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Meeting	Area Planning Sub-Committee
Date	9 October 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Reid (Substitute) and Warters
Apologies	Councillors Cuthbertson and Hyman

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Site Visited	Attended by	Reason for Visit
Harlestone, 14 York Road	Councillors McIlveen, Gillies, Watson and Galvin	As the officer recommendation was to approve and objections had been received
Fulford Grange, Grange Garth	Councillors McIlveen, Gillies, Watson and Galvin	As the officer recommendation was to approve and objections had been received
40 Tranby Avenue	Councillors McIlveen, Gillies, Watson and Galvin	As the officer recommendation was to approve and objections had been received

### **23. Declarations of Interest**

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

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

Resolved: That the public and press be excluded from the meeting during the consideration of annexes to agenda Item 7 (minute item 29 refers) on the grounds that these are classed as exempt under

Paragraphs 1,2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006).

## **25. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee held on Thursday 5 September be approved subject to the amendment to the wording at minute item 22 to reflect that the Council Tax Student Exemptions *should* be updated on a yearly basis.

## **26. 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 Committee.

## **27. Plans List**

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

### **27a. Harlestone, 14 York Road, Strensall, York. YO32 5UN [13/02383/FUL]**

Members considered a full application by Dr Malcolm Blacklee for the erection of a dormer bungalow to the rear (resubmission).

Officers had no update to the committee report but advised that there was an error at paragraph 4.9 as the house number referred to should be 16 not 12.

Tracey Lyons had registered to speak in objection to the application on behalf of Mr. Dyson, a neighbour. She advised

that Mr. Dyson's main concerns were that the new proposed development was still too large despite an amendment, the scheme was an over development and was too large for the site and the site area was mainly green and this would be spoiled.

Tracey Lyons had registered to speak in objection. She advised that she lived at number 4 and that nearly every neighbour in the street objected to the application. The amendment to the scheme had not changed the footprint and it would be detrimental to other residents in the vicinity as well as the Strensall Conservation Area. She urged Members to refuse the application.

John Chapman had registered to speak on behalf of Strensall Parish Council. He supported the comments made by Ms. Lyons and raised concerns about the impact of the development upon the Strensall Conservation Area. He stated that the area does have historic significance and was worthy of protection. He stated that he agreed with refusal of the first application and considered refusal to be applicable to this application.

Councillor Paul Doughty had registered to speak as Strensall Ward Councillor. He asked Members to read through the reasons for refusal of the previous application before considering the new application. He reminded Members that 11 residents had made objections and the amendment to the scheme were far too modest.

Mark Newby had registered to speak as the applicants agent. He advised that Planning Officers had recommended approval following the amendments that had been made to the scheme and that it complied with planning policy.

Members questioned the potential impact of the scheme upon the conservation area. Officers confirmed that they considered the revised plans had overcome the previous reason for refusal as the development would now be less visible within the surrounding area. Some Members felt that there would still be an impact and did not consider the application appropriate in a Conservation Area.

Members commented that although they accepted the application had been amended and massing had been slightly reduced, they judged that the proposal would be detrimental to the amenity of neighbours.

Following further discussion it was:

Resolved: That the application be refused.

Reasons: It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the character and appearance of Strensall Conservation Area. The site is undeveloped and provides an open character and sense of space around existing dwellings which is considered the key characteristic of this part of Strensall Conservation Area. The proposed dwelling would erode this sense of space, particularly from views along West End, to the detriment of the character and appearance of the Conservation Area. Therefore, the application is considered to be contrary to Chapters 7 and 12 of the National Planning Policy Framework, and Development Control Local Plan Policies GP1 'Design' parts a), b), and c), GP10 'Subdivision of Gardens and Infill Development', H4a 'Housing Windfalls' part c), and HE2 'Development in Historic Locations'.

It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the amenity of occupants of the adjacent residential dwellings. The size of the proposed dwelling and its close relationship with neighbouring dwellings would result in a development which appears dominant and overbearing when viewed from neighbouring houses and gardens and would result in a loss of outlook to the detriment of the amenity of local residents. Therefore, the application is considered to be contrary to the Core Principles (bullet point 4 of paragraph 17) of the National Planning Policy Framework, and Development Control Local Plan Policy GP1 'Design' part i)

**27b. Fulford Grange, Grange Garth, York. YO10 4BS  
[13/02757/FUL)**

Members considered a full application by Mr M Gibson for a single storey extension to northern elevation and conservatory to southern elevation of existing annexe within the grounds of Fulford Grange.

Officers circulated an update to the committee report:

- Comments had been received from the Council's Conservation Officer. No objections had been raised in relation to the northern extension, but it was considered that the south will impinge on the main elevation of the Fulford Grange when viewed at close range from Grange Street.
- An amended plan had been received showing the hawthorn tree on the Grange Street frontage retained and removing a chimney from the drawings that was shown in error.
- An additional condition for the retention of the tree is proposed.

The applicant, Ms Gibson, had registered to speak. She advised that she had taken advice from Planning Officers in relation to the amendments to the scheme and hoped that the application would now be approved.

Members queried the treatment of the gate, stating a preference for a traditional treatment.

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

The tree shown on Drawing no.12:70:10 rev D as being retained, shall be retained. In the event that the tree is found to be dead, dying or dangerous it shall be replaced by an appropriate species of tree and in a location to be agreed in writing by the Local Planning Authority in the first planting season following the existing tree being removed. Thereafter the replacement tree shall be retained to the satisfaction of the Local Planning Authority.

Reason: The tree provides a visually significant feature in the context of the setting of the listed building and the position of the new conservatory which is considered significant to the overall visual quality of the site and it's retention accords with the requirements of Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason: The extensions are considered to be acceptable and comply with the policy requirements of the DCLP and advice within the NPPF and Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

**27c. 40 Tranby Avenue, Osbaldwick, York. YO10 3NB  
[13/02931/FUL]**

Members considered a full application by Mr Henry Richardson for a change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) with single storey side extension and erection of cycle/bin store (resubmission).

Officers advised that they had no update to the committee report.

Mark Newby had registered to speak as the agent on behalf of the applicant. He advised that the accommodation would be of a high standard and would not have a detrimental impact on the area. He considered that there was no reason to refuse the application.

In response to Members questions, the applicant confirmed there would be a shed for cycle storage.

Some Members questioned the amount of amenity space and felt that the garden was not a sufficient size for a household of 4 people. Officers advised that the application complied with policy and the garden was considered suitable for a 4 person HMO.

Councillor Warters asked that his vote to refuse the application be recorded.

Resolved: That the application be approved.

Reason: Class C4 HMO's can typically accommodate between 3 and 6 people. The proposed property has 4 bedrooms and it is envisaged that it would accommodate 4 people. Two car parking spaces are considered adequate for the use. The number of existing HMO's within 100m and within the neighbourhood is significantly less than the threshold at which the proposal should be refused. It is recognised that the property has a small rear garden; however, it is considered suitable for a 4 bedroom HMO.

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

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 30 June 2013 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

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.

## **29. Enforcement Cases Update**

Members received a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Committee.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding Enforcement cases within the Sub-Committee area.

### **30. Urgent Business**

Councillor Warters asked that when considering applications within Conservation Areas, it would be useful for Committee Members to have sight of a map with the Conservation Area in question superimposed. Officers noted this request.

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].