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Meeting	Area Planning Sub-Committee
Date	5 November 2015
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Cannon, Mercer, Orrell and Funnell (Substitute for Councillor Looker)
Apologies	Councillor Looker

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#### **24. Declarations of Interest**

At this point in the meeting Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

Councillor Galvin declared a personal interest in Agenda Item 5a) Askham Bryan College, Askham Fields Lane (Minute Item 28a refers) as he hired out the sports hall four times a year for horticultural purposes.

No other interests were declared.

#### **25. Exclusion of Press and Public**

It was decided that as there were no confidential annexes circulated at the meeting that there was no need to exclude the press and public.

#### **26. Minutes**

Resolved: That the minutes of the Area Planning Sub Committee held on 15 October be approved and signed by the Chair as a correct record subject to the following replacement;

~~Councillor Hunter~~ Councillor Mercer declared personal non prejudicial interest in plans item 4h (Lidgett House, Lidgett Grove) as the applicant was Councillor K Myers a fellow Member of the Conservative Group.

## **27. Public Participation**

It was reported that there was one registration to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub Committee.

Councillor Warters spoke regarding Agenda Item 6) (Appeals Performance and Decision Summaries) and Agenda Item 7 (Planning Enforcement Cases Update). He made reference to one appeal case which specified that that the Inspector required that a management plan for a House in Multiple Occupation (HMO) be submitted establishing the 'types and numbers of occupants' and he felt that this needed discussion in relation to one of the applications due to be considered on the agenda.

He also stated that in the Enforcement report it advised Members to contact Officers if they had any queries about cases, he informed the Committee that he had raised queries but had yet to receive responses.

## **28. Plans List**

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

### **28a) Askham Bryan College, Askham Fields Lane, Askham Bryan, York YO23 3PR (15/01837/FULM)**

Members considered a full major application by Askham Bryan College for the part demolition and extension of the CoVE building and the demolition of 2no. agricultural buildings and construction of a car park.

Officers advised the Committee that Network Management had confirmed they had no objections to the proposed scheme. Representations had been received from the Flood Risk Management Team who had no objections in principle but requested that details of the proposed drainage scheme were sought via conditions.

Further information had been submitted in respect of surface water drainage and so to enable the Flood Risk Management Team to consider the details, it was suggested that the Officer recommendation be altered to give delegated authority to the Assistant Director to approve the application following the consideration of submitted drainage details and subject if necessary to additional conditions regarding drainage.

Members noted that the application would create a car park and did not detail the number of spaces included and that there had been no traffic assessment undertaken. They also asked about the monitoring of the travel plan for the site. Members suggested additional signage be added on to the public footpath throughout the site.

Officers reported that Highway Network Management had submitted no objections to the application and that the college had students from all over North Yorkshire and although was served by public transport, it was a difficult site. Officers explained that a travel plan had been attached to the approval of the previous approval of the outline planning application on the site, which had been decided at the Main Planning Committee had not yet come into force.

Resolved: That Authority be delegated to the Assistant Director to approve the application following the submission of new drainage details and additional informative regarding signage.

Reason: The proposals are not inappropriate development in the Green Belt as defined by paragraph 89 of the NPPF and would not result in harm to the openness of the Green Belt. As such the application is considered to comply with policies GP1, GB1, HE10 and NE6 of the DCLP and the policies of the National Planning Policy Framework.

#### **28b) 14 The Avenue, Haxby, York YO32 3EQ (15/01598/FUL)**

Members considered a full application by Mr S Yeoman for the erection of a detached two bedroomed dwelling house.

Resolved: That the application be approved.

Reason: The proposal subject to the conditions listed in the Officer's report will respect the general character of the area and will have no adverse effect on the amenity of the neighbouring residents. It also complies with national guidance in the NPPF and Development Control Local Plan Policies and that it is acceptable subject to the imposition of relevant conditions.

**28c) 20 Kirkdale Road, Osbaldwick, York YO10 3NQ  
(15/01625/FUL)**

Members considered a full application by Mr and Mrs Ravindra Gullapalli for a change of use from dwelling (use class C3) to House of Multiple Occupation (use Class C4).

In their update to Members, Officers reported that there had been two letters of objection handed to them at the site visit. One was signed by the occupants of 19 Kirkdale Road and another signed by three people who did not provide addresses, but one of the authors had signed a petition referred to in the Officer's report.

The comments from the occupants of 19 Kirkdale Road included;

- A number of family homes had been lost to HMOs in the street
- HMOs commanded higher property prices and the street would end up as an annexe to the University
- HMOs lead to untidy gardens and increase in burglaries (when empty)
- The Council is requested to check that all properties currently being used as HMOs have been approved.

The other letter stated that;

- The number of students living in Kirkdale Road were spoiling the community
- There was a lot of empty student accommodation in York
- There were houses in Kirkdale Road being used by students without HMO consent
- They wished to live in peace in quiet and maintain local amenities.

The Committee were also notified of an error in the calculation for the percentage of HMOs at neighbourhood level. The actual figure was 7.58% as opposed to the 10.5% in the Officer's Report. The figure included the additional HMO in Kirkdale Road that had been identified by the Planning Enforcement Officer.

Councillors asked about the additional comments that had been received in respect of the application sent in and asked if there was any evidence to support these. One Member referred to the minutes from the previous meeting which stated that the two Executive Members on the Committee, Councillors Carr and Gillies, would take forward for consideration a review of the Supplementary Planning Document. She asked them about the timetable for this and it was confirmed that this was an ongoing process and would be fed into the Local Plan.

Representations were received from the Ward Member Councillor Warters. He informed the Committee that during the consultation period, he had been informed of five properties which were rental properties including one which was an HMO and was not on the Council's database of registered HMOs. He highlighted that this meant that the figures in the Officer's report were incorrect. However this had now been corrected in the Officer's update. He felt the main issue of neighbourhood amenity besides from noise, rubbish storage was parking, in that there would only two spaces for four occupants, which would mean that additional cars would park on the narrow road.

Some Councillors questioned the reliability of the data that the Council had in that the report mentioned that there were three 'known' HMOs out of 41 properties and that Members should not approve an application even if the numbers had been amended. They added that in granting permission to the application they felt that they would be increasing the percentage of HMOs in the area.

One Member expressed doubts over the credibility of debating the degree to which the proposal was over the threshold, given that the application was consistent with the Council's policy. She therefore felt that there were no grounds to turn it down.

Councillor Carr moved refusal of the application on the grounds that it would result in an unbalanced community an increase in street parking due to the property being concentrated in a cul de sac.

Councillor Gillies seconded this refusal.  
On being put the vote this motion it was;

Resolved: That the application be refused.

Reason: The application property is a semi-detached house located in a quiet suburban residential cul-de-sac. If the proposal were approved it would mean that the percentage of Houses in Multiple Occupation on Kirkdale Road within 100m of the property would increase from 9.75% to 12.2% which is well above the 10% figure contained in the council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document where it is considered that a street level area can tip from balanced to unbalanced leading to concerns in respect to factors such as noise, community integration, parking pressures and property maintenance. It is considered that the specific circumstances are such that if approved, the proposal would individually and cumulatively with other nearby Houses in Multiple Occupation cause harm in respect of making worse the existing parking problems caused by the narrow carriageway width and changing the established character of the street affecting local community integration. As such the proposal conflicts with policy H8 (conversions) of the City of York Development Control Local Plan (2005), the Draft Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (2012, amended July 2014) and advice contained in the first criterion of paragraph 58 of the National Planning Policy Framework.

**28d) Trentholme Cottage, 2A Trentholme Drive, York YO24 1EN  
(15/01202/FUL)**

Members considered a full application from Mr and Mrs M Nicholas for the erection of a 1no. three storey dwelling with a

storage building to the rear following the demolition of an existing dwelling.

An update to the Committee report was circulated, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- The Tadcaster Road Conservation Area was designated in 1975. The area excludes the application site. It extends north from the site to include the semi detached properties opposite the site and a further semi detached pair fronting Mount Vale.
- To the original submission there were 17 objection responses and 1 letter of support from local residents, and 1 letter of objection from an interested party.
- To a revised proposal there had been 4 letters of objection and 1 letter of support from local residents at the time the Officer's report was written and 15 responses in objection and comments from 10 neighbouring properties since the report was finalised.
- The 15 responses reiterated previous concerns about the design of the building, impact on the local environment amenity and public safety during construction.
- Councillor Hayes wished for Members to be made aware of the views of the 17 local residents on Trentholme Drive who had objected to the scheme.
- Two of the responses from R and C Lee and D and S Finch were circulated at the meeting (they were subsequently attached to the online agenda following the meeting).
- The Conservation Architect did not consider that there were grounds to refuse the application and it would be unlikely that the dwelling would warrant inclusion on the Local Heritage List.
- The Council's Landscape Architect requested widening of the vehicle access be omitted from the scheme to avoid damage to the Cherry tree and requested a condition to be added to permission if granted.
- Two additional drawings had been submitted to support the application- a shadow analysis and an overlooking analysis.
- Late revisions had been made to the drawing numbers following the site visit and comments from the Landscape Architect:

- **1197\_AR50\_01\_F-Proposals**
- **1197\_AR50\_01\_C-Roof Plan**

Questions from Members related to the air source heat pump and the enforcement of informatives. In response Officers stated that the Environmental Protection Unit requested a condition be added to permission to mitigate any noise from the air source heat pump. In relation to those informatives that could be enforced, it was reported that the hours of construction and demolition could be enforced.

Representations in objection were received from a local resident, Ross Lee. He made reference to several sections of the National Planning Policy Framework (NPPF) and how he felt that the application did not meet the necessary requirements as the application did not include a heritage assessment that considered the impact the property would have on the Conservation Area.

Further representations in objections were received from Daryl Goddard who lived next door to the property. He raised concerns about significant overlooking and felt that a three storey building would be overbearing. He also had concerns about noise that would be emitted from the terrace and wished for the air source heat pump to be relocated away the side of the house facing his garden. Finally he felt that the design of the building did not improve the quality of the area and was inappropriate for the site.

Representations were received from the applicants Barbara and Mike Nicholas. They attended along with their architect to answer any questions that Members might have had. They explained that they had looked at extending the existing property with dormer windows but this had not been possible. The plans under consideration were developed in consultation with Planning Officers and had been amended recently following the site visit to take away the rear terrace in order that the concern of overlooking would be negated.

Members asked the applicant why they decided to demolish the building and why they built the dwelling to that height. The applicant responded that this was due to in part to it being a four bed roomed house. A single storey section had been retained next to 2 Trentholme Drive.



In response to a further question, the applicant confirmed that the heat pump could be relocated and that noise could be mitigated . If it caused a nuisance the applicants would be willing move it to an alternative location.

Further representations were received from Councillor Kramm, the Ward Member. He stated that objections had been received regarding the preservation of the cottage and that some had suggested nominating the Gamekeeper's Cottage in the grounds of Trentholme Drive for listing. He felt that this should be taken into consideration when Members made their decision. He added that the design of the building would be out of character with the estate as the existing buildings were two storeys with pitched roofs.

Following reference to the application site's location and heritage assets, Officers stated that the Planning (Listed Building Conservation Areas) Act 1990 established a duty for Local Authorities to pay special attention to preserve or enhance the character or appearance of the area. The National Planning Policy Framework (NPPF) gave additional advice in Paragraph 128 saying that the level of detail required to support an application should be proportionate to the assets' importance . The Officers reminded Members that the application site was not in the Conservation Area and that the building was not listed. Further to this, in discussion with the Conservation Architect, it was considered that the proposal did not conflict with the duty set out in the 1990 Act nor conflicted with guidance in the NPPF. Members were reminded that as the property was not located in the Conservation Area, the main issue was the impact on the setting of the Conservation Area itself.

Some Members expressed concern at the applicants referring to gaining consent on appeal if planning permission was refused. They also considered that the scale and massing of the property would be incongruous, that the design was not exceptional or innovative, and that anything that went on the site would impact the Conservation Area.

Other Members felt that although the design might not be in character with the surrounding buildings, that it would mellow down in time. They felt that some neighbouring properties such as at 145 were more overbearing than the proposal. Councillor Derbyshire moved refusal. Councillor Shepherd seconded refusal.

On being put to the vote this was declared LOST.

Councillor Carr moved approval. Councillor Gillies seconded approval.

Resolved: That the application be approved with the following amended conditions;

2. Drawing no. 1197\_AR50\_01\_F 'Proposals', dated 5/11/15;  
Drawing no. 1197\_AR20\_01\_C 'Roof Plan', dated 5/11/15.
  
11. A suitable and sufficient noise barrier shall be designed by a qualified acoustician. Prior to the construction of this noise barrier a report shall be submitted to the Local Authority for approval. Once approved, the noise barrier shall be fully erected and implemented before the proposed use of the condenser units and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residential gardens

Reason: It is considered that the dwelling would be compatible with the surrounding residential land use, would not result in demonstrable harm to surrounding properties. As such the proposal accords with Central Government advice contained in the National Planning Policy Framework and with Development Control Local Plan policies outlined in section 2.2 in particular GP1 (Design), GP4a (Sustainability), HE2, (Development in Historic Locations), HE10 (Archaeology) and H4a (Housing Windfalls).

## **29. Appeals Performance and Decision Summaries**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2015 and provided them with a summary of the salient points from appeals determined in that period.

One Member asked why an Inspector had imposed a condition to be attached to an appeal decision in regards to the 'types of occupants' for an allowed HMO.

Officers responded that this particular Inspector felt that as the proposal specified that the HMO would be for working people it would not breach the SPD and would contribute to balanced communities, she also considered that the appeal property was not be likely to be occupied by a family.

Resolved: That the report be noted.

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

### **30. Planning Enforcement Cases Update**

Members considered a report which provided them with a quarterly update on planning enforcement cases for the period 28 July 2015 to 23 October 2015.

Discussion took place on Section 106 funding and its usages. It was suggested that further clarity be sought in on where the monies were being spent in wards.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding planning enforcement cases.

Councillor J Galvin, Chair  
[The meeting started at 4.35 pm and finished at 6.25 pm].