
Meeting	Area Planning Sub-Committee
Date	11 November 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Kilbane (as substitute) Craghill, Melly, Orrell, Waudby and Perrett
Apologies	Councillor Webb

25. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Fisher declared a non-prejudicial, non-pecuniary interest in Agenda item 5) Barnitts, 28A Colliergate [19/02753/FULM] and [19/02754/LBC] in that he was friends with a member of the St Andrews Residents' Association, which had objected to the scheme. He confirmed that his friend had not expressed a view on this application.

26. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 15 October 2020 be approved and then signed by the Chair at a later date.

27. 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.

28. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant

policy considerations and setting out the views of consultees and officers.

29. Barnitts 28A Colliergate York [19/02753/FULM] and [19/02754/LBC]

Members considered a full application and listed building consent from Oakgate Group Ltd and Barnitts Ltd. for the conversion of Drill Hall and upper floors of 28a Colliergate from retail to residential (Use class C3) creating 10no. townhouses and 2no. apartments, and associated alterations.

Officers gave a presentation based upon the slides at pages 51 - 71 of the Agenda and reported:

- A correction to the officer recommendation to approve the listed building consent application [19/02754/LBC], the recommendation should have been to 'REFUSE'.
- An additional representation had been received from Highway Network Management regarding the waste collection arrangement. They advised that this would require management, to ensure bins aren't left roadside for excessive periods. Due to the size of the bins and convoluted route between the store and roadside (through the drill hall) it is not expected waste services would enter the site for collection.
- An additional representation had been received from the Conservation Architect which had been in reply to the applicants note for members. The Conservation Officer considered that the significance of the drill hall does not rest "almost entirely on its external appearance". Though architecturally the exterior is the most impressive part of the building, the spatial qualities and plan form are also of significance (i.e. its hall like qualities), which though compromised by the inserted first floor, are still legible. This understanding will be lost as a consequence of the proposed scheme. Furthermore, the exterior will be harmed by the introduction of the roof-lights and the new windows which will appear modern, compared to those existing which are traditional appearance.

It was reported that six people had registered to speak on this application.

Mr Paul May spoke in objection to the proposal expressing concern that the townhouses and apartments were likely be

used as holiday lets and that should this be approved, there would be adverse implications on housing policy.

Mr Phil Pinder, on behalf of York Retail Forum, spoke in support of the proposal urging members to approve the application as submitted, on the grounds that it is York's best store and an employer of over 40 people.

Mr Andrew Lawson, spoke in support for the scheme and considered that it was vital for members to approve the proposal in order to secure the long term future of this retail unit in the city.

Mr Bill Woolley spoke in support of the application. He considered that the reason for the officer recommendation to refuse the proposal was due to the lack of affordable housing contribution. This stipulation had arisen due to the council's conservation team and Historic England, which have sought to recreate something long gone by insisting that there is an internal open space from ground floor to roof level and from gable end to a new and reconstructed gable end. This had reduced the space of the scheme making it less viable, resulting in there being no further allocation to cover the affordable housing contribution

Mr Paul Thompson, the existing owner of Barnitts spoke about the need to adapt their business in response to the rise of internet shopping. He urged members to approve the proposal to safeguard over 40 jobs and to show the council's commitment to longstanding York businesses that make the City such as great place to live and visit.

Mr Richard France, the developer of the scheme spoke about how various pressures had impacted upon the viability of the proposal, and that although they were content to pay a commuted sum (of approximately £80k) towards education and in respect of sport and leisure, they were unable to make a further contribution towards affordable housing.

In response to members' questions, officers advised that where a consensus could not be reached between the developer and the Local Planning Authority on such matters, the developer would have been advised to meet the costs of a District Valuer's assessment, likely to cost under £10k. Officers confirmed that this had been their advice to the developer in February 2020.

In response to members questions, the developer confirmed that they had not refused to employ the services of the District Valuer and that they had no objection in principal to that process, although they had concerns that this would add further delay, (approximately 3 months, although difficult to confirm in view of the covid emergency).

[There was a short comfort break from 6.10 pm until 6.20 pm]

After debate, Cllr Craghill moved, and Cllr Crawshaw seconded, that the application be deferred to allow the applicant the opportunity to undertake an independent valuer assessment to investigate what an appropriate commuted sum would be in respect of affordable housing. Cllrs: Craghill, Crawshaw, Cullwick, Fisher, Galvin, Kilbane, Melly, Orrell, Perrett and Hollyer all voted in favour of this motion. Cllr Waudby abstained from voting and the motion was declared carried. It was therefore:

Resolved: That the application be DEFERRED.

Reason: That delegated authority be given to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair as to the wording for the reason for refusal.

Listed Building Consent [19/02754/LBC]

Cllr Craghill moved, and Cllr Crawshaw seconded, that the listed building consent be deferred until such a time that the applicant had submitted an acceptable scheme. Cllrs: Craghill, Crawshaw, Cullwick, Fisher, Galvin, Kilbane, Melly, Orrell, Perrett and Hollyer all voted in favour of this motion. Cllr Waudby abstained from voting and the motion was declared carried. It was therefore:

Resolved: That the application be DEFERRED.

Reason: That delegated authority be given to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair as to the wording for the reason for refusal.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].