

Meeting	Area Planning Sub-Committee
Date	3 December 2015
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Cannon, Looker, Mercer and Orrell
Apologies	Councillor Hunter

31. 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 in the business on the agenda. None were declared.

32. Minutes

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 5 November be approved and signed by the Chair as a correct record.

33. 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.

34. 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.

34a) Site Lying To The Rear Of 1 To 9 Beckfield Lane, York (15/01301/FUL)

Members considered a full application from the Beckfield Lane Landowners for the erection of 9 dwellings with associated access and parking.

Officers advised that a unilateral undertaking had been received and was in the process of being checked by legal services. Their recommendation was that the application be approved subject to the completion of this unilateral undertaking, the sum covered in which would be spent on:

- £8416 to improve safety surfacing at Acomb Green Play Area
- £3775 towards Fishponds Wood for habitat development to improve amenity open space
- £5325 on pitch improvements at Carr Vikings sports pitches to increase playing capacity.

Following advice from the council's archaeologist, officer stated that condition 10 had been altered as detailed below.

Highways have confirmed that they have no objections to the revised plans subject to standard conditions covering:

- The design and materials of adopted spaces
- Requiring the construction of carriageway and kerbs before occupation of the dwellings
- Full junction details to be approved
- Car parking spaces laid out and cycle storage facilities provided before occupation of the dwellings.

They also recommended two informatives covering requirements under highway adoption and a recommendation to contact utilities before starting on the site.

Officers also recommended a condition requiring the installation of an electric vehicle recharging point at each property as part of the council's low emissions strategy.

Mr Parker, a local resident addressed the committee on behalf of residents of Runswick Avenue, in objection to the application and raised the following concerns:

- Loss of the garden space.

- Parking was already a problem in the area with people parking on double yellow lines and vehicles using Runswick Avenue daily to turn around in.
- There had been no discussion with regard to the issue of boundaries
- Need to consider privacy of residents
- If approved, stringent conditions needed to be attached to cover working hours and maintenance of the site.

Mr Nigel Ingram read out a statement on behalf of Jennifer Hubbard, Town Planning Consultant, who had been unable to attend the meeting, which put forward the following points:

- Though liaison with officers and other statutory consultees, plans had been substantially amended to introduce new planting, protect adjacent off site trees and retain onsite hedging as well as reducing areas given over to hard surfacing
- A bus stop outside the site on Beckfield Lane and nearby supermarket made it a highly sustainable site.
- The design of buildings had been improved and included a mix of dwelling types and sizes including bungalows. Density of development, space standards and garden sizes were all consistent with the character of the surrounding area.
- Happy to accept all proposed planning conditions.

With regard to paragraph 3.11 (response from Foss Internal Drainage Board) officers advised that they would seek authority to add a condition to cover surface and foul water drainage if members were minded to approve the application.

Some members expressed concern about the loss of green open space, noting its use as a green infrastructure corridor. They also noted that some fruit trees would be lost and the landscaping condition didn't specify that any of the new trees should be fruit trees. Officers agreed it would be possible to add an informative to this effect.

Members expressed their support for the scheme which they considered was relatively low density, in a sustainable location and which provided much needed housing. They acknowledged that the applicants had been keen to address objectors concerns and noted the concerns raised regarding parking and traffic in Runswick Avenue. With regard to whether any parking/traffic improvements were possible to ameliorate the

situation, officers advised that it was normal practice for a development to be completed then look at options of extending double yellow lines or making other changes if needed.

Resolved: That the application be approved subject to the conditions listed in the report, the completion of a section 106 agreement, the amendment to condition 10 (below), additional conditions to cover:

- the installation of an electric vehicle recharging point at each property as part of the council's low emissions strategy
- boundary treatments,
- surface and foul water drainage

and informatives to cover:

- requirements under highway adoption
- recommendation to contact utilities before starting on the site
- a request that consideration be given to including new fruit trees in the landscaping scheme.

Amended Condition 10

No work shall commence on site until the applicant has secured the implementations of a programme of archaeological work (strip, map and record) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of archaeological importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

Reason: The application will provide for new residential development which is a key objective of the NPPF. In terms of its visual impact, the impact on neighbouring residential amenity, the provision of off-site open space and highways and parking considerations, subject to conditions and a unilateral undertaking the application is considered to comply

with the NPPF and policies within the Development Control Local Plan.

**34b) 25 Garden Flats Lane, Dunnington, York, YO19 5NB
(15/00442/OUT)**

Members considered an outline application from Anna Craven for the variation of condition 3 of planning permission 13/01960/OUT to increase the size on plan of the proposed dwelling and garage and relocate the proposed garage.

Officers advised that at the committee site visit the previous day residents had sought clarification of certain aspects of the planning application. They provided the following responses to the queries which had raised.

- The location plan submitted with the application did not include the wooded area at the bottom (eastern end) of the garden. A corrected plan was submitted on 26 November.
- The application was for the erection of a single dwelling no higher than 4.5m above existing ground level.
- The reason the site plan for approval referred to finished floor levels which were below the existing ground level of the site was a drafting error by the applicant – all references to floor levels should have been removed. A revised plan (ref. 04 Rev.E) was submitted following the committee site visit. Officers recommend that condition 3 in the committee report be amended to replace 04 Rev.D with 04 Rev.E.
- This planning application was to vary condition 3 of a previous planning permission. A floor level condition was not attached to that consent so it would be unreasonable to add such a condition to the current application.
- With regard to the landscape proposals along the boundary with No.23, the applicant was confident in the accuracy of their topographical survey and that the dimensions noted in the original approval could be achieved.

- The garage (as amended during the progress of this application) was no larger than the garage that was approved in 2013.

Councillor Brooks addressed the committee as Ward Councillor for Osbaldwick and Derwent Ward. She expressed the following concerns:

- An increase in development would have a negative impact on the area
- Development on this site had been refused in the past or turned down at appeal.
- The increased size of the proposed property and not knowing exactly what they outline permission was for.

Mr Preece spoke on behalf of neighbouring private householders. He made the following points:

- The changes were unnecessary taking into account that it had taken several years to achieve the permission granted in 2014.
- The 18 sq ft increase could have a negative impact on the environment - the floor plan now appeared to be the same as the two storey original proposals which had been submitted previously and subsequently withdrawn.
- The occupier's car headlights would impact on the residents of no 23 Garden Flats Lane as their car swung round in the drive.

Representations were then heard from Mr Mark Newby , the agent, in support of the application. He stated that:

- the applicant was not seeking to increase the height of the property nor to realign the access through the site, but instead to increase the size of the property to provide for a growing family and relocate the garage further away from the boundary with no 23.
- As approved, the garage would be visible from the highway but the amended location would improve the impact on the area.
- The proposals were in keeping with the character of the area and would have a minimal impact on neighbouring properties and complied with NPPG and the Local Plan.

Councillor Stuart Kay, Chairman of Dunnington Parish Council addressed the committee in objection to the application. He raised the following concerns:

- He did not feel that the amendment was reasonable and didn't accept that an increase in size of 13% should be considered as a minor change.
- The plans had only been available to consider a week previously and had been submitted with one wrong plan – this did not allow enough time for proper consideration.
- The proposals would have an effect on the infrastructure of the village
- Lorries parked on the grass verge at the entrance to the site destroyed the verges – a condition should be included to control traffic movements if approved.

Councillor Warters, Ward Councillor for Osbaldwick and Derwent, circulated some photographs and expressed the following views.

- The original approval was wrong as it undermined Dunnington Village Design Statement. This application to increase the size of approved dwelling by a further 13 % was incremental creep.
- Neighbours faced disturbance from contractors vehicles parked on verges and footpaths at the curtilage of the site (shown on the photographs), and from deliveries to site. Condition 11 did not do enough to protect the immediate area.
- Needed to ensure that the construction process was carried out in a sensible and considerate manner. Condition 7 should be strengthened. Vehicular access, retaining wall, and landscape boundaries should be constructed to at least base course prior to excavation works in the rear garden and contractors parking and material storage areas within the application site or host property curtilage needed to be identified.

Officers advised that a condition requiring a construction management plan would not normally be attached for an application for one house.

While Members noted the concerns raised regarding site traffic, they felt that the proposed increase in size on plan of the proposed dwelling and relocation of the proposed garage would not be detrimental to the character of the area and the amenity of neighbouring properties and expressed their support for the officers recommendation to approve the variation of condition 3 of the planning permission 13/01960/OUT.

Resolved: That the application be approved subject to the conditions listed in the report and the amendment to condition 3 to refer to revised plan.

Amended Condition 3

The development hereby permitted shall be carried out only in accordance with the proposed site plan numbered CRA-404-001 04 Rev.E received by the local planning authority on 2 December 2015 and the un-numbered site datum plan received by the local planning authority on 10 June 2015.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

NOTE: The applicant is advised that for the purposes of this planning permission the building forms of the approved dwelling and garage shown on the approved site plan represent their extremities, excluding any guttering.

Reason: The proposal would not be detrimental to the character of the area and the amenity of neighbouring properties. The application accords with the National Planning Policy Framework and policy GP1 of the 2005 local plan.

34c) 3 The Dell, Skelton, York, YO30 1XP (15/01473/FUL)

Members considered a full application from Mrs Ray Leadley-Yoward for the erection of a dwelling with associated access and parking.

Officers advised that the committee report stated at paragraph 4.14 that the separation distance between the proposed dwelling and the host house at No.3 would be 24m. The actual distance would be 18m to the No.3's main elevation and 15m to the conservatory. They explained that while these distances were below the council's normal standards, overlooking would be avoided by the north-west facing windows on the upper floor of the proposed house being obscure glazed up to 1.7m high from floor level and this had been agreed by the applicant. Officers therefore recommended an additional condition

requiring any upper floor window on the northern elevation to be obscure glazed and non opening.

Linda Manswell, a local resident, addressed the committee in objection to the application. She circulated a plan and some photographs to members and stated that:

- the proposed dwelling would have a negative effect on local amenity
- the local sewerage system may not be capable of supporting an additional property.
- the land had once been a gravel pit and the site had been deemed unsuitable for development.
- there may not be adequate parking for the property (the occupier of No 3 The Dell already parked on the road).

Councillor Joe Watt spoke on behalf of the immediate neighbour and as Chairman of Skelton Parish Council. He made the following points:

- Skelton was a rural community where gardens were a feature of village life, however the village had become vulnerable to the practice known as garden grabbing.
- Although a house could be squeezed into the garden, the remaining garden would be degraded for ever.
- The Dell and The Vale were special to residents. The village should not be spoilt for current and future residents by inappropriate development.

Officers drew Members attention to paragraph 4.6 which covered the development of gardens and paragraph 4.7 which covered design issues. In response to issues which had been raised by the first speaker, they confirmed that the foul water sewage pipe did not conflict with the location of the house and would not cause any problems. Furthermore officers had not raised any issues with subsidence. With regard to the character of area, this was mixed in terms of housing with the houses on The Vale quite close together and built of a variety of materials.

Some Members felt that this location was not large enough for the proposed dwelling. Due to the topography of the site, the garden was 1.5 to 2m below the level of the footpath which ran beside the property, therefore the house would be on different levels, and the distance between proposed dwelling and next door was less than expected. They expressed the view that, for these reasons, they felt the proposals would be detrimental to character and amenity of the local environment.

Councillor Gillies proposed and Councillor Carr seconded a motion to refuse the application on these grounds. On being put to the vote this motion was lost.

Other members felt that, for the reasons set out in the report, there was no reason to go against the officer's recommendation to approve the application.

Resolved: That the application be approved subject to the conditions listed in the report and the additional condition detailed below:

Additional Condition 15

Any upper-floor windows on the northern elevation of the house shall be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No. 3 The Dell.

Reason: The application accords with the national planning policy in the NPPF and relevant policies of the 2005 City of York Council of York Draft Local Plan.

**34d) Cycle Heaven, 2 Bishopthorpe Road, York, YO23 1JJ
(15/01697/FUL)**

Members considered a full application from Mr Terence Ashton for the change of use from retail (use class A1) to mixed use retail with cycle repair facilities, café/restaurant and drinking establishment (use class A1/A3/A4) with one additional flat on the first floor (use class C3).

Members questioned whether there was a potential for disturbance within the forecourt seating area if tables and chairs were left out once this area had closed. They also raised the issue of the toilet facilities being located close to the adjacent property and the effect in respect of smells, noise and privacy on the neighbouring property and officers responded to these issues.

Laura Moynihan, a neighbour, spoke in objection to the application on behalf of all those residents who had objected, a number of whom lived on Darnborough Street. She expressed the following concerns:

- The position of the toilets raised issues of privacy - from her property she could see directly into the skylights of the toilets and therefore customers using the facilities would also be able to see into her property.
- The toilets would vent into the alleyway. Work had already been undertaken to alleviate damp, additional vents could exacerbate this problem.
- Use of the outdoor seating area could cause noise and disturbance to residents in Darnborough Street.
- Darnborough Street was a narrow road with parking on one side – the proposals could lead to an increase in traffic on this road.

Mr Peter Kilbane, the applicant, spoke in support of the application. He advised that:

- he had set up many local communities initiatives and would use his experience and skills to set up a viable business.
- the proposals would allow Cycle Heaven to keep a presence on Bishopthorpe Road and would create a meeting place for local community.
- he had consulted with neighbours in writing and at meetings regarding the proposals.

Mr Shrimpton, managing director of Cycle Heaven, owner of the property and partner in this enterprise also addressed the committee in support of the application. He advised that:

- he was passionately committed to the neighbourhood. He had organised the first street party 5 years ago, set up the website Bishyroad.net which led to the founding of the traders association.
- cafés had altered the culture of Bishopthorpe Road. None of the local pubs offered food, other cafés were closed in the evening and restaurants only served full meals.
- the proposals would incorporate cycle workshop, cycle accessory retail and cafe. The cycle café formula was a tried and tested business model and would allow Cycle Heaven to remain in street.

Members offered their support for the proposals which they felt would bring something new to the street and enhance what was already a good area. They felt that the development has been well thought out with consideration given to residents.

To address the concerns about the potential for disturbance outside once the customer seating area has been closed to customer, members agreed that condition 6 should be amended to require the owners to remove the outdoor furniture from the forecourt at 8pm and store it within the premises overnight.

With regard to the privacy in the toilets, it was agreed that a condition be added to require these windows to be obscure glazed and have window limiters fitted to restrict their opening. A condition requiring details of the external venting from the toilets would also be added.

Resolved: That the application be approved subject to the conditions listed in the report, the amendment to condition 6 to require outdoor furniture to be removed at 8pm and stored within the premises, and additional conditions to require the toilet windows to be obscure glazed with opening limiters, and to cover external venting to the toilets.

Amended Condition 6 (now condition 7) – Use of the forecourt

Prior to first use of the forecourt as a customer seating area, a plan of the external layout and details of the position and design of the enclosure shall be approved by the Local Planning Authority. The seating area shall be set out in accordance with the approved plan and not extend beyond the annotation on the approved ground floor plan and shall leave adequate space for circulation. Only customers sat at the tables shall be allowed to use the area.

The forecourt shall not be used by customers after 20.00 each day of the week. Outside the permitted operating hours of the outside seating the furniture shall be stored within the premises.

Reason: In the interests of residential and visual amenity, in accordance with paragraph 17 of the NPPF.

Additional Condition 13 - Rooflights

The rooflights to the toilet areas shall be obscure glazed and fitted with restrictors that prevent their opening by more than 100mm.

Reason: In the interests of residential amenity.

Additional Condition 14 - Vents to the toilets

Details of the location and design of any external vents to the toilet areas shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and installed in accordance with the approved details.

Reason: In the interests of residential amenity.

Reason: The proposed use is primarily to serve the local community and allows comprehensive use of the building. The former use has relocated. Planning conditions are proposed to the extent that the proposed use would be compliant with Local Plan policy S6, which relates to cafes/restaurants/bars and residential amenity. In principle the development accords with planning policy, in particular the thrust of the NPPF to grow the economy in a sustainable way. There would be no material impact on the highway in terms of deliveries, considering the historic commercial use of the site, and there is not adequate evidence that comings and goings of customers would have an undue effect on highway safety.

34e) Student Union York, St John University, Lord Mayors Walk, York (15/02208/FULM)

Members considered a major full application (13 weeks) from York St John University for the erection of a three-storey teaching building following the demolition of the existing student union building.

Officer recommended an additional condition to cover the requirement to submit BREEAM assessments during the development.

They also advised that the applicant had provided an additional section drawing which provided additional clarity in respect to the site sections when viewed from the city walls. Therefore the relevant site sections drawing referred to in condition 2 (3895-016 PL11 B) should be updated.

Officers advised that two further letters of objection had been received. The occupier of 56 St John Street has objected to the scheme for neighbour amenity concerns similar to those already summarised in the officer's report.

A resident in Penleys Grove Street had objected expressing concerns in respect to the scale and form of the proposed building and its negative impact on the listed Quad and Chapel. The objector considered that the building was one storey too tall, that its roof line lacked interest and that its design and use of materials was not in character with nearby buildings and trees.

Sarah Davey, a resident of St John Street, addressed the committee on behalf of her immediate neighbour. She expressed the following views:

- The 3 storey building would tower above any other building, including the houses on St John Street. It would cut out light to these houses, especially to the ground floors.
- The building would be made even higher by a 6ft concrete wall on top to hide the plant machinery. This would be seen from her 3rd floor bedroom.
- She questioned why the plant could not be located the other side of the building away from the houses to avoid noise pollution affecting residents.
- Views of the Minster would be obliterated from the local area

Mr David Chesser, Chief Operating Officer at York St John University, addressed Member in support of the application stating:

- student numbers had increased by nearly 1000 in the last 5 years, bringing benefits the university and York's economy. A lot of investment had been made in the

University's sites, however there was still a shortfall in teaching space and a need to be able to offer modern and flexible teaching accommodation in order to remain competitive and attract students.

- the proposed 3 storey building would provide 16 teaching rooms, IT suites, social learning spaces and study zones
- he recognised the sensitivity of the site, understood the concerns raised but believed they could be overcome
- they had engaged in consultation including a public exhibition held for local residents in July but attendance had been limited.
- modifications had been made to the scheme and proposals were a successful balance which met the needs of the university while taking into account of the sensitivity and restrictions of the site – proposals complied with national and local planning policy.

Members noted the concerns raised with regard to the location of the plant machinery and questioned whether there were any options to relocate redesign or modify this. Officers advised that Condition 13 covered details of plant machinery and protected local residents from the noise from plants. They stated that due to the mitigating noise barriers and 40m distance from the houses, it was not considered that it would be harmful to residents in its current position.

While Members acknowledged the concerns raised by local residents, they agreed that the applicants had done as much as possible to mitigate the impact of the new building.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions detailed below:

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 28 September 2015 :-

- Proposed site plan 3895-016 PL03 B
- Proposed site sections 3895-016 PL11 B
- Proposed elevations 3895-016 PL08 E
- Proposed ground floor plan 3895-016 PL04 C
- Proposed first floor plan 3895-016 PL05 D
- Proposed second floor plan 3895-016 PL06 D

- Proposed roof level plan 3895-016 PL07 G
- Perspective view 3895-016 PL10 A

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Additional condition 17

Prior to commencement of building works (excluding demolition) the developer shall submit to the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development it is necessary to address this aspect before building work starts on site.

Reason: The proposal will enhance and update student learning facilities on the York St John city centre campus and create the opportunity to increase student numbers on the site. Policies in the Local Plan seek an associated increase in the provision of student housing on campus when learning facilities are expanded. In this instance it is not considered reasonable to seek additional living accommodation on site. This is because in the past few years there has been substantial investment by the University on city centre/edge of city centre student living blocks. It is considered that the development, though modern in style, respects the scale and form of the campus. Although the development will impact on the outlook of several properties on St John Street it is not considered the degree of harm is sufficient to justify the refusal of the application. The proposal would not harm the setting of nearby listed buildings nor would it harm views from the Central Historic Core Conservation Area.

34f) Lidl, Thanet Road, York, YO24 4PE (15/02165/FULM)

Members considered a major full application (13 weeks) for the variation of condition 22 of permitted application 09/02284/FULM to alter opening hours to between 07.00 – 22.00 Monday to Saturday and 10.00 to 19.00 on Sundays and Bank Holidays.

Howard Perry, a resident of St James Place, addressed the committee in objection to the application on the grounds of noise and light pollution. He circulated some photographs which showed vehicles parked in the area and raised the following concerns:

- Extending the opening hours would cause more disruption to the quiet cul-de-sac by increasing the length of time residents were likely to be disturbed by the noise of lorries delivering to the premises.
- Light pollution would be increased as car park lights, which shone into the bedroom and living room of his first floor flat, would be on for longer.
- If the application was approved, a condition was required to limit times for deliveries and for operation of lights and illuminated signage.

Nick Scott, the agent for Lidl, addressed the committee. He made the following points:

- None of the consultees had found any material reason to object to the variation of the condition.
- The officer's report addressed the objectors' points regarding noise from deliveries and customer vehicles, and light pollution from car park lights, illuminated signs and vehicle lights.
- The request to control timing of deliveries and organisation of deliveries was a separate matter and is immaterial to this application.
- The hours applied for had been subsequently amended to comply with Sunday trading laws following liaison with officers.

Members noted that the application for longer hours would bring this store in line nationally with other Lidl stores and that the store would continue to open for 6 hours on a Sunday between the hours applied for, in line with Sunday trading laws. They did not feel that the extra hour of opening would make much difference in the area. While they acknowledged that some of

the parking shown in the photos was not related to the store, the ward member agreed to contact Network Management team about parking on St James Place as this was outside the application site.

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

Reason: It is considered that the proposal complies with national guidance in the NPPF, Development Control Local Plan Policies and would not result in harm to the residential amenity of the occupants of the nearby dwellings.

**34g) The Coach House, Fulford Park, York, YO10 4QE
(15/01689/FUL)**

Members considered a full application from Mrs Sarah Urmston for a single storey rear extension and roof lights to the side of The Coach House.

Officers advised committee members that Fulford Parish Council had responded to the consultation and confirmed they had had no objections to the original application and believed that the amendments made the extension further subservient to the overall design therefore did not have any objections to this application.

With regard to the proposed recommendation, officers advised that as the consultation period had not yet ended, the officer recommendation should be that Members grant delegated authority to them to refuse the application at the end of the publicity period, in consultation with the Chair and Vice-Chair should any further representations be received.

Mr Steven Urmston, the applicant, addressed the committee in support of the application. He made the following statement:

- He and his wife were committed to achieving a high quality design which was why they had chosen to use an architect and submit a planning application rather than choosing to extend under permitted development rights.
- They needed more space as they lived as an extended family with their children and mother.

- With regard to public views of the property, only the east side of the property bordered public space and the proposed extension was orientated to face west away from the road.

Mr Joel Smith, the architect, also addressed the committee. He advised members that:

- The proposed extension would only be 2.5m² larger than permitted development would allow
- It would not be possible to introduce different types of design without being extremely pastiche or damaging scale.
- The glass link was important as it detached the new part of the house from the existing property.
- Planning officers felt existing open space in area would be compromised slightly by design but it only added 1% to overall built form, still less than 20% of that open area.

Members noted that the glazed break physically linked but separated the extension from the host building which was an accepted architectural feature. They felt it would have been impossible to extend in any other way apart from this, the only other option being to build in same style which would be considered pastiche. They felt that the chosen materials were sympathetic to the host building, Members noted that in Fulford there was already a mix of property styles and building materials and that no objections had been received from Fulford Parish Council. They did not feel there was any reason to refuse the application.

Resolved: That delegated authority be given to officers to approve the application at the end of the publicity period, in consultation with the Chair and Vice Chair should further representations be received.

Reason: The contemporary design of the extension using appropriate materials would not harm the appearance of the host dwelling and would preserve the character and appearance of the conservation area. The proposal was therefore in line with the built heritage policies of the NPPF and the Development Control Local Plan.

34h) 38 Clarence Street, York, YO31 7EW (15/00822/FUL)

Members considered a full application from Miss Anita Sharma for the erection of a two storey building to the rear of 38 Clarence Street to be used as a House in Multiple Occupation (HMO).

Bronwen Pope-Wilby, resident of Aldbrough House, addressed members on behalf of her neighbours. She expressed the following views:

- This was overdevelopment
- Brook Street was a tiny street with 2 new houses having been built in gardens in the last 2 years with another one in the process of being built as well as this application. This would double the number of people in the street by about 17-18 people.
- Its use as an HMO aimed at student housing, could lead to an increase in noise, parking and rubbish.

The applicant, and occupier of 38 Clarence Street, spoke in support of the application. She made the following points:

- The greatest impact would be on her own property not her neighbours' properties.
- Her garden didn't get any light and she has two parking spaces at the back of her property which she has let other people use as she didn't use herself.
- With regards to the impact of traffic, in the past City of York Council had owned the car park with access via Brook Street. This car park was now owned by the university but Brook Street was no longer used for access, therefore there was less traffic in the road.

Members noted that there was already a lot of pressure on Brook Street, which was a small narrow road. They considered whether one additional property would make a difference and whether this constituted overdevelopment. Members felt that it could improve the frontage of this site onto Brook Street and welcomed the fact the applicant was applying for HMO use at this stage rather than at a later date.

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

Reason: It is considered that the works are acceptable and would not result in any detrimental impact upon

neighbouring amenity or the character and appearance of the area. The works would not harm the setting of the listed building and therefore comply with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with national guidance on good design contained within the NPPF, Policy GP1, GP10 (criterion a and e), HE2 and H4a of the 2005 City of York draft Development Control Local Plan.

34i) 38 Clarence Street, York, YO31 7EW (15/00824/LBC)

Members considered an application for listed building consent from Miss Anita Sharma for the demolition of the existing curtilage building and the erection of a two storey building.

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

Reason: It is considered that the demolition of the existing curtilage structure and the erection of the new dwelling would not result in harm to the special interest of the building or its setting. The application therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, advice contained within paragraph 132 of the National Planning Policy Framework and policy H4 of the draft Development Control Local Plan.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].

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