

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

Site Visited	Visited by	Reason for Visit
47 Thirkleby Way	Cannon, Carr, Craghill, Galvin, Gillies, Hunter, Mercer and Shepherd	As objections had been received and the Officer recommendation was to approve.
Former Reynard's Garage, 17 Piccadilly	Cannon, Carr, Craghill, Galvin, Gillies, Hunter, Mercer and Shepherd	As objections had been received and the Officer recommendation was to approve.
8 Leven Road	Cannon, Carr, Craghill, Galvin, Gillies, Hunter, Mercer and Shepherd	As objections had been received and the Officer recommendation was to approve.
16 Farndale Avenue	Cannon, Carr, Craghill, Galvin, Gillies, Hunter, Mercer and Shepherd	As objections had been received and the Officer recommendation was to approve.
31A Rosslyn Street	Cannon, Carr, Craghill, Galvin, Gillies, Hunter, Mercer and Shepherd	As objections had been received and the Officer recommendation was to approve.

## 16. 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 Gillies declared a personal non prejudicial interest in agenda item 4b) (Former Reynard's Garage) as a member of the Executive who had recently discussed a matter on the site. As this decision at the Executive meeting related to a financial decision and not a planning decision, he clarified this was a personal and not a prejudicial interest.

Councillor Carr also declared the same interest as an Executive Member.

Councillor Craghill declared a personal non prejudicial interest in Agenda Item 4c) 8 Leven Road as she knew a local resident who was Councillor Kramm. He had submitted comments on the application.

No other declarations were made.

## **17. Minutes**

Resolved: That the minutes of the Area Planning Sub Committee held on 6 August 2015 be signed and approved by the Chair as a correct record.

## **18. Public Participation**

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.

## **19. Plans List**

### **19a) 47 Thirkleby Way, Osbaldwick, York YO10 3QA (15/01533/FUL)**

Members considered a full application from Miss Luciana Nok Sze Lau for a change of use from a dwelling (use class C3) to a House in Multiple Occupation (HMO) (use Class C4).

In the Officer's update it was reported that following the site visit further investigation had taken place in respect of the number of HMO's on the street, whilst the Officer's report referred to two in the database it was likely that there were actually three HMO's. Using the Council's Draft Supplementary Planning Document there would be a percentage of 9.5% out of the properties remaining on Thirkleby Way if planning permission were granted, meaning that the 10% threshold outlined in the policy had not been breached. It was also reported that not all HMO's were occupied by students, and that data used to identify which properties were HMO's was collated from site visits, licensing, planning records and local knowledge.

Representations in objection were received from the Ward Member, Councillor Warters. He felt that the figures used in the report were incorrect and that there were additional HMO's on Thirkleby Way. He felt that Members should consider the parking facilities and the residential amenity.

During debate the following points were raised;

- That some Members felt that the Article 4 Direction did not take into account local areas.
- That the road was very narrow and had not been widened since 2010.
- Three HMO's in a row on a street would mean having twelve people living a small area and this would mean a detrimental impact on neighbours.
- One of the rooms was particularly small, and had four doors within it.

Councillor Gillies moved refusal of the application on the cumulative effect of three properties in a row being HMO's.

Councillor Derbyshire seconded refusal.

The Chair cautioned that the application should be considered within the legislation, which was why he could not support refusal.

On being put the vote it was;

Resolved: That the application be refused.

Reason: The proposal would result in a concentration of three houses in multiple occupation in a row. The cumulative impact of this cluster of houses in multiple occupation will result in a significant negative impact on the existing living conditions of nearby residential properties by reason of a more intensive occupation, noise between dwellings at all times and especially at night in particular from the comings and goings of occupiers which are likely to be more often than those associated with more conventional C3 houses and which will be more noticeable, and therefore more harmful, in what is a quiet residential street. It is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012 which seeks to create sustainable, inclusive and mixed local communities. It also conflicts with Local Plan policy H8 of the Development Control Local Plan which seeks to ensure that HMOs do not have an adverse impact on the residential character of an area by virtue of the proposal alone or cumulatively with a concentration of such uses and fails to meet the standards set out in the Draft Supplementary Planning Document: Controlling the Concentration of Houses in Multiple Occupation 2012.

**19b) Former Reynard's Garage, 17 Piccadilly, York YO1 1PB (15/01458/FUL)**

Members considered a full application from City of York Council for the demolition of an existing building.

Some Members questioned if Officers had stated that the building would collapse.

They clarified that this was in the Officers' professional opinion as the steel frame had structural weaknesses in it, and they had concerns about the foundations about the building itself.

The applicant, the Council's Head of Commissioning and Design Services, spoke about how the external walls would need to be taken down to repair the steel frame. It was thought these repairs would cost around several thousands of pounds.

It was confirmed that the costs to make the entire building safe, which had been presented to the Executive were approximately £95,000.

Other Members asked if asbestos from an opening in the roof would cause a health hazard if parts came down into the street.

The applicant stated that if the wind blew in the right direction that this could be a possibility.

Representations in objection were received from Councillor Taylor who referred to a consultant's report from 2009 said that the building was not unsafe, nor dangerous, and another from 2015 where little had changed in the situation. He added that minutes from the Conservation Area Advisory Panel said that it would breach the Council's policy to pull the building down. He also added that in the Officer's report that Paragraph 133 was incomplete and did not inform Members of the specified criteria that applied including;

- The nature of the heritage asset itself prevents all reasonable use of the site- he felt this was not true
- No viable use of the heritage asset itself can be found in the medium term through marketing site-surveys had been submitted, but they had not been shown to Members.

He felt that the application should be refused as no case had been made pending a replacement scheme and it was contrary to Council policy HE5 and was against the National Planning Policy Framework Policies Paragraphs 133 and 134.

He also made reference to a bid to a possible future development from the Yorkshire Air Museum on the site. One Member suggested that this bid was not dependent on the current structure remaining on the site.

Further representations in objection were received from David Fraser, the Chief Executive of York Civic Trust. He felt that it was unnecessary and premature as demolition should be considered at the same time as development on the site. He added that the Civic Trust felt that the Committee had not been provided with adequate information on the development value of the building, on its marketing, or the minimal costs of repair to make the building safe, which was not asked in 2009 or 2015. He asked the Committee on behalf of the Civic Trust reject it or defer it.

Members asked the following questions to the Chief Executive of York Civic Trust and Officers;

- Why the building was not listed by Historic England and why was there a lack of surviving historic detailing?
- Why was fencing put up after the Executive made the decision to put props up?

In response the Chief Executive felt that it still had some historic merit in relation to the aviation industry. In relation to the lack of surviving historic detailing, this was due to the nature of the industrial use of the building.

Officers explained that fencing had been erected as a protective measure due to render falling from the walls, but that this was not due to the walls falling down.

In response to a question about the marketing of the site, Officers did not know how many bids had been received for the site. In regards to the Southern Gateway project, which included the site amongst its development area, a report would be due on this in late 2015.

Some Members felt that there would be significant costs to make the building safe, particularly in the case of bad weather and supported demolition. Others felt nervous about keeping the building in its current state particularly in regards to trespassers and thought that it would be highly unlikely to attract investors. The materials used in the building, particularly the asbestos sheeting on the roof and the single skinned brick wall were also a concern for some Members.

One Member proposed deferral of the application as she felt a decision would be premature given that Members did not have all the information available about the site and when read in conjunction with the upcoming Southern Gateway report to the Executive, they were likely to get more. She also felt that limited opportunities had been taken to market the site and that there had been disparities between the structural surveys and the Officer's report.

Resolved: That the application be approved.

Reason: In view of the severe structural difficulties with the building and the likelihood of collapse in the near future without significant supporting works (which would render the building unusable and affect pedestrian and vehicular flows along Piccadilly), the less than substantial harm to the character of the Conservation Area caused by its loss would in this case on balance be outweighed by the public benefits.

**19c) 8 Leven Road, York YO24 2TJ (15/01410/FUL)**

Members considered a full application from Mr Htoon Aung for a change of use from a dwelling (use Class C3) to a House in Multiple Occupation (use Class C4).

Representations in objection were received from Councillor Warters he made reference to the increase in the percentage of HMO's if the application was approved, magnified by being in a neighbourhood with a low percentage of HMO's. He added that as this was a retrospective application this should have been made clearer at the start of the report.

During debate some Members stated that due to the semi detached nature of the property there could be the potential for magnified noise but that they could not see any specific circumstances for refusing the application. As a point of information, the Chair stated that the HMO would serve students studying at York College.

Resolved: That the application be approved.

Reason: It is considered that the proposal complies with national guidance in the National Planning Policy Framework, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Housing in Multiple Occupancy).

**19d) 16 Farndale Avenue, York YO10 3PE (15/01278/FUL)**

Members considered a full application from Mr Martyn Turnbull for a change of use from office (use class B1) to restaurant/café (use class A3).

In the Officer Update, Members were informed that they could not make it a requirement for people using the building's facilities to use the parking attached to it. However, a condition could be attached to planning permission, to say that parking could be used for no other purpose than for visitors. Representations in objection were received from the Ward Member, Councillor Warters. He spoke about the parking situation and the opening hours. He noted that when the Members had arrived on the site visit that the barrier to the car park was down and locked, and suggested that it needed to be conditioned for staff and customer usage only and that cycle racks needed to be put in. He informed the Committee that he felt that the opening hours applied for should be reduced from 11pm to 9 pm on week days and 6 pm on Sundays. He felt this application would turn into a takeaway restaurant.

Some Members felt that Councillor Warters raised some good points in relation to cycle parking racks but felt that the opening hours were not unreasonable in an urban area. One Member pointed out that the car park was empty for most of the day as the barrier had been down.

Discussion took place around how a condition could be added to ensure that the parking spaces in the car park could be used by customers and staff. Members felt that the application should be deferred for Officers to discuss the use of the car parking area with the applicant.

Resolved: That the application be deferred.

Reason: In order that discussions can take place with the applicant to resolve the concerns over parking.

### **19e) 31A Rosslyn Street, York YO30 6LG (15/00143/FUL)**

Members considered a full application from Mr D l'Anson for the erection of 1no. Cottage and 2no. Flats after demolition of workshop.

Members were informed that the address listed for the application was incorrect. The correct address was 10A Rosslyn Street.



One Member questioned why one cottage and two flats had been proposed rather than two dwellings. The Officer responded that that was the scope of the application which had been submitted. Although one of the flats did not get a parking space it was close to local amenities and the city centre, the standard cycle provision of two cycle spaces would also be provided.

Resolved: That the application be approved with the following additional condition;

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in any elevation of the properties.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

Reason: It is considered acceptable as it accords with national and local planning policies subject to the imposition of conditions.

**19f) Royal Masonic Benevolent Institute, Connaught Court, St Oswald's Road, York YO10 4QA (13/03481/FULM)**

Members considered a report which asked them to consider a recommendation to enter into a Section 106 Deed of Variation to remove the obligation relating to the payment of the open space contribution of £48,856 given the operation of Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010 (as amended) and to confirm a previous decision taken on 11 June 2015 in relation to the proposed development of 14 dwellings on the site at the Royal Masonic Benevolent Institute, Connaught Court (13/03481/FULM).

It was reported that representations had been received from Fulford Parish Council and Mrs Urmston which included a request for the Committee to defer the decision so that further public consultation could take place on the application.

Resolved: That the application be deferred.

Reason: To provide the Parish Council and Mrs Urmston further time to comment in light of their representations to the Committee.

Councillor J Galvin, Chair

[The meeting started at 4.35 pm and finished at 6.55 pm].