

Meeting	Area Planning Sub-Committee
Date	8 August 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters
Apologies	Councillors Semlyen and Looker

Site Visited	Attended by	Reason for Visit
1 Foxthorn Paddock	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
Burnholme Social Club, Burnholme Drive	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
Site of Yearsley Grove Hotel, Huntington Road	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
Ashbank, 1 Shipton Road	Councillors McIlveen, Gillies, Fitzpatrick, Galvin, Hyman, Cuthbertson and Warters.	As objections had been received and the Officer's recommendation was to approve.
9 Precentors Court	Councillors McIlveen, Gillies, Fitzpatrick, Galvin and Cuthbertson.	To inspect the site given that it had been called in by the Ward Member.

18 High Petergate	Councillors McIlveen, Gillies, Fitzpatrick, Galvin and Cuthbertson.	To inspect the site given that it had been called in by a Ward Member.
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13. 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.

Councillor Hyman declared a personal interest in Agenda Item 4c (Burnholme Social Club) as the architects for the proposed development on the site were previously known to him, but he had not been in contact with them recently.

No other interests were declared.

14. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 4 July 2013 be approved and signed by the Chair as a correct record.

15. 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.

16. 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.

**16a) Ashbank, 1 Shipton Road, Clifton, York. YO30 5RE
(12/02491/FULM)**

Members considered a full major application (13 weeks) from Mr Graham Hogben for a change of use and conversion of building to form 5 no. apartments, construction of 4 no. 2.5 storey dwellings to rear, highways works, landscaping and associated infrastructure.

In their update to Members, Officers reported that following comments from the site visit, the applicant had agreed to install a wall, rather than bollards where it was proposed to close the Barleyfields entrance to the site. It was felt that a wall would be more appropriate in the streetscene.

Members were also told that if planning permission was granted that further amendments to the recommendation needed to be made in relation to the Section 106 agreement, given that the Council owned the land on which the building was located.

Some Members expressed concerns at the width of the access road and the lack of hedges at the front of the site. In response, Officers confirmed that a condition could be added to permission to include hedging at the front of the site.

Resolved: That delegated authority to approve on receipt of written confirmation that the contributions required, towards open space and education provision, will be provided when the property is sold; and on receipt of a revised plan showing the new section of wall at the entrance of Barleyfields be agreed.

- Reason:
- (i) In the interest of the character and appearance of the Conservation Area.
 - (ii) In accordance with Local Plan policies regarding developer contributions to open space and education.

16b) 1 Foxthorn Paddock, York, YO10 5HJ (13/01327/FUL)

Members considered a full application from Mr N Malloy for a two storey side and single storey rear extensions (resubmission).

Officers circulated an update to the Committee report. The update stated that an additional email had been received from a resident to the rear of the application property. The resident was concerned that a visual representation of the shadow that might be cast by the proposed extensions had not been submitted. Officers confirmed that the impact on the daylight/sunlight to all adjacent properties connecting to the boundary of the application site had been assessed during the Officer's site visit. This assessment was separate to the analysis submitted by the agent.

Representations in objection to the application were received from Dr Saad Ali, a local neighbour. He expressed concerns about the size of the wall of the single storey rear extension. He felt that the rear extension would cause an adverse effect, as it would overshadow his garden and rear windows. Finally, he expressed concerns that the applicant had not provided a sunpath diagram showing the effect that overshadowing from the extension would have on neighbouring properties all year round.

Members were informed that there was no planning requirement for the applicant to provide such a diagram and that the applicant had provided a 'snapshot', which was deemed to be sufficient. They added that the adjacent grass area to the property would be affected by some overshadowing, but that this would be at sunrise and the effect of this would be negated by mid morning in the winter.

Representations in support were received from Mr Colin Molloy, the applicant's father. He explained the reason for the proposal, to provide good living accommodation and highlighted that a large number of properties in the vicinity had been extended.

Further representations were received from the Ward Member, Councillor Barnes. He highlighted that the Planning Inspector, who had reviewed the previous rejected application, mentioned the overshadowing that would be caused by the extensions. He suggested to Members that a more extensive sunlight assessment be carried out.

Discussion between Members took place and it was felt that there was not a sufficient amount of information in regards to the overshadowing on to neighbouring properties from the proposed extensions. Members felt that they could not make an informed decision on the application and as a result it was;

Resolved: That the application be deferred.

- Reason: (i) In order for a detailed shadow study to take place to show the extent of any additional over shadowing from the proposed extension. These details should be based on the yearly quarters to include the following days 21/03, 21/06, 21/09 & 21/12 and at the time of day up to 2pm in the winter and 4pm in the summer.
- (ii) In order for the applicant to provide diagrams showing the existing shadow pattern and the proposed shadow pattern incorporating the proposed extension in terms of its impact in the amenity of the closest neighbours.

16c) Burnholme Social Club, Burnholme Drive, York. YO31 0LL (13/01538/FULM)

Members considered a major full application (13 weeks) from RHW Developments Limited for the erection of 28 two and three storey dwellings, three storey block of 9 apartments, new social club with associated access, parking and landscaping together with children's play area.

Officers circulated an update to the Committee report. The update covered the following points;

- That an attempt had been made to add the building to the Statutory List of Buildings of Historical or Architectural Interest through English Heritage but that this was unsuccessful.
- That as the building was not listed or in a Conservation Area that it could be demolished under the Prior Notification Procedure. This would mean that Members could only consider the method of demolition and not the principle.

- That the social club could be listed as a “non designated heritage asset” in the Local Heritage List Supplementary Planning Document but this would not affect the rights to demolish the building.
- That the Local Heritage List was currently in draft form, and following consultation Members would decide in October whether it the list itself be progressed or adopted.
- That the building could only be protected from demolition if it were subject to an Article 4 direction.
- Further representations against demolition had been received from the Victorian Society and Ancient Monument Society, eight further objections from local residents and Councillor Taylor. These objections focused on the architectural and historic nature of the building and the contribution it made to the surrounding area.
- An additional representation in objection was also received on the grounds of noise and disturbance from the club and play area and the lack of publicity about the planning application.

In response to questions from Members regarding the influence that an Article 4 direction would have on their decision, it was reported that as the building was not on any local list of historic buildings adopted by the Council, and that there was no Article 4 Direction either in place or proposed.

Officers considered that they could not advise Members on this matter and that it should not form of their deliberations.

Representations in objection were received from Keith Pringle, a local resident who lived opposite the building. He felt that the application should be rejected due to the density of the development and that local residents did not want to see a replacement social club in the area. He also expressed concern about the level of public consultation carried out and the advertisement of the application. Officer’s responded that the neighbour notification undertaken by the Council was in accordance with the Statement of Community Involvement and statutory requirements.

Representations in support were received from John Howlett, the applicant’s agent. He informed Members that a public consultation meeting on the application had taken place and that leaflets had been dropped through doors on Burnholme Avenue and Burnholme Road.

He confirmed that the current stained glass window in the building would remain and form part of the new social club.

Some Members felt that the application should be approved because the current building was far too dilapidated to continue in its current use. They added that the new social club which was proposed would be far more efficient noise wise.

Resolved: That the application be approved subject to the prior completion of a legal agreement/unilateral undertaking and the following amended condition;

3. RECORDING OF BUILDING/DEMOLITION

No demolition or alteration shall take place until the applicant has submitted a complete Level 3 Building Record of the standing building (Burnholme, subsequently the Burnholme Social Club) to the Local Planning Authority and the City of York Historic Environment Board has been agreed in writing by the Local Planning Authority.

The demolition shall not take place until a legally binding contract for the replacement club hereby approved is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: As the building is of local importance and considering its historic and architectural interest and to avoid the loss of a community facility without an adequate replacement, in accordance with Local Plan policies HE2, HE10 and C1.

16d) 9 Precentors Court, York. YO1 7EJ (13/01547/FUL)

Members considered a full application from Mr Nick Williams for a replacement boundary wall with vehicle access gates.

Representations in support were received from the applicant. He assured Members that any conditions attached to planning permission would be carried out meticulously.

Councillor Watson outlined his reasons for calling in the application for consideration by the Committee.

Resolved: That the application be approved.

Reason: It is considered that the proposed creation of a vehicular access would not have any detrimental impact upon the character of the conservation area, neighbours amenity, highways safety or setting of the listed building.

16e) 9 Precentors Court, York. YO1 7EJ (13/01560/LBC)

Members considered a listed building consent application from Mr Nick Williams for a replacement boundary wall with vehicle access gates.

Consideration of this application took place at the same time as Minute Item 16d) (9 Precentors Court, York. YO1 7EJ (13/01547/FUL).

Resolved: That the application be approved.

Reason: The proposed works are not considered to detract from the special historic and architectural importance of the building.

16f) Site of Yearsley Grove Hotel, Huntington Road, York. YO31 9BY (13/00982/FULM)

Members considered a major full application (13 weeks) from Moorside Developments Ltd for the erection of 12 no. two storey dwellings.

In their update to the published report, Officers commented that;

- Information had been submitted by the applicant to demonstrate that the development would be able to achieve a minimum standard of Code Level 3 within the BREEAM Code for Sustainable Homes.

- Consultation responses had been received from the Head of Parks and Recreation in conjunction with Huntington Parish Council in relation to a sum being used to enhance the open space directly the north of the site.
- That the Council's Highways Network Management Department were in favour of the application subject to an amended road layout.

Officers also suggested that if Members were minded to approve the application that conditions be added to reflect these comments. They also recommended that details of cycle parking areas be submitted and a dilapidation survey of the highways adjacent to the site be carried out.

Resolved: That the application be approved subject to a Section106 agreement/unilateral undertaking and the following amended and additional conditions;

2. Include drawing S027-11 Rev C

22. The development hereby authorised shall be undertaken in strict accordance with the BREEAM Code for Sustainable Homes Level 3 Calculations submitted and received on 29 July 2013.

Reason: To secure compliance with Policy GP4a) of the York Development Control Local Plan.

23. Prior to the development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority.
The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and the convenience of prospective occupiers of the properties hereby approved.

24. Prior to the works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority (LPA).

Reason: In the interests of safety and good management of the public highway.

Informatives:

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer(s) named:

Vehicle crossing- Section 184- Mr Partington (01904) 551361

16g) The Yorkshire Pantry, 18 High Petergate, York. YO1 7EH (13/01977/FUL)

Members considered a full application from Mr Andrew Simpson from a change of use from shop (use class A1) to café/restaurant (use class A3).

In their update to Members, Officers reported that further representations both in support and objection had been received since the publication of the agenda.

Points raised included;

- Primary interest in the premises had been for A3 use and the nature of the building meant that a modern single glass frontage (often a requirement for A1 occupiers) was not appropriate.
- There were already a sufficient amount of café/restaurants in the area and retail outlets were increasingly closing down.
- That the number of food outlets led to a loss of diversity in the city centre and the ability of it to further diversify.
- That there were inadequate waste storage facilities in the small yard to the rear, which is shared by other occupiers of the building and used as a play space for children from the flats above.

In relation to the small yard at the rear of the premises, it was reported that access would only be from other businesses and that the current use of the yard would not change.

Discussion took place amongst Members. Some felt that the premises should be reserved for a retail use and that the numbers of A1/A3 properties, and their siting, within the city centre needed further examination. Others felt it beneficial to use an empty premises and that cafés did make a significant contribution to the local economy.

Resolved: That the application be approved.

Reason: As the proposal would not cause harm to the vitality and viability of High Petergate and the wider city centre or to the character and appearance of the Conservation Area. Therefore the application for the change of use of 18 High Petergate is considered to accord with the National Planning Framework and Policies S5 and HE3 of the Local Plan.

17. Appeals Performance and Decision Summaries

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 30 June 2013 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Councillor N McIlveen, Chair
[The meeting started at 2.00 pm and finished at 4.05 pm].