

Meeting	Area Planning Sub-Committee
Date	6 October 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Mercer and Orrell
Apologies	Councillor Flinders

Site	Visited by	Reason
12 Water End	Councillors Cannon, Carr, Hunter and Shepherd	As the recommendation was to approve and objections had been received.
Land at junction of Main Street and Back Lane, Knapton	Councillors Cannon, Carr, Hunter, Shepherd and Gillies	To enable Members to view the site given the site's location on the edge of the village in the Green Belt.
30 Southfield Close, Rufforth	Councillors Cannon, Carr, Hunter, Shepherd and Gillies	As the recommendation was to approve and objections had been received.
105 Tadcaster Road, Dringhouses	Councillors Cannon, Carr, Hunter, Shepherd and Gillies	As the recommendation was to approve and objections had been received.
4 Heathfield Road	Councillors Cannon, Carr, Hunter, Shepherd, and Gillies	As the recommendation was to approve and objections had been received.
42 Millfield Lane	Councillors Cannon, Carr, Hunter, Shepherd, and Gillies	As the recommendation was to approve and objections had been received.

Stonebow House, The Stonebow	Councillors Cannon, Carr, Craghill, Hunter, Shepherd, Gillies and Craghill	As the recommendation was to approve and objections had been received.
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19. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

20. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 8 September 2016 be approved and then signed by the Chair as a correct record.

21. 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.

22. 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.

22a) Rowntree Wharf, Navigation Road, York (15/01891/FULM)

Members considered a full major application by Bonner One Ltd for the partial conversion of ground and first floor offices into 34 residential apartments, with associated works to upgrade bin storage, cycle parking and provide external flood and fire escape stairs.

There was no officer update on this item.

Three members of the public spoke in objection to this application:

Dr. Diane Lister, who expressed concern over the validity of the application and stated since May 2016 approximately 90 documents have been submitted to the planning portal about the car park, external works and the current residential corridors, including drawings for studio flats at the end of floors 2, 3 and 4. [*Amended and agreed at Area Planning Sub Committee meeting on 3 November 2016*] She requested that the Committee reject or defer the application.

Brian Watson, who wished to again raise the issue of the escape route via steps. He highlighted the fact that disabled people would be unable to use this exit as there was a gap underneath the bottom step. Finally he stated his concerns about the number of people who would be required to operate the proposed system.

Chris Pickering, who spoke about crime prevention, development in flood zones and concerns that the car park was a listed building. He suggested that there should be an emergency ramp, rather than steps, to prevent extra work for the emergency services in the event of fire or flood.

Janet O'Neill, agent for the applicant, stated that she felt the changes which had been made since the last meeting now fully satisfied planning requirements. These included the fire escape being amended to reach the ground floor and the cycle stores being secured.

In response to Member questions the agent clarified:

- Fire and Rescue Authorities had been consulted on, and were satisfied with, the proposed application.
- Film had been used on the windows as secondary glazing was not appropriate on a listed building.
- Cycle parking was inside a converted lift housing and would be secure.
- In the event of there being a fire and flood scenario, fire-fighters would be on site to help with evacuation.
- Responsibility for continued flood safety awareness would lie with the building management company in the future.

Officers responded to speakers comments to confirm:

- It was not for the local authority to check ownership details.
Residents had been aware of the application for some time and nobody had brought this issue to the attention of planning department.
- In terms of the documents uploaded to the planning portal, reasonable amendments to applications were part of the planning process.

Councillor Craghill suggested that amendments be made to two conditions:

1. Condition 7 be amended to make the wording stronger.
Could this state that the waste and recycling scheme had to address the shortfall in waste and recycling capacity (in particular the 9 large recycling bins) and be approved by the Council.
2. Condition 9 be amended to state that tree planting should be linked to the life of the development.

These amendments were not taken forward.

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

Reason:

- I. Rowntree Wharf is sustainably located close to the city centre. The principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. The loss of the employment use within part of the ground and first floor is considered to be acceptable.
- II. The proposal would result in less than substantial harm to heritage assets that, when balanced against the public benefits of the proposal and considering the additional weight to be attached to such concerns through the

requirements of the Planning (listed building and Conservation Area) Act 1990, is considered to be acceptable.

- III. The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions.

22b) Rowntree Wharf, Navigation Road, York (15/01892/LBC)

Members considered a listed building consent application by Bonner One Limited for internal alterations associated with partial conversion of ground and first floor offices to 34 no. apartments.

Updates and discussion for this item were as minute item 22a (Rowntree Wharf, Navigation Road, York (15/01891/FULM)).

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

Reason: It is considered that the benefits of the development are sufficient to outweigh the less than substantial harm to the building identified in this report even when attaching additional weight to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (that is to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest). The proposal complies with national and local planning policies in respect of the historic environment.

22c) Stonebow House, York, YO1 7NY (16/01003/FUL)

Members considered a full application by Oakgate Central for a change of use of the 5th floor from office (Use class B1) to residential (use class C3) and an extension to the top floor and first floor to create 5no. residential units, extended floor space and change of use of ground floor units to flexible uses within use classes A1/A3/A4, with associated external alterations to car parking and landscaping.

Officers circulated an update, which was attached to the online agenda following the meeting. This included a proposed condition to replace condition 12 in the planning report, further detail on landscaping and amendments to conditions on waste collection and air quality.

Members received written representation from Councillor Craghill , along with some proposed amendments to conditions, full details of which were attached to the online agenda following the meeting.

Brian Watson spoke in support of the application. He suggested the proposed development was sympathetic to the surrounding area and that bringing the building back into use was a positive step. He stated that the design would enhance the whole structure.

Chris Darley, agent for the applicant, explained that his team had worked closely with officers to develop a proposal that was a significant enhancement to both the building and local area. He stated it was hoped that works would be complete by October 2017.

In response to Member's questions, Officers clarified:

- The balustrade along the top length of the building was functional and an integral part of the original design of the building and although consideration had been given to removing it, there would have been a need to replace it with something else to ensure public safety.
- Discussions were ongoing with BT about placement of the public telephone box.

After a lengthy debate, Councillor Craghill moved a motion to include a condition for there to be a planter included in the application, to replace the current 'Edible York' bed. Councillor Looker seconded this motion. When put to the vote the motion fell.

Councillor Cannon moved to add a condition stating that outside seating should have limited hours of use – between 0800 and 2300. Councillor Craghill seconded this motion. When put to the vote it was tied, but fell when the Chair used his casting vote.

Members stated that overall this was a huge improvement in design terms to the existing building and would provide much needed residential accommodation in the city centre.

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

Reason:

- I. The proposed refurbishment of the building looks to resolve a number of issues with the lower level of the building. The scheme would provide an active commercial frontage to Stonebow, improve the public realm and increase natural surveillance. The east side of the building is an area where crime and disorder is in particular a problem due to the lack of natural surveillance. The scheme will address this and provide a more welcome and overlooked public space.
- II. The refurbishment is sympathetic and honest to the architecture of the host building in that the definitive concrete frame will be retained and refurbished. The concrete balustrade around the podium and at the top of the tower are now to be retained. The new elements and materials would compliment, and not detract from, the building's appearance.
- III. Overall the works will improve the character and appearance of the conservation area and the vitality of this part of the city centre. Reasonable levels of residential amenity can be secured by the use of planning conditions. There would be no undue effect on highway safety or in respect of flood risk.
- IV. The works reasonably comply with planning objectives in the NPPF and would not conflict with the council's statutory requirement in terms of dealing with change in conservation areas, as established in the Planning Act.

22d) 4 Heathfield Road, York, YO10 3AE (16/01892/FUL)

Members considered a full application by Mr D Rose for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear.

Officers updated Members stating that a letter had been received from Rachel Maskell MP in support of the residents' objections.

There were two speakers in objection to the application.

Patricia Jackson, a neighbour, who discussed the overdevelopment of the area and expressed concern that her house and garden would be overlooked by a balcony. She also suggested that the number of Houses of Multiple Occupation (HMO's) was leading to a degradation of the area.

Councillor Mark Warters suggested that this property was not authorised to act as a HMO and that the proposed application would damage the street scene and affect the level of daylight reaching neighbouring properties.

Daniel Rose, the applicant, clarified that the property was operating as a HMO within the guidelines, as it had been in operation before April 2012. He stated that he felt he had been accommodating to the concerns of neighbours. In answer to questions he confirmed:

- This property was already a HMO and the number of occupants would therefore not increase.
- There had been students occupying the property for a significant amount a time with no problems – he was a responsible landlord who was often at the property.
- On approval of this application he would apply for a lawful use certificate to operate as a HMO.

Officers clarified to Members that:

- Prior to the introduction of Article 4 in April 2012 permission was not necessary to operate as a HMO. Mr Rose had provided tenancy documents which showed that this property had been used in this manner since March 2012.

- The additional bedrooms would not class as intensification of use, as this is based on occupants not bedrooms.
- The property would be subject to housing licensing if it became a three storey property.

Resolved: That the application be refused.

Reason:

- I. The proposed extension represents a significant over-development of the site. The proposed two-storey rear/side extension in close proximity to the boundary would be an un-neighbourly addition that would result in significant harm to the existing living conditions of no.3 Heathfield Road because of its overbearing impact.
- II. The two-storey element of the extension projects to the side of the existing house, this form of development is uncharacteristic of this part of the street (two-storey side extensions have been added to properties at the head of the cul-de-sac where the plots are more spacious), the closing of the gap between dwellings would result in significant harm to the appearance of the street scene.
- III. The proposals are contrary to policy H7 and GP1 of the Development Control Local Plan (2005) and the provisions of the National Planning Policy Framework in particular paragraph 17 which requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

**22e) 30 Southfield Close, Rufforth, York, YO23 3RE
(16/01635/FUL)**

Members considered a full application by Mr Alex Kirby for roof extensions including raising the height of the ridge, erection of front gable extension, side and rear extensions and new detached garage with access from rear (revised scheme).

Officers circulated an update which contained objections from neighbours following the third and final amendments and associated neighbour consultation period. It also contained one comment in support of this application. The full update was attached to the online agenda following the meeting.

Kevin Herbert, a neighbour, spoke on behalf of several local residents. He stated that the proposed development would be overbearing, particularly as it was situated toward the front of the plot. He explained that the plot sat half a metre higher than the adjacent plot which would further exacerbate the overshadowing.

Alex Green, agent for the applicant, stated that, as this was a large plot, the development would not be overbearing to neighbouring properties. He cited a two storey property that had recently been erected at the back of the site as an example of development in the local area. He proposed that, if Members felt it necessary, the drainage and working hours could be conditioned.

In response to Member questions the agent confirmed that the chimney on the proposed development would sit 1 metre higher than the neighbouring property.

After debate Councillor Gillies moved refusal, on the grounds that the application would be incongruous to the street scene. This was not seconded and the motion fell.

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

6. 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:

- I. It is acknowledged that the proposed alterations and extensions to the bungalow will result in a significant change to the height and massing of the dwelling, however given the

various property styles in the cul-de sac, the scale of the plot and the retention of matching materials to the front of the dwelling, the proposed changes are considered to harmonise with the various heights of dwellings in the vicinity that would not result in a dominant or overbearing structure in the street scene.

- II. Given the orientation of the development in relation to neighbouring properties and the design and layout of the proposals it is not considered that the proposals would have a significant impact on residential amenity. As such the scheme is considered to comply with guidance in the NPPF, draft Local Plan policies GP1 and, H7, design principles in the Rufforth Village Design Statement and the Council's House Extensions and Alterations SPD.

**22f) 105 Tadcaster Road, Dringhouses, York, YO24 1QG
(16/01744/FUL)**

Members considered a full application by Mr Robert Brown for a two storey and single storey rear extension (revised scheme).

Officers circulated an update, full details of which were attached to the online agenda following the meeting. This contained one additional objection.

Helen Hussey, representing a number of local residents, spoke in objection to the application. She cited the loss of privacy and amenity for neighbouring residents, in particular the proximity to 107 Tadcaster Road.

John Casterton, a local resident also spoke on behalf of a number of objectors. He expressed concern about overshadowing and suggested that other extensions in the area did not overlook neighbours in this way. He circulated an alternative proposal for the extension, which was attached to the online agenda following the meeting.

Grace Brown, the applicant, suggested that her family had already made significant compromises in terms of this plan. She stated that it was a progressive design, which added significantly to the original build. She also proposed that, if Members felt it necessary, they would be willing to alter the plan for the first floor and finish it in brick slips.

After discussion Members felt that, whilst they had sympathy with neighbouring residents, with the addition of brick slips to the first floor there were no grounds to refuse this application.

Resolved: It was delegated to officers to approve the application subject to the receipt of a revised drawing showing the first floor clad in brick slips.

Reason:

- I. It is acknowledged that the revised scheme is a move away from the more traditional form of extension that is more common in this area. It is considered that a contemporary design and materials would still harmonise with the host dwelling and would not harm the appearance of the dwelling or surrounding street scene.
- II. Whilst objections have also been expressed in relation to harm to residential amenity, the impacts would not be significant. As such the revised scheme is considered to comply with guidance given in the NPPF, draft Local Plan policies GP1 and H7 as well as the Council's House Extensions and alterations SPD.

22g) Land At Junction Of Main Street And Back Lane, Knapton, York (16/00542/FUL)

Members considered a full application by Novus Investments Ltd for the erection of four dwellings.

There was no Officer update for this application.

Derek Spicer, representing local residents, spoke in objection to the application. He stated that this was an area of green belt land, primarily made up of farm sites, and that this application did not represent special enough circumstances to justify developing this land.

Matthew Stocks, agent for the applicant, suggested that this development fit with the Local Plan which proposed creating significantly more housing within the City. He stated that this development would be low density and consist of architect designed bespoke houses, built around a central courtyard, which would all be in keeping with the local area.

During discussion Members stated that as the Local Plan had not been agreed it could not be claimed that this development was in keeping with the plan, particularly in terms of development of green belt land. Members who had attended the site visit felt that the proposed application would detract from the openness of the area.

Resolved: That the application be refused.

Reason:

- I. Policy YH9 and Y1 of the Yorkshire and Humber Plan – Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, impact on the character and appearance of the area and siting, design and landscape. The proposal is

therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Development Control Local Plan (Approved April 2005).

- II. The site is an undeveloped area which is defined by hedge boundaries and is open on its eastern side. The village has relatively dense development along Back Lane and Main Street to the south side of the site; to the north development is less compact providing spaces and open views. The contrast of the rural setting of the village to the more dense development within its nucleus is important to its character and appearance. It is considered that the erection of four substantial dwellings with associated car parking, garaging and landscape treatment on a site that is elevated would be detrimental to the open rural setting of Knapton village and would cause harm to the character and appearance of the area. This would be contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and GP1 of the City of York Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

22h) 42 Millfield Lane, York, YO10 3AF (16/01745/FUL)

Members considered a full application by Mr Sullivan for a two storey rear extension, single storey side and rear extension, rear dormer and detached cycle and bin store to rear.

Officers updated Members and stated that the plan had now been reduced in size and width.

In response to Member questions, Officers clarified:

- The property was currently in use as a small HMO.
- Although this did not have a certificate of lawful use, the applicant had provided evidence of its use as such prior to April 2012 in the form of tenancy agreements which had been cross checked with Council tax records.

During discussion members highlighted the need for a change in regulation of HMO's. However, this application was for a property which was well set back from the street, meaning the impact on neighbours would be minimal.

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

Reason: The proposal would result in no significant harm to the living conditions of the neighbours or the street scene and is considered to comply with the National Planning Policy Framework, draft local plan policies CYC GP1, and H7 and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations' December 2012.

22i) 12 Water End, York, YO30 6LP (15/00405/FUL)

Members considered a full application by Z Collinson for the erection of one dwelling.

Resolved: Deferred.

22j) 25 Garden Flats Lane, Dunnington, York (16/00337/REM)

Members considered a reserved matters application by Mr and Mrs Craven for the approval of appearance, landscaping and scale for erection of detached dwelling and garage with room in roof to rear following approval of outline application 15/00442/OUT.

One written representation was received in objection to this application from Councillor Brooks. She suggested that the materials proposed were out of character with neighbouring buildings and would have an adverse impact on the local area.

Three people spoke in objection to the application:

Nick Preece, a local resident, who felt that the application was at odds with the character of the area and that this was inappropriate development just outside of a conservation area.

Stuart Kay, Chairman of Dunnington Parish Council, spoke on behalf of the Parish Council to express concern about the negative impact the application would have on the area. He stated that it went against the Village Design Statement and the appearance and scale was clear overdevelopment.

Councillor Mark Warters spoke as the Ward Member. He stated that he objected to this application on the grounds that the original consent was for a three bedroom bungalow and that this was now a four bedroom house. He also raised concerns about drainage at the site during construction.

Anna Craven, the applicant, stated that they had strived to achieve a respectful design which was sympathetic to the area. She highlighted that all materials were pending approval. She also explained that as this was a sloping site, 25% of the build would be below ground level.

In response to questions, Officers stated that the original outline consent never stated it was for a bungalow and that changes made complied with this consent.

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

Reason: The application is for the scale, appearance and landscaping of a dwelling and double garage that were approved in outline in December 2015. The application accords with the National Planning Policy Framework and policies GP1, GP9 and GP15A of the 2005 local plan.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.35 pm].