a) Matthew Rounding, the applicant, who stated that he wished to extend his family home and create an office to work from home. The proposals had been scaled down from the original plans and were in keeping with the Holtby Village Design Statement.
- b) Peter Broadley, Chair of Holtby Parish Council, who said the extension was small and would have little impact on the appearance of the building. He also noted that there had once been other buildings in the grounds of the property.
- c) Cllr Warters, who said that the application would create a practical family home with a minimal increase in the volume of the building's footprint, causing no harm to the green belt.

In response to questions from Members, officers confirmed that:

- The cumulative impact of incremental increases to the original building had to be assessed under the policy.
- The definition of 'original building' did not include associated structures.
- In their view, building an extension for improved living accommodation and homeworking did not constitute 'very special circumstances'.
- Harm to the openness of the green belt was not the only impact to take into account; the starting point was whether the proposed enlargement was disproportionate.
- In this case, the volume of the original dwelling would be more than doubled, as explained in report paragraph 5.12.

Following a debate, Cllr Galvin moved, and Cllr Craghill seconded, that the application be approved, on the grounds that the contribution it would make to keeping young families in Holtby and to sustainable employment in the village constituted 'very special circumstances' that would outweigh the harm to the green belt. 4 Members voted in favour of this motion and 7 against, and the motion was declared LOST.

Cllr Crawshaw then moved, and Cllr Webb seconded, that the application be refused, in accordance with the officer recommendation. 7 Members voted in favour of this motion and 4 voted against, and the motion was declared CARRIED. Cllr Fisher asked that his vote against the motion be recorded.

Resolved: That the application be refused.

Reason: The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. It is considered that the proposed extension, when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would cumulatively create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. As such the proposal conflicts with the National Planning Policy Framework 2018 Chapter 13 (paragraphs 133, 134, 140, 144 and 145c), policy GB1 of the Publication Draft Local Plan 2018 and policies GB1 and GB4 of the Development Control Local Plan 2005, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

**56b) 18 Main Street, Bishopthorpe, York YO23 2RB
[19/02626/FUL]**

Members considered a full application from Miss M Priestley for the erection of a detached single storey building to the rear of 18 Main Street for use as a micro-craft distillery.

Officers circulated an update, reporting:

- a change to the wording of Condition 3, deleting the final sentence;
- an additional pre-commencement condition and informative in respect of drainage.

The applicant's agent spoke in support of the application, stating that the size of the building was within permitted development rights and its use would be for the rectification of spirits only.

Julia Holmes, a resident of Main Street, spoke in objection, on the grounds that the proposed development would harm the character of the conservation area and set a precedent.

Jeannie Conley, on behalf of Bishopthorpe Parish Council, spoke in objection, on the grounds of harm to the conservation area, commercial business use in an inappropriate location, and road safety issues.

In response to questions from Members, officers confirmed that:

- there would be 2 deliveries of raw alcohol per month to the premises;
- any journeys associated with deliveries or collections would be similar to normal domestic vehicle use;
- a condition to limit the amount of alcohol on site was not thought necessary due to the small scale of the operation;
- any future proposal to extend the building would require planning permission.

After debate, it was

Resolved: That the application be approved, subject to the conditions listed in the report and the following amended / additional conditions and informative:

Amended Condition 3

The building shall be used only for the rectification and bottling of alcohol and for no other purpose including any other use falling within class B1 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To protect the living conditions of local residents and to enable the consideration by the local planning authority of any future proposed alternative uses and processes that may otherwise be undertaken without planning permission.

Amended Condition 5

There shall be no deliveries to or collections from the approved use at the site except between the hours of 08:00 and 18:00 on Mondays to Fridays and 09:00 to 13:00 on Saturdays. No deliveries or collections shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

Additional Condition 6

The hours of operation of the approved use shall be confined to between 07:00 and 18:00, on Mondays to Fridays only.

Reason: To safeguard the amenities of local residents.

Additional Condition 7

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the local planning authority.

Reason: In line with the council's Sustainable Drainage Systems Guidance for Developers and the hierarchy of surface water disposal.

Informative

- i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort; the developer is required to eliminate other means of surface water disposal.
- ii) The applicant should be advised that the Ainsty (2008) Internal Drainage Board's prior consent is required (outside the planning process) for any development, including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any

proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

56c) 173A Osbaldwick Lane, York YO10 3BA [19/02065/FUL]

Members considered a full application by Mrs Clare Naismith for a change of use of 173A Osbaldwick Lane, York YO10 3BA (2 upper floors) from a dwelling (use class C3) to a small House in Multiple Occupation (HMO) (use class C4).

In respect of questions raised at the site visit, it was confirmed that 3 parking spaces were available and not 4; this was still considered adequate.

Cllr Warters, Ward Member for Osbaldwick & Derwent, spoke in objection to the application, which he said would create further parking problems in the area unless all tenants were required to be non-vehicle owners.

In response to questions from Members, officers confirmed that:

- in their view, the application would not make a material difference to the parking situation in the area;
- the maximum occupancy for use class C4 was 6.

[At this point the meeting was adjourned for a short time to seek clarification on the above point; it resumed at 6:40pm].

Officers went on to confirm that:

- for clarification, the maximum occupancy was 6 individuals, not 6 households.

After debate, it was

Resolved: That determination of the application be deferred.

Reason: In order to explore the potential to add a condition requiring the tenancy agreements for the HMO to restrict the ownership of private cars.

**56d) Archbishop Holgates School, Hull Road, York YO10 5ZA
[19/02485/FULM]**

Members considered a major full application from the Pathfinder Multi Academy Trust for the erection of a 3 storey teaching block and resource centre, after demolition of the existing single storey teaching block, at Archbishop Holgates School, Hull Road, York YO10 5ZA.

Representatives of the applicant were in attendance to respond to any questions.

Officers circulated an update, reporting:

- a revision to the recommendation, which would now seek delegated authority to approve the application;
- the consultation response of the Flood Risk Management Team;
- receipt of further information on Renewable Energy and Sustainable Development – Policy CC2;
- an amendment to the conditions - removal of HWAY 19.

Andrew Mortimer, a local resident, spoke in objection to the application, to the extent that it would exacerbate the parking and highways issues caused by students driving to the school.

The applicant's representatives responded as follows to questions from Members:

- The development could achieve a 'very good' BREAM status but not 'excellent' because work had already started when the necessary information was released.
- Only 15% of sixth form pupils currently drove their own cars to the school.

Members then questioned officers, who confirmed that the council's aim was to reduce reliance on private cars and that perceived deficiencies in terms of on-site parking could not be addressed via this application. The travel planning process would provide an opportunity to address issues of travel to the site.

After debate, it was

Resolved: That authority be delegated to the Assistant Director for Planning and Public Protection to approve the application, subject to acceptable drainage

information being submitted and subject to the conditions set out in the report, as amended by the removal of Condition 9 (HWAY 19).

Reason: It is considered that the provision of an additional teaching block in terms of design, location and local educational need accord with the policies of the National Planning Policy Framework, policies ED6 and CC1 of the Publication Draft Local Plan 2018 and policies GP1 and E1 of the Development Control Local Plan 2005. Subject to the resolution of areas of concern on drainage matters, it is considered that the application can be supported.

56e) 29 Gale Farm Court, York YO24 3DR [20/00033/FUL]

Members considered a full application from City of York Council for the change of use of 29 Gale Farm Court, York YO24 3DR from a sheltered housing ground floor flat (use class C3) to a local housing office (use class B1), installation of an external ramp and modifications to the existing boundary wall and railings.

Officers circulated an update, reporting the receipt of a further letter in objection on behalf of residents of Gale Farm Court.

The Housing Team Leader, representing the applicant, spoke in support of the application as part of the provision of local services across the city.

Cllr Waller, Ward Member for Westfield, spoke in objection, highlighting the concerns of local residents with regard to the loss of a home and the potential for the office to attract anti-social behaviour.

After debate, it was

Resolved: That the application be approved for a temporary period, up to 1 January 2024, subject to the conditions listed in the report.

Reason: Whilst there is a presumption in favour of retaining residential units, in this instance the benefits of providing a housing office for use by the local community in a sustainable location, close to existing

facilities and council owned housing stock, would outweigh the loss of a one-bedroomed flat. The location of the unit is such that there would be limited impact on existing residents. The proposals would have a neutral impact on the appearance of the conservation area. As such, the proposal is considered to comply with the relevant guidance and policies outlined in the report. However, it is considered that the loss of residential use, for which there is a known need, is only justified on a temporary basis.

**56f) 26 Osbaldwick Village, Osbaldwick, York YO10 5NS
[19/02769/FUL]**

Members considered a full application from Mr and Mrs Oxendale for the change of use of 26 Osbaldwick Village, Osbaldwick, York YO10 3NS from a dwelling (use class C3) to a House in Multiple Occupancy (class C4) for up to 4 occupants.

Officers circulated an update, reporting:

- an additional comment from Cllr Waters, regarding parking;
- the receipt of 2 letters in objection not referred to in the report.

The applicant, Mrs Oxendale, spoke in support of the application, highlighting that the property was on a bus route, had storage for cycles and would be kept in good repair.

Cllr Warters, Ward Member for Osbaldwick & Derwent, spoke in objection, on the grounds of the impact on residential amenity and road safety, and the percentage of HMOs in the area.

In response to questions from Members, officers confirmed that the change of use would bring the number of HMOs in the neighbourhood to 2, out of a total of 12 properties.

After debate, it was

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

Reason: Subject to conditions, it is considered that the use of the property as a small HMO (use class C4) is

acceptable in terms of the balance of the community, impact on the conservation area, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

57. Appeals Performance and Decision Summaries

Members received a report which informed them of the council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2019.

The appeals determined were summarised in Annex A to the report. A list of appeals outstanding as at 26 February 2020 was provided in Annex B.

20 appeals had been determined in this period, of which 2 (10%) had been allowed, compared with 7% in the last quarter. In the 12 months between January and December 2019, 17% of appeals determined had been allowed, compared with 21% in 2018. This was below the national figure of 30% in 2018/19. There were currently 31 planning appeals (excluding tree works) lodged with the Planning Inspectorate and awaiting determination.

Resolved: That the content of the report be noted.

Reason: To confirm that Members have been informed of the current position in relation to planning appeals against the council's decisions, as determined by the Planning Inspectorate.

58. Planning Enforcement Cases - Update

Members received the latest quarterly update on planning enforcement cases, covering the period 1 October to 31 December 2019.

It was reported that 128 new enforcement investigation cases had been received across the council area. 193 cases had been closed and a total of 472 cases remained open. 3 enforcement notices had been served during the last quarter, as detailed in paragraph 6. 18 Section 106 cases had been closed

and 73 remained open. £1,673,502 had been received from Section 106 payments in respect of 9 developments, as set out in paragraph 8.

Details of relevant cases for their ward would be send to every Councillor, as agreed by the Chair of the Planning Committee.

Resolved: That the content of the report be noted.

Reason: To confirm that Members have been updated on the number of outstanding planning enforcement cases and the level of financial contributions received through Section 106 agreements.

Cllr A Hollyer, Chair

[The meeting started at 4.30 pm and finished at 7.55 pm].