
Meeting	Area Planning Sub-Committee
Date	18 June 2020
Venue	Remote Meeting
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett <i>(Cllr Perrett was present for Agenda items 1,2,3,and item 4a, determination of application [19/02133/FUL] at Southbank Stores, only, and was not present at the meeting thereon).</i>

There were no site visits due to restrictions in relation to COVID-19.

1. Committee Membership

It was noted that Cllr Perrett would replace Cllr Lomas as a Member of this Committee as agreed at the Staffing Matters and Urgency Committee held on Monday 15 June 2020.

Resolved: Members confirmed Cllr Perrett's appointment as a Member to this Committee.

2. 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.

Cllr Crawshaw declared a prejudicial interest in Agenda Item 4a) Southbank Stores 75 Balmoral Terrace [19/02133FUL], having given his view to the applicant and objector on previous occasion. He left the meeting during consideration of that item and took no part in the debate or decision thereon.

Cllr Fisher declared a non-prejudicial interest in Agenda item 4e) Hanson Quarry Products Europe Ltd Concrete Batch Plant Pigeon Cote Farm Monks Cross Drive Huntington [19/02630/REMM] as he was a member of the Foss Internal

Drainage Board. Cllr Fisher confirmed that although he was a member, he had taken no part in their decision making process.

3. Minutes

Resolved: That the Minutes of the Area Planning Sub-Committee meeting held on 5 March 2020 be approved and then signed by the Chair at a later date.

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

Members confirmed that in the event that the Chair was unable to Chair this item (such as technical problem), Cllr Webb would act as Vice-Chair in the Chair. It had been necessary to confirm this position as the Vice-Chair, Cllr Crawshaw, would be leaving the meeting having declared a prejudicial interest in this application.

Cllr Crawshaw left the meeting having declared a prejudicial interest in this item.

Members considered a full application from Ms Sara Winlow for the construction of a two storey rear extension, single storey rear extension, dormer to the rear of the property, a roof light to the rear of the property and two roof lights to the front of the property, following the demolition of the single storey rear extension. The decision for this application had been deferred by this Committee at its meeting on 6 February 2020, to allow the applicant time to produce an acceptable scheme suitable for both parties.

Officers gave a presentation based upon the slides at pages 29-35 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting:

- An additional representation received from Cllr Carr, who had acted as substitute for Cllr Galvin during discussion of the application at the February Committee, where he had spoken in support of the application, expressing the view that the proposal was a sustainable development offering many benefits for the community which outweighed any harm caused by the proposal. He considered that these views remained valid.
- The previous representations published in 6 February 2020 officer's report:
 - those in objection raising concerns regarding loss of light, outlook and privacy and the front yard feeling more enclosed;
 - those in support stating the benefits to the community of a nearby local coffee shop especially when compared to the impact of residents driving elsewhere for this service.
- A representation from a neighbouring resident in response to the revised proposals, stating that their previous objections still stand, such as dominance and loss of light, outlook and privacy.

Ms Elena Myers, a neighbouring resident, spoke in objection to the application, stating that the proposed scheme remained largely unchanged in that the two storey extension had remained the same and the dormer had widened, increasing its footprint. Therefore, her objection remained based on loss of amenity, privacy and light. She considered the proposed scheme to be an overdevelopment of an already developed site.

The Democratic Officer, read out a statement on behalf of the applicant Ms Sara Winlow, stating that the application had received significant support and had met with no objections at Micklegate Planning Committee. The applicant had amended their plans to address their neighbour's concerns and considered that there were no further adjustments that could be made which would also allow for a habitable space for herself and her son and urged Members to accept this scheme due to the special circumstances the proposal had met in terms of providing a community facility.

The applicant's agent, Ms Janet O'Neill, O'Neill Associates, spoke in support of the application, stating that the potential detriment to the amenity of neighbours at 75A was not considered significant, in the daylight and sunlight study, and

when views were analysed from the 3 affected windows. She considered that the benefits of creating an adequate family home; a livelihood; and a resource for the local community far outweighed the detriment to outlook from no.75A.

Cllr R Baker, spoke in support of the application on the grounds that this scheme would rejuvenate life in the Southbank terraces and create a much-needed new community hub for the area. Residents moving in to the developments near the racecourse would need facilities on their doorstep to discourage them from driving elsewhere.

In response to questions from Members, officers confirmed that:

- The dormer in the revised proposal was further away from no. 75A and wider, resulting in a reduction in terms of the cubic content and mass.
- Although BRE 2007 guidelines were not adopted as part of NPPF they were recognised as being widely used and applied in relation to building standards.
- The application had been submitted as a 'householder application', although the applicant had made the point that there were elements of the application which related to the business such as the stock room and downstairs W/C. Were the application to be granted and no business to materialise, planning enforcement would not be in a position to require the business to open.

Following a debate, Cllr Craghill moved, and Cllr Galvin seconded, that the application be approved, on the grounds that the National Planning Policy Framework (NPPF) asks Members to support local sustainable business development wherever possible; the need for this business to have a combined use and provide a family home; the contribution of the business in terms of building a community. These factors outweighed the limited harm to the neighbouring property at no.75A, and the proposal was in keeping with the area.

In accordance with the revised Standing Orders, a named vote was taken. Cllrs Craghill and Galvin voted in favour of this proposal, and the motion was declared LOST.

Cllr Fisher then moved, and Cllr Webb seconded, that the application be refused, in accordance with the officer recommendation. Cllrs: Cullwick, Fisher, Melly, Orrell, Perrett, Waudby, Webb and Hollyer all voted in favour of this motion. Cllr Craghill voted against this motion and Cllr Galvin abstained

from voting, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be REFUSED.

Reason: The mass of the two storey rear extension and rear roof dormer would appear dominant and overbearing to neighbouring residents at no. 75A Balmoral Terrace. The additional mass of the two storey rear extension and rear roof dormer would be detrimental to the pattern of the existing buildings and the spacing between them resulting in the neighbouring residents feeling unduly 'hemmed in'. The proposals would detract from the outlook from the ground floor living room and first floor bedroom of the neighbouring dwelling house resulting in harm to the levels of amenity that these neighbouring residents could reasonably expect to enjoy. As such the proposals result in harm to residential amenity and visual amenity which is in conflict with paragraph 127 c) of the National Planning Policy Framework, Policy D11 of the Publication Draft York Local Plan 2018, Policy GP1 (criterion b and i) and H7 (criterion d and e) of the 2005 Development Control Draft Local Plan and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document, approved in December 2012, in particular paragraphs 5.1, 5.2, 7.2, 7.4 a), 13.4 and 14.1.

[There was a short comfort break between 6.20pm to 6.35pm]

Note: At this point of the meeting, Cllr Perrett left the meeting due to technical obstacles preventing her from being able to continue to participate in the meeting sufficiently.

**4b) 8 Beech Way Upper Poppleton York YO26 6JD
[20/00080/FUL]**

Members considered a full application from Mr Simon Theaker for the construction of a first floor side extension.

Officers gave a presentation based upon the slides at pages 49-54 of the Agenda.

The applicant, Ms Rebecca McGuckin, stated that their proposal for an extension was intended to provide their family with a much-needed additional bedroom and bathroom. They had considered an objection from a neighbour and had revised their proposal accordingly, significantly reducing the size, scale & mass of their proposal. They considered that there was no detrimental impact to the design and visual amenity of their dwelling and surrounding area or neighbouring amenity.

Mr Richard Powley, a neighbouring resident, spoke in objection, on the grounds that the proposals would become overbearing and result in terracing. The large first floor window to the rear elevation would reduce privacy in their rear garden. The shape and style of the windows on the first floor level was out of keeping with that of the surrounding area.

In response to questions from Members, officers confirmed that:

- The extension will have moved property at no.8 closer to the property at no. 10 by 300mm.
- The distance to the boundary at the far end of the extension was 600mm.

After debate, Cllr Crawshaw moved, and Cllr Galvin seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

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

Reason: To achieve a visually acceptable form of development, the revised proposals are considered acceptable and would comply with the NPPF, Policy D11 (Extensions and Alterations to Existing Buildings) of the

Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

4c) 173A Osbaldwick Lane York YO10 3BA [19/02065/FUL]

Members considered a full application from for the change of use of No.173A Osbaldwick Lane with 2 upper floors, to a small House in Multiple Occupation (HMO), (Use Class C4). The application had previously been reported to the March 2020 Area Planning Sub-committee meeting and deferred in order to explore the potential to add a condition requiring the tenancy agreements for the HMO to restrict the ownership of private cars.

Officers gave a presentation based upon the slides at pages 67-72 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting:

- an additional representation from Councillor Warters, reiterating the points he had made during discussion of this item at the March committee, that there was no parking provision for the HMO use of this dwelling. The parking provision to the front of No 173/173a was solely for the two commercial uses of the property and that to approve HMO use without parking provision would be in direct contravention of the City of York Council's policy. He had suggested that if this application were to be approved then it should be conditioned to include the requirement for 'no car tenancy agreements to be issued to tenants'. If this was not possible, he advised the committee to refuse the application as to approve it would likely lead to displaced car parking providing a traffic hazard on the public highway and a hindrance to the functioning of neighbouring businesses.

In response to questions from Members, the council's Solicitor clarified that under classification use class C4, occupants would share basic kitchen and bathroom amenities only, and that there were no requirements that they should share any other living space.

Following debate, Cllr Galvin moved to refuse the application, this was not seconded.

Cllr Webb then moved, and Cllr Orrell seconded, that authority be delegated to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair, to approve the application subject to a condition requiring that two parking spaces on the forecourt be reserved for the residential use, and that if this is not achievable, that the application be referred back to this sub-committee. Also, an amendment to condition 4, to require storage provision for a minimum of 6 cycles. Cllrs: Craghill, Fisher, Orrell, Webb and Hollyer voted in favour of this motion. Cllrs: Cullwick, Galvin, Melly and Waudby voted against this motion and Cllr Crawshaw abstained from voting, and the motion was declared CARRIED. It was therefore:

Resolved: That AUTHORITY BE DELEGATED to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair, to approve the application, subject to the conditions listed in the officers report and the following condition and amended condition.

Additional Condition 5

Two car parking spaces on the forecourt be reserved for the residential use, and that if this is not achievable, that the application be referred back to this sub-committee.

Amended Condition 4

Prior to occupation of the property as a House in Multiple Occupation, details of cycle storage, to provide a minimum of 6 cycle spaces, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: It is considered an acceptable use of the property as a small HMO (use Class C4) in terms of the concentration of HMOs in the area and the impact on residential amenity and highway safety, provided that two car parking spaces on the forecourt be reserved for the residential use. 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. Consideration has been given to the imposition of a condition requiring the development to be car-free, however this would not meet the NPPF tests of reasonableness. A requirement for a minimum of 6 cycle spaces has been conditioned so as to encourage and facilitate cycling as method of travel rather than car.

[There was a short comfort break between 8.30pm to 8.40pm].

4d) 16A Farndale Avenue York YO10 3PE [20/00374/FUL]

Members considered a full application from Turnbull for the change of use from clinic (use class D1) to a retail kitchen showroom (use class A1) (retrospective).

Officers gave a presentation based upon the slides at pages 81-84 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting an additional representation from Cllr Warters, stating that condition 2 would require the car parking area to the rear of the parade of shops to be made available during opening hours. He considered that this was a major step forward from having it locked with a barrier (as seen on the submitted photos) and more car parking on the public highway.

Cllr Crawshaw moved, and Cllr Waudby seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

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

Reason: To ensure that delivery/ service/ customer vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

4e) Hanson Quarry Products Europe Ltd Concrete Batch Plant Pigeon Cote Farm Monks Cross Drive Huntington [19/02630/REMM]

Members considered a Major Reserved Matters Application by Mr James Dodwell for the appearance, landscaping, layout and scale of 11 industrial and storage units (use class B1, B2 and B8) to the north of Monks Cross Drive, pursuant to outline planning permission.

In response to questions from Members, officers confirmed that:

- The outline planning permission had been granted in 2018 and that it was likely that this had been granted prior to stipulations for compliance to Local Plan Policy CC1 and CC2 in 2018.
- It was a commercial area.

After debate, Cllr Orrell moved, and Cllr Cullwick seconded, that the application be approved, in accordance with the officer recommendation, with the addition of an informative drawing the applicant's attention to compliance with the Local Plan Policy CC1 and CC2. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

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

Additional Informative 2

The developer is encouraged to consider compliance with the Local Plan Policy CC1 and CC2.

Reason: (i) The principle of the B1, B2, and B8 units were approved under the outline part of planning permission 18/00411/FULM.

The reserved matters application is considered to be in accordance with the outline planning permission. Wider development impacts are controlled via conditions imposed on the outline consent, including land contamination, acoustic issues, construction environmental management plan, drainage and landscaping.

- (ii) It is considered that the proposed scheme would not have adverse impact that would outweigh the economic benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is considered to be sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft and emerging Local Plan policies.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 9.18 pm].