

Meeting	Area Planning Sub-Committee
Date	9 August 2018
Present	Councillors Galvin (Chair), Cannon, Crawshaw, Dew, Flinders, Hunter, Mercer, Looker, Richardson (Substitute), Reid (Substitute) and D Taylor (Substitute)
Apologies	Councillors Shepherd, Craghill, Fenton and Gillies

21. 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 Richardson declared a prejudicial interest in agenda item 3b (Quickslide Windows Direct) as a close friend is an employee of Quickslide Windows.

Cllr Flinders declared a prejudicial interest in agenda item 3d (Land to the West of 1 Rose Avenue) due to his employment by Network Rail and the potential future use of this site for railway purposes.

22. 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.

23. 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.

**2a) Proposed Self Storage Facility, Water Lane, York
[17/03027/FULM]**

Members considered a full application from MJ McCarthy Holdings Ltd for the erection of a self storage facility, with associated access and landscaping.

Officers updated the committee with additional representations from residents and one of the local Ward Councillors on the following issues:

- Height of the building
- Design
- Scale and massing
- Appropriateness of the building in surrounding area
- Loss of light to residential houses
- Traffic and Noise concerns

It was also noted that there had been a petition submitted with 104 signatures.

Darryl Smalley, on behalf of the Rawcliffe and Clifton Without Liberal Democrats, spoke in objection to the proposal. He highlighted to the committee that the Liberal Democrats had received a number of objections to the proposal. Mr Smalley stated that residents believed this proposal had an unacceptable impact on the community. It was pointed out that there was no compelling evidence for why a self storage facility was needed in this area of York.

Catherine Allan, a local resident, also spoke in objection to the application. Ms Allen stated that the proposed building was unusually large and undermined the principles of the DCLP and Government Planning Policy. It was also noted that the proposed landscaping could not hide the size and impact of this building on the neighbouring residential properties.

Andrew Stanley, a local resident, then spoke in objection to the application. Mr Stanley highlighted to the committee that the building was the definition of 'overbearing' at almost twice the height of the supermarket and housing surrounding it. It was noted that the local residents had no objection to the site being developed for commercial use, but that this particular development would reduce privacy and exacerbate already

existing noise and traffic concerns and would fundamentally change the area.

Bryony Jepson, a local resident, spoke against the application. Ms Jepson informed the committee that there were a number of sites in York that would be better suited to such a development and that it was at an entirely disproportionate scale to its surroundings.

Cllr Stuart Rawlings, ward Councillor for Rawcliffe and Clifton Without, then spoke in objection to the application. Cllr Rawlings highlighted three main planning concerns on which this application should be refused:

- 1) Loss of amenity due to size and proximity of housing
- 2) Traffic congestion
- 3) Impact on the street scene

Cllr Rawlings concluded that there was a strong sense of feeling against the application in the local community and that the amendments made by the applicant had not gone far enough.

Matthew Turnbull, agent for the applicant, spoke in support of the application. Mr Turnbull gave an overview of the application and stated that the applicant had not received any objections from statutory consultees. He stated that there would be minimal noise implications and that the parking provided on site was enough to ensure no worsening of the local traffic and parking issues.

Mr Joe Nassan, project manager for the applicant, also spoke in support of the application. Mr Nassan pointed out that all the changes that had been made to the proposed development were as a result of consultation with the Council. He stated that there would be very minimal traffic or noise implications due to the typical behaviour of self storage users. Mr Nassan also pointed out that the purchase of the site had only progressed due to positive conversations held with Council officers.

Mike McCarthy, the applicant, also spoke in support of the application. Mr McCarthy stated that his company ran a number of sites similar to this including in Leeds and Harrogate. At these sites, Mr McCarthy informed the committee that the company had positive relationships with their neighbours and once operational, disruption to the local community would be minimal

as a majority of self storage users, accessed their units less than once a month.

It was also highlighted to the committee that the proposed development would employ six members of staff and hold approximately 450-500 'units' for storage.

During the debate members questioned whether residents' houses would be overshadowed and whether residents in these houses would experience a loss of light. It was confirmed by officers that houses would potentially have some overshadowing of their gardens as a result of the development.

Members highlighted their concerns with the application, encompassing all of the arguments made by residents but in particular, the buildings size and overbearing nature on its immediate residential neighbours.

Therefore, it was:

Resolved: That the application be refused

Reason: The development by virtue of creating a large, high visually undifferentiated building mass in close proximity to the boundary with residential development would create conditions seriously prejudicial to the residential amenity of the neighbouring properties contrary to the requirements of paragraph 127 f) of the NPPF "Core Planning Principles , Policy GP1 of the York Development Control Local Plan (2005) and Policy D1 of the Publication Draft City of York Local Plan (2018) (as amended).

24. Quickslide Windows Direct,1 Redeness Street, York, YO31 7UU [17/03027/FULM]

Cllr Richardson left the room, following the declaration of a prejudicial interest in the item.

Members considered a full application for the erection of 32 apartments with associated car parking, landscaping, cycle and bin storage.

Janet O'Neill, a resident, spoke in objection to the proposal. This was based on the grounds that the site was important for the location of local businesses. Ms O'Neill stated that small retail properties are becoming harder to come by and that small

business cannot compete with residential prices. Ms O'Neill also noted that if this application was successful, it would have a domino effect on the area.

David Ramsden, architect for the applicant, spoke in support of the proposal. Mr Ramsden outlined the scheme and pre-application discussions with officers before taking questions from members.

Members were interested in whether the applicant would be amenable to increasing the number of electric car charging points and visitor cycle storage stands, the applicant was very open to this.

During the debate, members discussed the significance of this application's failure to meet the 20% affordable housing quota. It was noted by more than one member that if the Council was serious about providing affordable housing in new developments, then developers must be challenged to meet the target. Members highlighted that it had been too easy in this scenario for the applicant to bypass the affordable housing scheme by increasing their costs.

Therefore, it was:

Resolved: That the application be approved subject to:

- i) the listed conditions in the report
- ii) prior completion of S106 agreement to provide a contribution of £11,928 towards off-site sports provision in the city (index-linked) and the provision of affordable housing. Delegated authority to be given to the Assistant Director (Planning and Public Protection) to negotiate a commuted sum in lieu of the on site provision of affordable housing, calculated as open market value minus transfer price.
- iii) Additional provision of visitor cycle storage and the maximised number of electric vehicle charging points to be negotiated and agreed by the Chair and officers.

Reason: The site is previously developed land and the loss of the retail use is unlikely to adversely impact on the vitality and viability of the city centre. The development of the site would support housing growth within proximity to a range of facilities

and jobs, together with the supply of affordable housing. It is not considered that the element of harm to existing amenities of neighbouring occupiers is so great as to outweigh the benefits of the development. The development is in a sustainable location which will enable those living there to walk to work, shops and other facilities. There are regular local and regional bus services in close proximity. It is not considered that the objections raised outweigh the benefits of the delivery of housing on previously developed land in a sustainable location.

**25. Grove House, 40-48 Penleys Grove Street, York, YO31 7PN
[18/00337/FULM]**

Members considered a full application from Mr Rufus Salter for the variation of condition 2 of a permitted application (conversion part demolition and alteration of former care home to provide 32 apartments) from November 2017.

In the officer update, an amendment to the report was noted – should have read York Rugby Football Club (RFC) not Heworth RFC.

Janet O'Neill, agent for the applicant, spoke in support of the scheme. Ms O'Neill outlined the scheme, clarified distances to nearby properties and the reason for external paths.

During the debate, members expressed concern at the omission of a lift from the plans and due to the site's proximity to a conservation area, an additional condition to maintain the landscaping in perpetuity was discussed and agreed.

Therefore, it was:

Resolved: That approval be granted prior to the conditions listed in the report and;

- i) The additional condition to maintain the landscape in perpetuity

Reason: It is considered that the proposed scheme represents only minor amendments beyond the approved scheme and that the increase in height will not result in any significant impact on the neighbouring residential amenity. Great weight has been given to conservation of the designated heritage asset in accordance with paragraph 193 of the NPPF. The harm

identified is less than substantial and is not materially different to that identified in the approved scheme, and it is considered that the public benefits of the delivery of residential development, in a sustainable location, outweigh that harm.

26. Land to The West Of 1 Rose Avenue, Nether Poppleton, York [18/00201/FULM]

Cllr Flinders left the debate at this point, after having declared a prejudicial interest in the item.

Members were presented with a full application for the erection of 3 buildings for light industrial, general industrial or storage and distribution uses on sites west of 1 Rose Avenue and north of Evans Business Centre, Rose Avenue.

During the debate, members discussed the lands potential use as a rail 'halt'. Members felt as though using this land for industrial purposes without further discussion regarding the potential for a rail halt would be an error.

It was therefore:

Resolved: That the item be deferred

Reason: Members suggested that this item be deferred so that a conversation could take place with the applicant to discuss the potential removal of the land reserved for a rail 'halt' from the proposed plans.

27. St Joseph's Convent Of Poor Clare Collentines, Lawrence Street, York, YO10 3EB [18/00638/FULM]

Members considered a full application for the conversion, alteration and part demolition of existing buildings (the lodge and extern house) to provide 10 apartments and erection of 4 dwellings.

Officers updated the committee on a change in recommendation. Officers noted that the scheme was now recommended for approval subject to Section 106 agreement and extra conditions relating to a dilapidation survey and highways works.

Some members used this point in the meeting to make a more global point around maximising electric vehicle charging points and cycle storage. It was noted that this is asked for by members in almost every application and could be dealt with earlier by a change in approach.

Katherine Jukes, agent for the applicant, spoke in support of the application. Ms Jukes explained the history of applications on this site and mentioned her client's strong background in converting historical buildings for modern use.

Members expressed disappointment with the loss of the Lodge and Extern House but were pleased to see this site used for a new purpose. The reputation and quality of projects delivered by this developer were also noted.

Members questioned why the potential S106 money outlined for open space was not taken up. Officers explained the reasoning and it was recommended that further discussion take place with regard to consultation responses for open space.

Therefore, it was:

Resolved: That approval be granted subject to conditions listed in the report.

Reason: Whilst the alterations to listed buildings have been identified as causing a low level of harm ('less than substantial' in NPPF terms) the public benefits of bringing the buildings back into viable use, which is in principle consistent with the conservation, outweighs this harm. The scheme would have no further impact on the visual amenity and subject to conditions there would be no undue harm considering amenity, impact on heritage assets and highway safety. Approval is therefore recommended.

28. St Joseph's Convent Of Poor Clare Collentines, Lawrence Street, York, YO10 3EB [18/00639/LBC]

Members considered an application for Listed Building Consent for St. Joseph's Convent of Poor Clare Collentines.

Therefore it was:

Resolved: That consent be granted.

Reason: The buildings subject to this application have been vacant since 2013 and are in need of new use. Although less than substantial harm has been identified as a consequence of the internal changes to the plan form and addition of roof lights, this harm is justified to enable bringing the buildings back into use. As such to grant consent for the works would be consistent with guidance in the NPPF. Special regard to the desirability of preserving the building and features of special architectural or historical interest which it possesses has been undertaken as required by the Act. The harm is justified on the basis that the changes are required to enable re-use of the building. In addition a sympathetic approach has been utilised which leaves evidence where required of the historic layout.

**29. Wall To Wall Ltd, 71 East Parade, York, YO31 7YB
[18/00933/FUL]**

Members considered a full application for the conversion and extension of existing single storey building to 1 dwelling with associated parking, cycle and refuse storage. The recommendation asked for Delegated Authority to Approve as the consultation would finish one day after the meeting.

Members asked officers for an update on an objection from a neighbouring property. Officers stated that the plans had been amended and whilst the objection hadn't been removed, the overhanging guttering has been changed and a resolution had been found.

It was therefore

Resolved: That Delegated Authority to Approve be granted

Reason: It is considered that the application accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national planning guidance in the NPPF, policies D4 and D11 of the City of York Publication Draft Local Plan 2018 and policies GP4a, H4a and HE2 of the Draft Local Plan 2005.

**30. Orchard Cottage, 21 Water Lane, Dunnington, York, YO19
5NP [18/00934/FUL]**

Members considered a full application for a single storey side extension, front porch and 2 ground floor bay windows to front.

This application was brought to committee as the applicant is the husband of a City of York Councillor.

Officers updated the committee on some revised heights for the plans.

During the debate, members discussed surface water disposal and the regularity of this as a potential issue. Members were also interested to whether this item had been brought to committee for any reason other than the applicant being related to a Councillor.

It was therefore

Resolved: That approval be granted.

Reason: for the reasons stated in the report, the development is considered acceptable, would preserve the character and appearance of the conservation area. With regards to neighbour amenity the development would not create any significant harm in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with the NPPF, Policy D11 and D4 of the Publication Draft Local Plan 2018, Policies GP1, HE3 and H7 of the 2005 City of York Draft Local Plan, the Dunnington Village design Statement and the Council's Supplementary Planning Document (December 2012).

, Chair

[The meeting started at 16.30 and finished at 19.20].