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| Meeting | Area Planning Sub-Committee |
| Date | 7 July 2016 |
| Present | Councillors Galvin (Chair), Shepherd (Vice-Chair), Craghill, Gillies, Hunter, Cannon, Flinders, Mercer, Orrell and Richardson (Substitute for Councillor Carr) |
| Apologies | Councillors Carr and Looker |

| Site | Visited by | Reason |
|---|--|--|
| 39 Goodramgate, York, YO1 7LS | Councillors Cannon, Craghill, Flinders, Galvin and Shepherd. | As objections had been received and the Officer's recommendation was for approval. |
| 3 Dudley Court, Dudley Street, York, YO31 8LR | Councillors Cannon, Craghill, Flinders, Galvin and Shepherd. | As objections had been received and the Officer's recommendation was for approval. |
| Land between 8 and 12 White House Gardens, York | Councillors Cannon, Craghill, Flinders, Galvin and Shepherd. | As objections had been received and the Officer's recommendation was for approval. |

5. 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.

No interests were declared.

6. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 9 June 2016 be approved and then signed by the Chair as a correct record.

7. 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.

8. 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.

8a) 39 Goodramgate, York, YO1 7LS (16/01242/FUL)

Members considered a full application by Mrs B Taylor for a change of use from public highway to customer seating area in connection with existing café use at 39 Goodramgate.

Officers gave an update to Members and reported that they had received the following additional comments in respect of the application:

- Guildhall Planning Panel
Did not object, however it had been noted that the proposals would obstruct the dropped kerb and this needed to be left clear and a condition applied to protect the dropped kerb to allow wheel chairs access.
- Civic Trust
Although they sought to support business in the historic core area they had concerns about the proposals owing to the encroachment on the footpath in a particularly busy street.

It was also noted that the applicants had submitted a revised plan and provided evidence that the seating could be set out without blocking the dropped kerb.

The applicant, Beverley Taylor was in attendance to answer Members questions. In response to a question if any other nearby cafés had seating in the road, she responded saying that

there was one but this was located further down the street and did not have seating in the road.

Concerns were expressed about the narrowness of the street and traffic using the road, whilst others felt that by placing tables and seating on the road, a parking or delivery space would be eliminated.

Following Member discussion, it was clarified that Goodramgate was not fully pedestrianised but that there was restricted vehicular access between the hours of 10.30 am- 5pm, Monday to Sunday.

Some Members felt that having tables in the road would deter vehicles from using it during footstreet hours, and they would encourage more pavement cafés. Others suggested that the number of days in the year the tables would be placed out on the road would be limited.

Councillor Gillies moved and Councillor Richardson seconded refusal on the grounds of there being insufficient road width for vehicles to pass if tables and seating and tables were put up, and a precedent for other applications.

On being put to the vote this fell and it was;

Resolved: That the application be approved subject to the conditions listed in the Officers report and the revised plan and evidence provided by the applicant.

Reason: There has been no material change in situation or policy. There is no evidence that the proposals have had an adverse effect on safety.

8b) 42 Millfield Lane, York, YO10 3AF (16/01097/FUL)

Members considered a full application by Mr Sullivan for a change of use from small House in Multiple Occupation (use class C4) to a large House in Multiple Occupation, two storey side and rear extensions, single storey rear extension and dormers to side and rear.

Resolved: That the application be refused.

- Reason: 1. It is considered that by reason of their scale massing and design the proposed extensions would not be subservient to the original dwelling and would have a harmful unduly dominant and overbearing impact on its surroundings, particularly when viewed from Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.
2. The proposed first floor rear part of the proposed extensions by reason of its height, massing and location would appear as an oppressive, over-dominant structure when viewed from the both neighbouring properties and would result in a significant loss of daylight and afternoon sunlight to the adjoining property at no.44 Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.
3. The increased number of occupants at this suburban semi-detached dwelling is considered to be likely to result in a significant cumulative impact on the residential character of the street taking into account the existing high level of houses in multiple occupation along the street within 100m of the application site and within the wider neighbourhood. The size of the store is inadequate to provide accommodation for 8 cycles and the waste and recycling storage for the number of residents proposed. This cumulative increase will have a harmful impact on the living conditions of local residents and the residential character of the area from additional littering and accumulation of rubbish in the front garden; noises between dwellings and in the street at all times and especially at night and increased parking pressures. This is contrary to paragraph 17 of the National Planning Policy

Framework and Development Control Local Plan policy GP1 which states that development proposals will respect the local environment, provide individual storage space for waste recycling and litter collection and policy T4 which requires cycle parking in accordance with the published standards in order to maintain and promote cycle usage in order to reduce dependence on the car.

**8c) 3 Dudley Court, Dudley Street, York YO31 8LR
(16/00995/FUL)**

Members considered a full application by Mr and Mrs Paul and Jane Thain for a single storey rear extension; addition of and replacement of first floor rear windows (revised plan).

Officers gave an update to Members and reported that additional comments had been received from three neighbours in respect of the application, these were:

- Amended plans were still overdevelopment
- Proposed rooflights and excessive glazing-loss of privacy
- Will dominate adjacent properties and their outlook
- Additional first floor window will result in additional loss of privacy
- Light pollution from glazing in rear gable
- Existing house was allowed because it fell within the footprint of the former building on the site, would have objected at the time if knew it could be further extended
- Amended design not in keeping with original dwelling or area;
- Extension breaches 45 degree rule to neighbouring annex
- Condition attached to original permission prohibits further windows to side (i.e. rooflights)

The applicant's agent Chris Smith, was in attendance to answer Members questions. Regarding concerns about light pollution, he confirmed that the windows were sited to the rear of the house. In regards to the materials of the glazing material in the gable windows, he stated that if the windows had been UPVC they would be allowed under permitted development.

Representations in objection were received from Andrew Radforth, a neighbour.

He referred to access and stated that there would be no space for building materials on site which would have a detrimental impact on the neighbouring properties.

Further representations in objection were received from Dave Stoddart, a neighbour who spoke about privacy issues, specifically from the applicant's property overlooking neighbouring gardens.

Members questioned why the applicant had to apply for planning permission for the windows, when if they used UPVC they would not require planning permission. Officers explained that for the applicant to have permitted development rights, the windows would have to be of a similar material to those they were replacing (UPVC). A Member noted that if the alterations had been permitted development, the Committee would not be able to attach a condition in regards to construction hours with planning permission.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the following additional condition:

- 5 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Reason: The proposals are considered to comply with the National Planning Policy Framework, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012).

8d) Land between 8 and 12 White House Gardens York (16/00870/FUL)

Members considered a full application by Mr David Blackwell for the erection of 1no. detached dwelling.

Representations in objection were received from Edwin Thomas, a neighbour.

He informed that the proposed dwelling would be 4 metres from his property and felt that it would be overdominant and overshadow his property.

The Ward Member, Councillor Fenton informed the Committee that 38 residents had signed a petition against the application. He highlighted that 8 White House Gardens would be 1 metre distance away from the detached dwelling and asked Members to refuse the application.

Members questioned the loss of light that residents at 8 White House Gardens might face from the proposed dwelling and if a series of light, angle and distance tests could be carried out.

Officers responded that tests could be undertaken using Building Research Establishment guidance and that one of the side windows to a habitable room would suffer a loss of light. In their opinion, as this was a smaller window to the lounge which had other windows serving it, this was deemed to be acceptable.

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: (i) The revised scheme proposes a house which is designed to sit comfortably in the street and it would not have an undue impact on neighbour's amenity. There is a drainage design solution which would be policy compliant and the detail can be secured through a planning condition. Any developer would also require permission from Yorkshire Water in this respect. The proposed house would have no material impact on highway safety. Any damage that may occur off site during construction is not a material consideration in determination of the application in this case and as the road is not adopted it is for any interested parties to agree any mitigation and not the council. In a similar manner any covenants relevant to the site relate to legal matters and are not material planning considerations.

- (ii) The proposals do not conflict with the relevant local policies listed in section 2 and nor is there undue conflict with the National Planning Policy Framework.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.35 pm].