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Meeting	Area Planning Sub-Committee
Date	10 April 2014
Present	Councillors Gillies (Vice-Chair in the Chair), Cuthbertson, Fitzpatrick, Galvin, Hyman, Looker, Semlyen, Simpson-Laing (Substitute), Warters, Watson and Williams (Substitute)
Apologies	Councillors McIlveen and Douglas

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Visited	Attended by	Reason for Visit
Middlethorpe Manor	Councillors Fitzpatrick, Galvin, Gillies and Watson.	As the recommendation was for approval and objections had been received.
Hilary House	Councillors Fitzpatrick, Gillies and Watson	As the recommendation was for approval and objections had been received.

## 51. 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.

No interests were declared.

## 52. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of annexes to Agenda Item 6 (Enforcement Cases Update) on the grounds that they were 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.

### **53. Minutes**

Resolved: That the minutes of the Area Planning Sub Committee held on Thursday 6 February 2014 and Thursday 6 March 2014 be approved as a correct record, subject to the following amendment:

Minutes of 6<sup>th</sup> March – minute item 49b) – Councillor Watson had requested that his vote against approval be recorded in relation to Monk Bar Garage, Lord Mayors Walk.

### **54. 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.

### **55. 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.

#### **55a) Middlethorpe Manor, Middlethorpe, York, YO23 2QB (13/03864/FUL)**

Consideration was given to a full application for the conversion of a stable block to 4 holiday cottages and a further two units for holiday or staff cottages.

Officers gave an update to the committee report and advised that further letters had been received in respect of the application.

The main points of the letters were as follows:

- Additional parking within the grounds of the Manor was welcome.
- Concerns about the pedestrian access on to Green Lane and the potential for this to encourage more temporary parking on Green Lane.
- There is insufficient space to allow parking on both sides of Green Lane and insufficient parking space along Lady Wortley Place. Photographs were also submitted to illustrate the point.
- The loss of the verge would detract from the character of the conservation area
- Earlier correspondence showed that the majority of residents along Green Lane shared the view that the Pedestrian access was unacceptable.

Richard Broyd had registered to speak in objection to the application on behalf of The National Trust. He advised that the trust had been responsible for rescuing the main hall in the 1980's and that it was closely related to the other outbuildings. The Trust considered the development of 6 cottages to be excessive and would prefer to see 4 residential dwellings on the site in order to enhance the local community and to keep the character of the buildings. He also raised concerns about the parking provision and the impact of holiday visitors on residents and hotel guests.

Roy Seddon had registered to speak in objection to the application on behalf of local residents. He advised that in general, the application was welcomed by residents who would like to see the buildings renovated. The main concern was the proposed pedestrian access onto Green Lane through the gate in the wall and the potential for this to encourage users of the cottages to park along Green Lane instead of using the designated parking area at the rear.

Peter Callaghan had registered to speak as the project Manager on behalf of the applicant. He advised that the proposals had been carefully developed and was a viable re-use of a listed building. The sub-division into 6 units was designed to keep the character of the building. In relation to the comments made by the other speakers about parking in the area, guests would be directed to use the dedicated parking area via the main gate and adequate parking had been provided within the scheme.

The pedestrian access through the gate would be an additional facility for those who wished to walk or cycle without using the main gates and would be useful for putting out rubbish bins.

Members questioned the applicants agent on a number of aspects as follows:

- Whether the applicant would be prepared to protect the grass verge on Green Lane. It was advised that it was the responsibility of City of York Council to maintain the verge but the applicant would comply in any way as requested.
- It was confirmed the applicant would be willing to fund any restrictions such as double yellow lines.
- In response to questions as to how visitors would be advised about the parking on the site, it was confirmed that guests would be sent a welcome pack with a key fob and code to access the gate and signage would be placed to encourage guests to use the rear courtyard for parking.
- Members queried how integral the pedestrian gate would be to the scheme as a whole. The agent confirmed that the size of the door had been reduced from a double width in the original application to single width and it was important it was retained as it would provide an alternative access for guests. It was not envisaged that it would be heavily used.

Following lengthy discussion upon the application and potential concerns relating to the management of parking at the site and the inclusion of the gate in the wall leading onto Green Lane, some Members could see no benefit of including the gate in the scheme. Councillor Watson moved refusal and Councillor Warters seconded.

Some Members considered that holiday use would have less impact on parking in the area than residential use. Councillor Semlyen then moved and Councillor Simpson-Laing seconded approval of the application as recommended by Officers.

The motion to refuse was put to the vote and lost.

The motion to approve was then put to the vote and it was:

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

Reason: The development is considered to be appropriate within the Green Belt and is supported by paragraph 90 of the National Planning Policy Framework (NPPF) and by Policy GB3 of the DCLP, which is considered to be consistent with the requirements of the NPPF.

The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is similarly supported by policies HE2, HE3 and HE4 of the DCLP.

The conversion work in both its design and relationship to adjacent development is considered to overcome the concerns raised by the Inspector in relation to the dismissed appeal in 2005.

The numbers of occupants within the hamlet will be increased and the development will increase the comings and goings in the area. In Officers view, however, the restriction of occupancy to holiday use, and staff accommodation will have a lesser degree of visitor and general vehicular and pedestrian movements associated with it than would be expected for six permanent residential properties and strikes the balance between providing for the retention and renovation of the listed buildings whilst protecting the amenity of existing residential properties.

In all other respects the application is considered to be acceptable subject to appropriate conditions.

**55b) Middlethorpe Manor, Middlethorpe, York, YO23 2QB  
(13/03865/LBC)**

Consideration was given to an application for Listed Building Consent in respect of Middlethorpe Manor for the conversion of a stable block to 4 holiday cottages and 2 holiday or staff cottages.

Resolved: That the application for Listed Building Consent in respect of Middlethorpe Manor be approved.

Reason: The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is similarly supported by policies HE2, HE3 and HE4 of the DCLP subject to appropriate conditions.

**55c) Hilary House, St Saviours Place, York, YO1 7PL  
(13/03816/FUL)**

Members considered a full application by St Catherines Developments Ltd for external alterations to Hilary House, St Saviours Place, including replacement windows, doors and spandrel panels.

Officers advised of an update to condition 4 to also request large scale details of - 'Typical setting out of cladding panels (to show dimensions of panels and shadow gaps)'.

In addition, Officers reported that additional survey work had been carried out which did not reveal the presence of bat roosts at the site. As a result, it was recommended that condition 5 be amended to require mitigation rather than a full survey, as follows:

Bat Mitigation

Prior to the development hereby approved a minimum of 4 bat boxes shall be installed at roof level on the building, as recommended by MAB Environment and Ecology Ltd., in correspondence dated 08.04.2014.

Reason: In order to provide replacement habitat facilities for a protected species, in accordance with section 11 of the National Planning Policy Framework.

Councillor Watson advised that residents had expressed disappointment that there had been a lack of discussion on other elements of the scheme under this application.

The applicants agent was in attendance. He asked that Members approve the application as recommended by Officers and that the changes would improve the appearance of the building which is in a conservation area.

In response to questions from Members, Officers confirmed that the windows would open and that the proposed finish of the panels was smooth as opposed to the current pebble-dash.

Members commented that the building had long been considered unattractive and anything that improved its appearance was welcomed.

Resolved: That the application be approved subject to the conditions outlined in the committee report and amended condition 4.

Reason: In determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Thus in order for the scheme to be unacceptable it would need to be determined that the proposals are harmful to the character and appearance of the conservation area. The scheme as revised is for replacement windows and cladding panels only. The products proposed are of an acceptable quality. Overall the proposals would at least maintain the character and appearance of the conservation area.

## **56. 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.

Members queried if there was another way of keeping Members informed on Enforcement Cases as due to the number of cases, it was difficult for Members to thoroughly read the papers.

It was suggested that it be delegated to the Chairs and Vice Chairs of the Planning Committees to agree a way forward.

Resolved: That the report be noted.

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

Councillor Gillies, (Vice Chair in the Chair),  
[The meeting started at 2.00 pm and finished at 4.00 pm].