
Meeting	Area Planning Sub-Committee
Date	4 July 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Semlyen, Looker, Fitzpatrick, Galvin, Hyman, Warters and Reid (Substitute for Councillor Cuthbertson)
Apologies	Councillors Watson and Cuthbertson

Site Visited	Attended by	Reason for Visit
48-50 Beaconsfield Street	Councillors McIlveen, Gillies, Douglas, Looker, Galvin and Hyman	As objections had been received and the officer recommendation was to approve.
The Bonding Warehouse, Terry Avenue	Councillors McIlveen, Semlyen, Gillies, Douglas, Fitzpatrick, Galvin and Hyman	As objections had been received and the officer recommendation was to approve.
Coppergate Shopping Centre	Councillors McIlveen, Semlyen, Gillies, Douglas, Fitzpatrick and Galvin.	To enable Members to view the development in context given the complex nature of the proposal.

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 in the business on the agenda. No interests were declared.

7. Exclusion of Press and Public

Resolved: That Members of the Press and Public be excluded from the meeting during the consideration of the annexes to Agenda item 6

(Enforcement Cases Update) (Minute 11 refers) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraph 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 6 June 2013 be approved and signed by the Chair as a correct record subject to the following amendments:

(a) The second paragraph of Minute Item 4s (3 Fourth Avenue) being amended to read *“Officers recommended to Members that they defer a decision on the application due to concerns raised over discrepancies in the Council’s HMO Database”*

(b) Minute Item 1 (Declarations of Interest) being amended to show that the first declaration regarding Agenda Item 4f (St Trinity House) was made by Councillor Cuthbertson not Councillor Gillies.

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) Coppergate Shopping Centre, Coppergate Walk, York (13/01318/FULM)

Members considered a major full application (13 weeks) from Mr G Chalk for an extension at ground to third floor levels to units 19/20 and 22.

Officers drew Members attention to paragraph 4.8 of the report which provided details of roof plant enclosure and advised them that the material used would be a metal screen and not solid zinc.

Members questioned whether English Heritage's concerns, that the enclosure to the air conditioning units would be visible from Cliffords Tower, had been addressed. Officers advised that they were happy with the minimal impact it would have as it was 100m from the Tower and stated that only 1m would be visible. They felt it would fit in well with the roofscape.

Representations were received from Ms Gillian Kyle, the applicant's agent in support of the application. She advised Members that the proposed extension was in keeping with the form and style of existing buildings and York's historic landscape. She pointed out that this unit was an anchor store in Coppergate and stressed that when M & S vacate the building it is important the unit is reoccupied without delay in order to continue to bring in shoppers into Coppergate. She explained that as a new occupier had been identified, it was important that the unit was adapted to meet their needs and if left empty, it would have a detrimental effect on the area.

Members queried whether noise levels would be less with the new air conditioning plant and were advised that a noise assessment had been submitted with the planning application and a condition was included in the report.

Members agreed that the design and mass of the proposed extension was acceptable and felt that the impact of the new building work would be minimal. They noted that there were no objections from residents. Additionally the city centre was lacking in department stores. They stressed the importance of maintaining occupation of this site which was on the corner of Piccadilly and agreed it would enhance the development of the Coppergate/Piccadilly area .

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

Reason: The proposals bring significant benefit as the scheme will enhance the retail offer available in the city centre, enabling a retail premises of around 5,250 sq m, which would create around 170 jobs. The application therefore should be supported, considering policy within the NPPF, which advises that LPA's should promote competitive city centres and that it is important that the need for retail and city centre uses are met in full and are not compromised by limited site availability. This policy also accords with existing and emerging Local Plan policies which seek to enhance the vitality and viability of the city centre and focus major new retail development and investment within the City Centre.

There is no identified harm which outweighs the benefits of the proposals, considering the impact on heritage assets, residential amenity and highway safety.

10b) Tote Bookmakers, 48 - 50 Beaconsfield Street, York, YO24 4ND (12/02558/FUL)

Members considered a full application from Tote Bookmakers Limited for the conversion of a betting shop (use class A2) to a house and four flats (use class C3)

Councillor Williams had registered to speak at the meeting but was unable to attend. A copy of his written representation had been circulated to Members. He expressed the view that the

conversion of the building to residential use would be a good idea if it was done more in keeping with the character of other houses in the street and on a smaller scale. However this proposal was for too many properties and this would create a strain on local infrastructure. He raised concern that the shortage of available parking, worsened by the close proximity of Acomb Shopping Parade, would become even more problematic by increasing the number of properties in the street. Furthermore, the character of Beaconsfield Street was predominantly for family homes.

Representations were received from Mr Richard Irving, the applicant's agent, in support of the application. He explained that the applicant had approached him in order to review the representations made. He stated that he had met with Councillor Williams to discuss residents concerns. He advised Members that the main issue appeared to be the perception of the lack of car parking spaces and that a parking capacity analysis had been undertaken, details of which were included in the report. He pointed out that the site was adjacent to Acomb shopping centre, with facilities available, and was in a sustainable location. In response to a request to increase the bin storage area this had now been incorporated in the scheme.

Some Members expressed concerns about the lack of amenity space for the residents of the flats. Others acknowledged that many flats and houses in the area had little or no amenity space and accepted that as the building filled the site completely there was no option to include amenity space. Members accepted that there were some concerns with regard to parking but not sufficient to turn down the application.

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

Reason: The proposed change of use of the end of terrace two storey building for the reasons listed in the report is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of the area. The proposal is considered to comply with local and national policy.

**10c) Plot 15, Great North Way, Nether Poppleton, York
(13/00785/REMM)**

Members considered a major reserved matters application (13w) from Mr Garry Barker for the approval of access, appearance, landscaping, layout and scale of the erection of eight industrial and storage and distribution units following the grant of outline permission 06/00518/FUL (Phase 2).

Officers advised that a revised landscaping plan had been submitted - Drawing Number YBP/PP15A (02.07.2013) and the Landscape Architect had confirmed that she had no objections to the scheme. Therefore officers advised that condition 1 be amended to include the revised landscaping plan.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 1

The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number YBP/PP11 received 25
March 2013

Drawing Number YBP/PP12 received 25
March 2013

Drawing Number YBP/PP13 received 25
March 2013

Drawing Number YBP/PP14 received 25
March 2013

~~Drawing Number YBP/PP15 received 25
March 2013~~

**Drawing Number YBP/PP15A received 02
July 2013**

Drawing Number YBP/PP16 received 25
March 2013

Drawing Number YBP/PP17 received 25
March 2013

Drawing Number YBP/PP18 received 25
March 2013

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Reason: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to siting, access, appearance, landscaping, layout, and scale. As such the proposal complies with Policies GP1, E3b, T4, and GP9 of the City of York Development Control Local Plan; and national planning guidance set out in the National Planning Policy Framework.

10d) The Bonding Warehouse, Terry Avenue, York, YO1 6DH (13/00929/FULM)

Members considered a major full application (13 weeks) from Mr Peter Callaghan for the conversion of the ground floor to a restaurant (class A3) and/or offices (Class B1), first floor to offices (Class B1) and upper floors to four apartments, the erection of an external access tower and bridge link to Skeldergate and a new mansard roof to southern building.

Officers advised the committee that the agent had submitted a response to a number of issues raised by consultees and residents as follows:

- *Use* - It is confirmed that the applicants seek consent only for a Class A3 use (as one of the two alternative uses for the ground floor of the southern building). There would be no objections to a condition which restricted the playing of amplified music.
- *Closing Time* - The applicant can accept the recommended restriction of hours on the basis that this closing time allows for a clear up period by staff after the restaurant formerly closes to customers.
- *Parking*- There would be no car parking on the grassed area on Terry Avenue

- *Sustainable Design and Construction* - It is confirmed that a “Very Good” BREEAM rating will be sought for the offices and that the developers will work with the occupant of the restaurant use (when known) to achieve a “Very Good” rating for this part of the scheme. Code for sustainable Homes Level 3 will be sought for the four flats. In relation to the use of renewable energy technologies, it is proposed to use air source heat pumps.

Officers advised that further representations had also been received. A local resident had expressed concern with respects to the complete removal of the broad holly and the mature lime and sought reassurances that any trees removed would be replaced. It was pointed out that the removal of the holly, which currently provided an all year round visual barrier between the Lady Anne Court Flats and the Bonding Warehouse, would also expose more the balconies/windows of the proposed offices/restaurant and flats, thereby reducing the privacy of existing residents.

Officers advised that their recommendation was now that the application be approved subject to a s106 agreement and to receipt of final comments of the Ecologist with respect to Condition 23 (bats).

Officers advised the following revised and additional conditions:

Revised Condition 18 – remove (h) location and details of bat boxes (now a separate condition)

Additional Condition 22 – to prevent playing of amplified, recorded or live music associated with the restaurant

Additional Condition 23 – require locations and details of bat boxes to be submitted to and approved by the local planning authority.

Representations were received from Sarah Doyle. She asked the committee to take the amenity of local residents into account when considering the application. She raised concerns about noise disturbance including noise from customers, noise of wagons reversing, music and disturbance from people leaving the premises late at night/in the early hours of the morning. She asked that the restaurant remained as a restaurant and not become a bar in future. She requested that the building’s uses be restricted to flats, offices and A3 restaurant use and asked

that conditions were added to cover the playing of music and opening hours. She raised concerns about pigeons living under the proposed bridge walkway and suggested that the additional cycle parking could encourage anti social behaviour. She requested that pruning of the evergreen holly tree was kept to a minimum in order that it retained its purpose as a sound barrier.

Representations were received from Mr Peter Callaghan, the applicant, in support of the application. He advised the committee that he had worked with consultees towards creating a modern living/working environment within a building which had been empty for 12 years and was at risk of deteriorating further if not redeveloped. He stressed the importance of finding occupiers for all the space in order for the building to work and explained that the flexibility offered by the proposals would help manage the occupation of the building. He stated that sustainability was embedded in the design. He noted that the opening hours will be revised to reflect restaurant use and told Members that Grantside's offices would be based within the building next to the restaurant, which he hoped would demonstrate their commitment to the success of the development.

In response to a question as to whether facilities were provided for smokers, the applicant advised that a smoking shelter could be provided in the courtyard area if required. Members acknowledged that this would require a separate planning application.

Members took assurances from the fact that Grantside intended to base themselves within the building from a point of view of management of the building. They agreed it was a good scheme which would bring the building back into use. They did not feel that there was a need for a 12 cycle stand on the opposite side of the road. Members agreed that nets should be put under the bridge to prevent pigeons nesting.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below, a section 106 agreement and on receipt of final comments of the Ecologist with respect to Condition 23 (bats).

Amended Condition 18

Large scale details and specifications of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

(a) Stair tower (including sections through the external wall at 1:20 and 1:5 details of the junctions with the existing building)

(b) Amended balconies, including details of any replacement balustrades

(c) Adaptations to external doors (proposals for the adaptation of the taking in doors on the river frontage as detailed on Drawings 17801-3-016/017/18 are unacceptable).

(d) New windows (pattern to be based on originals)

(e) Typical dormer window

(f) Rooflights. These should be conservation type with recessed flashings

(g) Any additional flood measures such as flood gates located outside of existing ground floor doors and windows

(h) Sections across the bridge and ramp at 1:20 and details of the balustrade and supports

(i) Details and location of the platform lift (referred to in the Planning Statement as being attached to the stepped part of the ramp)

(j) The new opening and gate in the existing bridge walls

(k) Details of anti-crime measures in relation to the bridge

(l) pigeon netting to underside of bridge

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

Additional Condition 22

No amplified, recorded or live music in association with the restaurant shall be played which is audible within nearby residential properties.

Reason: In order to protect the amenity of residents and in the interests of the character of the Conservation Area.

Additional Condition 23

No development shall take place until the locations and details of bat boxes have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

Reason: The proposal, subject to a Section 106 agreement, the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in the National Planning Policy Framework (March 2012).

**10e) The Bonding Warehouse, Terry Avenue, York, YO1 6DH
(13/00930/LBC)**

Members considered an application for listed building consent from Mr Peter Callaghan for internal and external alterations in connection with the proposed use as a restaurant and/or offices with apartments in the upper floors including a new mansard roof to the southern building, the erection of stair and lift access to the tower in the courtyard and a bridge link to Skeldergate.

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

Reason: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the listed building. As such the proposal complies with the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

10f) 96 Dodsworth Avenue, York, YO31 8UD (13/00001/FUL)

Members considered a full application from Mr Tom Shepherd for the installation of an air source heat pump. This application had been deferred at the meeting of East Area Planning Committee on 2 May 2013 in order that additional information on noise levels could be provided to enable Members to assess the revised noise conditions and ensure that the proposals would not impact unacceptably on residents amenity.

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

Reason: The air source heat pump is physically a small piece of apparatus and will be located against the ground floor rear elevation of the terraced house.

Officers from the Council's Environmental Protection Unit are satisfied that, providing the equipment is properly maintained, it will not harm neighbours living conditions.

10g) 12 Whitelands, Earswick, York, YO32 9FX (13/00876/FUL)

Members considered a full application from Mr Chowdhury for a two storey rear and single storey front and rear extensions (revised scheme).

Officers notified Members of an error in the report stating that on page 121 in paragraph 4.9 (p 121) "south side elevation" should read "north side elevation" and in paragraph 4.10 "north side elevation" should read "south side elevation". They also advised that condition 4 should be amended to require that the windows on the south elevation have obscure glazing.

Representations were received from Parish Councillor Pat Leveson of Earswick Parish Council in objection to the application. She explained that the Parish Council had raised concerns about the original application which had subsequently been approved at committee. Since then however, the applicants had altered every single aspect of the development. She explained that the housing developments in Earswick had intentionally been built to avoid overlooking but a lot of current extensions didn't take this into consideration. She advised Members that there were five ongoing extensions in the village and she was concerned that others may follow likewise. She stated that the owners of 11 and 13 Whitelands had not objected as they were worried that if the applicant was asked to remove the additional windows, these would be blocked up and look worse than at present. She circulated photographs of the house to the Committee.

Members acknowledged that the bulk of what had been built was what had been approved but with the addition of skylights and additional windows. They also noted that there was a large amount of space around the building.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the additional windows at first floor level *on the south side elevation* shown on the approved drawings shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 4 or above and be non-opening below a height of 1.5 m measured from the internal floor level. No additional windows or other openings shall be inserted in this elevation without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of occupants of the adjacent residential property.

Reason: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

11. 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.

Resolved: That the report be noted.

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

12. Urgent Business

Members raised concerns about the accuracy of information about houses in multiple occupation (HMOs) which was available to them when considering applications for a change of use from residential to HMO.

Officers acknowledged the concerns raised and advised that planning officers based their recommendations on the information available to them. They explained that the HMO database was the starting point for finding information but that officers were also advised to check council tax records and not rely solely on the HMO database.

Resolved: That the chair of the Area Planning Sub-Committee liaise with the Assistant Director for City Development and Sustainability and the Cabinet Member for Transport, Planning and Sustainability with regard to the collation of HMO information.

Reason: In order that Officers and Planning Committee Members have the most up to date, comprehensive and accurate information possible on HMOs on which to base their consideration of planning applications.

Cllr N McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].