

Meeting	Area Planning Sub-Committee
Date	4 September 2014
Present	Councillors McIlveen (Chair), Douglas, Galvin (apart from Minute Items 20c and 21) (Vice-Chair), Horton, Hyman (apart from Minute Items 20c and 21), King, Looker, Warters, Orrell (Substitute for Councillor Cuthbertson), Doughty (Substitute for Councillor Watt) and Boyce (Substitute for Councillor Fitzpatrick)
Apologies	Councillors Cuthbertson, Fitzpatrick and Watt

Site	Visited by	Reason for Visit
Land Rear of 51-57 Fenwick Street	Councillors Boyce, Doughty, McIlveen and Warters	As the recommendation was for approval and objections had been received.
Public Conveniences	Councillors Boyce, Doughty and McIlveen	As the recommendation was for approval and objections had been received.

## 17. 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 the business on the agenda.

Councillor King declared a personal non prejudicial interest in Agenda Item 4a) (Minute Item 20 a) refers) (Land Rear of 51-57 Fenwick Street) as the Ward Member who had registered to speak was his daughter.

Councillor Looker also declared a personal non prejudicial interest in the same item as a Cabinet Member. She clarified that the Cabinet had considered a report regarding the potential of development on a number of Council owned sites such as the one under consideration. She stated that this would not influence her decision on whether to grant permission.

No other interests were declared.

## **18. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 7 August 2014 be approved and signed by the Chair as a correct record.

## **19. 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.

## **20. 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.

### **20a) Land Rear of 51-57 Fenwick Street, York. (14/00713/FUL)**

Members considered a full application by City of York Council for the erection of 8 no. two bedroom apartments with associated car parking.

In their update to Members Officers informed Members that;

- The address for the application as stated on the agenda papers was incorrect- it should have read "Land to the East of 51-57 Fenwick Street". However, legal advice given stated that this would not prejudice any decision made by Members.
- The application site formed part of an area that was formerly in industrial use as an engineering works.
- The application site forms part of the larger planning approval for the Clementhorpe Housing development by City of York Council which had been granted planning permission on 19 May 1977. (LPA ref. 7/00/1867/PA).
- The planning permission in 1977 granted consent for 12 no. apartments and 4 no. houses on the current application site.
- This part of the scheme did not proceed due to problems experienced on foundation work and the site was laid out as a grassed area. Legally therefore it was likely that there remained an extant planning permission for the development of the land and Members would have to give due

weight to this fall back position balanced against the likelihood of that permission being implemented.

- A further petition has been received with 62 signatures objecting to the proposal as it was felt that it would result in the loss of a valuable local asset, negatively impact on residents, destroy a green space, add pressure to an already built up area. They also felt that there were alternative brown field sites away from flood risk which the Council should be developing before the application site.
- In relation to a Traffic Regulation Order, Paragraph 4.29 of the report should read £2000 and not £5000 and the final bullet point of the conclusion should be deleted.

Representations in objection were received from a local resident, Mr Wade. He informed the Committee that local residents had paid for improvements out of community funding to the open space such as tree planting, the erection of a steel fence and a light. He stated that the green space was used on a daily basis by the local community and it provided a safe place for children to play due to its close location to local houses.

Mr Wade confirmed that a community management committee had allocated money for improvements to the open space and this had been provided by the Council, on the back of suggestions from local residents.

Further representations in objection were received from a local resident Nicola Thomas. She mentioned to the Committee that a petition had been signed against development on the site. She commented that it was felt that Rowntree Park would not be a suitable alternative for the loss of the open space. She commented that a car parking survey had been undertaken during hours when most residents were at work. Finally she felt that other sites could have been considered for development and that bat roosts were present on the site.

The speaker felt that although the site did not flood to the same extent as Rowntree Park it was on an area located between Flood zones 1 and 2. She added that there was a difference in height between the site and Rowntree Park and that she had seen flood water present. The open space did not close when flooded unlike Rowntree Park.

Discussion took place around the comments raised. It was reported that a resident consultation event had taken place and when plans had been submitted that amendments suggested by residents had not been included. Officers informed Members that Council policy stated that development was preferable in Flood Zone 2 and that the Environment Agency had confirmed the site safe for development.

Representations were received from a representative of the applicant, Mike Jones. He explained that the apartments were used by those who wanted to downsize and were aged 55 or over. They would be wheelchair accessible and have lifts and storage space for mobility scooters. The development would also free up family homes elsewhere in the city. He added that one parking space would be provided per apartment.

In response to a Member's comment about a Cabinet decision on development of the site, the Committee were told that 175 sites owned by the Council had been examined for development but that six were presented to Cabinet. The applicant confirmed that the site under consideration was one of them. However, the decision to start the process of applying for planning permission was taken after the Cabinet meeting.

Members asked the applicant whether a redesign of the buildings had been considered as a result of comments received from the local MP.

In response the applicant stated that smaller sized buildings had been considered but that they did not deem this suitable for the site. The height of the development at its northern end had also been reduced from 2 and a half storeys to 2 storeys.

It was also noted that the Environment Agency had accepted the Flood Risk Assessment submitted in respect of the site.

Representations were received from the Ward Member, Councillor Gunnell. She felt that permission should not be granted as the development would detrimentally affect the ambiance of the local area. She commented that she was concerned that extant planning permission could be legally used to build on the site. She added that local residents had also assumed that the open space was publicly accessible. She felt that the application should be rejected as the land was used regularly by the local community.

Discussion took place between Members during which the following questions and comments were raised;

- Had an assessment been undertaken to see whether the open space had been deemed surplus to the Council's requirements (for green spaces??)
- That this type of proposed housing was needed in the city.
- That it was a brownfield site due to its old industrial use and that if there was contaminated land this could be removed.
- 8 parking spaces would be provided with a loss of only one on street parking space.

- That the loss of an open space in a built up area which was cramped was a concern.
- The close location of Rowntree Park meant that local residents could have easy access to a green space.

Resolved: That the application be approved subject to the following condition regarding drainage details;

Reason: The site is in a sustainable location near to local shops, amenities and public transport links and in principle would be suitable for redevelopment for housing purposes. The proposal would deliver much needed affordable homes within the city. In design terms, on balance, the scheme as a whole is considered to respect the character of the surrounding pattern of built development in the area, landscaping within the site, and the important tree belt within Rowntree Park. The development would result in the loss of a much valued local informal amenity area. The loss of an open green space and trees, and result in further built development and activity in the area that would considerably alter its character. However, given the proximity to Rowntree Park with its range of facilities for formal and informal play, it is considered that the need for affordable housing would outweigh the level of harm to local amenity.

### **20b) 1 Northfield Terrace, York YO24 2HT (14/01480/FUL) WITHDRAWN**

This application was withdrawn by the applicant and as a result was not considered by Members.

### **20c) Public Conveniences, Tanner Row, York (14/01574/FUL)**

Members considered a full application from Mr Ben Pilgrim for the demolition of existing toilet block and relocation of services within Roman House and the construction of a wall along Tanner Row with associated landscaping and amenities (bin store and cycle store).

In response to a Member's question about the use of the courtyard for parking, it was confirmed that this would be an extension to current parking arrangements at Roman House, which would be developed as a residential property.

Discussion between Members took place. Some felt that the existing facility was located 'out of the way' for policing purposes and the new location for the public toilets would enable public observation. Others pointed out the need for maintenance and security of the services provided.

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

6. Large scale details of the front elevation of the replacement public conveniences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Reason: The proposed development would accord with the National Planning Policy Framework. There would be no harm to the appearance of the conservation area, no adverse effect in terms of crime and disorder and the amenity of neighbours and no loss of public facilities.

## **21. Urgent Business**

Councillor Warters raised concerns about waterlogged properties at the Burnholme Club site. An application for development on this site had been previously approved by the Committee.

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 3.40 pm].