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Meeting	Area Planning Sub-Committee
Date	3 July 2014
Present	Councillors McIlveen (Chair), Douglas, King, Looker, Fitzpatrick, Galvin (Vice-Chair), Watt, Cuthbertson, Warters, Funnell (Substitute for Cllr Horton) and Reid (Substitute for Councillor Hyman)
Apologies	Councillors Horton and Hyman

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Site	Visited by	Reason for Visit
Pack of Cards, 164 Lindsey Avenue	Councillors McIlveen and Watt	As the recommendation was for approval and objections had been received.
39 Goodramgate	Councillors McIlveen and Watt	As the recommendation was for approval and objections had been received.
Laura Ashley Ltd, 11 Little Stonegate	Councillors McIlveen and Watt	At the request of Councillor Watson.
York College, Sim Balk Lane	Councillors McIlveen and Watt	To familiarise Members with the site.

## 6. 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 Looker declared a personal interest in Agenda Item 5d (York College) as she was a co-opted member of a York College Sub Committee. She clarified that this committee only oversaw the curriculum and so was not prejudicial in relation to this application.

No other interests were declared.

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

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

## **8. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 5 June 2014 be approved and signed by the Chair as a correct record.

## **9. 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.

## **10. 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.

### **10a) Pack of Cards, 164 Lindsey Avenue, York. YO26 4RL (14/00763/FULM)**

Members considered a major full application by Mr Peter Atkinson for the erection of 14no. flats with associated parking following the demolition of a public house.

Questions and comments to Officers included;

- Would the parking for the flats be overlooked?
- In relation to the Construction Environmental Management Plan;
- There were no details included in the plan for the public to contact Council Enforcement Officers.
- No working hours of operation were specified.
- Who was responsible for dust prevention on the site? Was it the Council or the developers?
- Who was responsible for recording and monitoring?

In response, Officers stated that;

- The parking on site was gated.
- That the developers would be responsible for dust prevention.
- That the Council's Environmental Health Team required the developers to record and monitor for them, so that the Council could approach the developers for this information.

During discussion, some Members commented that;

- The properties to the back of the site would not be overlooked by the flats as they had long gardens.
- The application would provide much needed social housing.
- The height of the flats would not have a detrimental impact as there were a variety of buildings with different heights in the local area.
- The public house had not been well used.

Officers confirmed that the standard construction hours were 8 am- 6 pm on Mondays- Fridays, 9 am- 1 pm on Saturdays and no working on Sundays and Bank Holidays.

Resolved: That the application be approved to a Subject 106 agreement.

Reason: There would not be an undue loss of public facilities, as required by local planning policy and paragraph 70 of the NPPF and the site is suitable for housing, which national policy seeks to promote. As such proposals in principle are policy compliant. There would be no undue impact, as required by Local Plan policy GP1; the design is suitable for the locality and there would be no undue effect on residential amenity and highway safety.

**10b) 39 Goodramgate, York. YO1 7LS (14/01089/FUL)**

Members considered a full application by Ms FM Abelidis for a change of use from public highway to customer seating area in connection with existing café use at 39 Goodramgate.

In their update to Members Officers reported that they had received the following comments from the Civic Trust;

The Civic Trust felt that the application it was inappropriate in this location as Goodramgate was a narrow street much used by Blue Badge Holders.

Representations in support were received from the applicant's partner. He felt that the traffic flows on Goodramgate were sparse and informed Members that if blue badge owners parked their vehicles in the space occupied by the tables before the café's operating hours (11 am- 4 pm) then café staff would have to wait until the blue badged vehicles had moved. It was noted that the tables would only be used during fine weather and would not be in place when blue badged vehicles were parked. Finally, the applicant's partner felt that the length of the tables to be used (which were 3 metres long) would provide sufficient space for a vehicle to reverse out into the road.

Representations were received from the Ward Member, Councillor Watson. He informed the Committee that Goodramgate was used frequently for illegal parking. He felt that it would be dangerous to approve the application due to the possibility of accidents occurring and that it would be unclear as to who would be responsible for this.

During discussion Members raised the following points;

- For those with guide dogs or used a stick, it would be difficult to predict if someone was coming out of the café with hot food.
- There were too many obstructions to people walking along the street.
- That pavement seating existed in the city in roads where vehicles were restricted and also where the seating area was not adjacent to the café.

Councillor Galvin questioned how many days a year the customer seating area would be used and whether it should be approved with twelve month's temporary planning permission in order to monitor any problems.

Councillor Galvin moved a motion to approve the application with a temporary twelve month permission. Councillor Watt seconded this.

On being put to the vote this motion was lost.

Councillor Douglas moved a motion to refuse the application, this was seconded by Councillor Fitzpatrick.

On being put to the vote this motion passed.

Resolved: That the application be refused.

Reason: The proposed development would have an undue detrimental impact on highway safety and would also impede pedestrian movement. The pavement is only approximately 1m wide in this area and the street is heavily used by vehicles throughout the daytime. As such the proposed outside seating area would be a hazard for users of the facility and pedestrians and detrimental to the vitality of the street. The proposal would conflict with paragraph 35 of the National Planning Policy Framework, which requires developments to create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians and avoid street clutter.

**10c) Laura Ashley Ltd, 11 Little Stonegate, York. YO1 8AX  
(14/01133/FUL)**

Members considered a full application by Rushbond Plc for a change of use to restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations.

In their update to Members Officers reported that;

- The National Planning Policy Framework (England) paragraphs 58 and 69, state that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The practice guidance states designing out crime and designing in community safety should be central to the planning and delivery of new development.
- The proposed use would also require a premises license. Officers note that the site is situated within the City of York Cumulative Impact Zone. City of York Council as Licensing Authority under the Licensing Act 2003, now have in place a special cumulative impact policy for the area. This policy clearly identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

Representations in support were received from the agent for the applicant. He felt that the application should be approved as it would lead to increased employment opportunities in the area. He also believed that it would have no impact on the Conservation Area. The agent outlined that the shop located at the front of the building was under a separate lease with a separate owner. The current lease on the Laura Ashley shop on the ground floor had expired. He clarified that the applicants had received interest from potential operators in occupying the whole of the building.

Representations were received from the Ward Member Councillor Watson. He objected to the applications on the following grounds;

- Loss of retail opportunities.
- That the area was rapidly being occupied by drinking establishments.
- That residents did live in the area, and that it was becoming marked by high crime levels.
- Noise levels were created during the week as well as at the weekend.
- That this area was currently under greater amounts of stress, which was why the licensing Cumulative Impact Zone (CIZ) had been extended.

During discussion Members made the following comments;

- That the Laura Ashley unit would be cut in half and would not survive if the application was approved.
- That if a person lived in town then they must expect to hear some noise.
- That Members could not do much with the Laura Ashley retail unit if the lease had expired.
- That although the CIZ was not a planning matter mention of how the application was located within it did demonstrate local concerns.
- If the full building was in use it might increase the vitality of the street.
- However, there was a low interest in retail properties on the street, as empty shops were located directly opposite the site.

Some Members moved refusal on the grounds that there was an overprovision of bars in the area, the loss of retail opportunities and the amenity of residents in the wider area. Other Members added that there was the risk of problems of public nuisance and disorder on the area that would be caused by the approval of the application.

Other Members questioned if the application was rejected whether the Council would lose on a planning appeal. Officers advised that Members needed to be clearer on their concerns when giving reasons for refusal, for example if Members had concerns over the both restaurant and bar uses.

Resolved: That the application be refused.

Reason: The proposed change of use would lead to the loss of a retail premises and the introduction of a further bar/restaurant. There would consequently be an undue concentration and dominance of restaurants and drinking establishments in the street. There would be an undue detrimental effect on the character of the area, its retail offer and the vitality of the street, contrary to Local Plan policy S5: "Non-Retail Uses in other Shopping Streets" which requires that proposals do not harm the vitality of individual streets and which is considered to be in accordance with section 2 of the National Planning Policy Framework.

**10d) York College, Sim Balk Lane, York. YO23 2BB  
(14/00899/FULM)**

Members considered a major full application by Ms Louise Lawrence-Crockford for the erection of a two storey building to accommodate a construction skills centre (use class D1) following the demolition of existing meeting centre.

Officers confirmed that the proposed removal in regards to disabled car parking spaces would not have a detrimental impact as the remaining provision of spaces would still meet local plan standards. They pointed out that the college had control over the parking areas within the site but that the applicants recognised that they still had to work on refining their travel plan. Due to the nature of the courses at the campus, spaces were not always needed and had been underused at times. In response to questions from Members, Officers advised that an Environmental Management Plan had not been recommended as the effect on residential amenity would be limited by the location of the proposed development.

Representations in support were received from the Deputy Principal of Resources at York College. She explained that the proposals had been submitted as some students had been taught at another location in the city and this was felt to not be conducive to learning. She confirmed that many options had been considered in extending the site, including into the Green Belt, but it was felt that the timescales and funding faced by the college in order to do this were not suitable.



It was reported that the following skills would be taught at the construction skills centre were; plastering, bricklaying, site and bench joinery.

During debate Members raised the following points;

- That the support given by the college to the development of trades supported disadvantaged children in the city.
- Parking concerns expressed were not always about the spaces themselves but about people not paying for York College permits.
- That the college provides bus transport for those attending who lived outside of York.
- That the skills that would be taught in the centre were needed.
- The conditions in which students had been working in the buildings off the campus were not suitable and it had been difficult to maintain a collegiate feeling because of the distance between the two.
- Construction skills were also difficult to teach away from the main campus.

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

Reason: The proposed building has been designed according to sustainable principles and would closely match the existing building complex to the north in terms of its scale and palette of materials. As a consequence of the existing nature of the site it is unlikely that there would be a materially harmful increase in the level of surface water discharges and the loss of the car parking spaces can be effectively mitigated by the submission of a Sustainable Travel Plan for the proposed development. The proposal is therefore felt to be acceptable in planning terms and approval is therefore recommended.

## **11. Planning Enforcement Cases-Update**

Members received a report which provided them with a quarterly update on planning enforcement cases.

One Member commented and suggested that if Officers felt that mental health issues could have contributed to an enforcement case that they should work with Health and Social Care partners in the city to share information in order to have greater awareness.

Resolved: That the report be noted.

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

Councillor N McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.30 pm].