

Meeting	Area Planning Sub-Committee
Date	8 January 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett, Watt and Doughty (as a substitute for Cllr Douglas)
Apologies	Councillor Douglas

Site	Visited by	Reason for visit
11 Ascot Court	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
Hunter House, 57 Goodramgate	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
32 Tranby Avenue	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
12 Barley View	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.

### 36. 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. None were declared.

### **37. Minutes**

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 4 December 2014 be approved and signed by the Chair as a correct record.

### **38. 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.

### **39. 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.

#### **39a) 11 Ascot Court, York YO24 3AE (14/02576/FUL)**

Members considered a full application for the erection of a balcony (retrospective) from Mr Shaun Barley.

Representations in objection were received from Mr Peter Barry who lived in the flat above the balcony in question. He expressed concerns about security, noise and smoke pollution, the danger of the balcony being struck by high vehicles and the safety of the construction. He felt that the presence of the balcony compromised the security of the next door flat as it provided a good view into that property. The way the windows in the flat had been designed also meant that they tilted inwards and upwards which meant that smoke from beneath the flat wafted inwards.

Representations in support were received from Shaun Barley the applicant. He responded to the security and privacy concerns raised. He disagreed with Mr Barry and felt that the next door's property could not be seen from the balcony. He stated that the balcony had been constructed correctly and that

high sided vehicles could not access the rear parking area because of the entrance archway.

During discussion comments were raised about the design and types of window that had been used in the flat, whether the particular design had acted as funnel to take any smoke produced from below upwards and whether it was worth deferring making a decision in order to seek comments from Environmental Health Officers.

Officers reported that Environmental Health Officers would not normally comment on applications of this type and the decision was one of judgement about harm to living conditions which was within the remit of the sub-committee.

Councillor Merrett moved deferral of the application in order to receive comments from Environmental Health Officers on whether Members could make a decision on the design of the windows used in the flats. Councillor Fitzpatrick seconded deferral. On being put to the vote the motion fell.

Resolved: That the application be approved.

Reason: In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

### **39b) Hunter House, 57 Goodramgate, York (14/02446/FULM)**

Members considered a full major application for the conversion of first, second, third and fourth floors from offices to 14 no. apartments (use class C3) from S Harrison Developments Ltd.

In their update to Members, Officers advised Members that if they were minded to approve the application that condition 3 should now read:

- Clarification on the required energy efficiency requirements (as the development would not achieve BREEAM Very Good).

Details of measures to improve energy efficiency within the building shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the apartments and the development shall be carried out in accordance with the approved measures. The details shall be in the form of SAP calculations, which demonstrate the improvements as a consequence of roof insulation and lining to the walls in apartments 6 and 11.

Unless agreed otherwise the development shall incorporate the measures detailed within the BREEAM pre-construction assessment estimator (statement - no further detail is required with regards this aspect of the condition).

Reason: To contribute to the achievement of sustainable development, in accordance with paragraphs 6 and 7 of the National Planning Policy Framework.

They also recommended condition 8 (Hours of construction) be reworded to:

- No construction work, which would exceed background noise levels at the site boundary, shall take place on site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

If approved, an additional condition (regarding deliveries) should also be added to planning permission:

- Prior to development commencing, a method statement to agree the management of deliveries, loading or unloading, in association with construction work shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

The method statement shall include the following measures –

- The expected times and frequencies of deliveries, and confirmation that such practice will be monitored;
- the procedure for informing local residents of the programme of works and for dealing with any complaints;
- measures to prevent noise disturbance during any such works undertaken, in particular prior to 07.00;

Reason: To safeguard the amenities of local residents.

Representations in support were received from the agent for the application Mr Gavin Douglas. He felt that the application provided much needed housing in the city centre, was confident that it reinvigorated the building and the surrounding area and that homes with character would be created.

A question about gating on the site was raised by the Chair towards the agent. The agent responded that although this was not part of the proposals the applicant did want the area gated to deter rough sleepers. The Chair suggested that if the Committee were minded to approve the application that an informative be added to planning permission.

Representations were received from a neighbour Mr Martin Bingley. He supported the application for the reuse of Hunter House but also wanted the entrances to it gated. He made reference to comments raised by the Chair in regards to the activities that had taken place in the area and commented that needles and syringes left around were dangerous for families. He added that he did not know of any residents who would object to gates being put in.

Resolved: That the application be approved subject to the amended conditions detailed above, an informative and a Section 106 agreement.

Informative:

#### CRIME AND DISORDER

To prevent anti social behaviour, it is recommended that gates are installed, to restrict access into the rear parking/courtyard area.

Reason: The proposed use accords with the thrust of national planning policy, because there are no strong economic reasons to rest the loss of these offices, there is housing need and this is a sustainable location. There would no undue harm to heritage assets, protected species, highway safety and amenity.

### **39c) Hunter House, 57 Goodramgate, York (14/02447/LBC)**

Members considered a listed building consent for a conversion of first, second, third and fourth floors from offices to 14 no. apartments from S Harrison Developments Ltd.

Members were informed that if they were minded to approve the application that the following minor alterations were needed to wording to clarify locations in which further details were required.

#### Condition 3 (Large Scale Details)

- Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details.
  - a) Vent stack to Hunter House.
  - b) Grills to front elevation shown in context
  - c) New front door to Hunter House and its side panel
  - d) Sections through the attic of no 57 (roof 4), to show how the roof insulation would be upgraded without harming the existing structure, how the existing floor structure would be protected, how new partitions would relate to the existing roof structure, and where the retained historic door would be fixed
  - e) New/replacement screens within the existing staircase (retail stair) in 57A (to include section and elevation)
  - f) New opening to the kitchen/dining room in apartment 1, shown in context and to show existing and proposed elevations
  - g) Secondary glazing to first floor front windows in no57 (apartment 1)

h) Blocking of internal doors

Reason: In the interests of the architectural and historic interest of the listed building.

#### Condition 4

Illustrated method statements showing where services (for mechanical ventilation) would be integrated into the buildings and what their effect would be on historic detailing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details. Such works shall avoid affecting the front rooms within apartment 1.

Reason: In the interests of the architectural and historic interest of the listed building.

#### Condition 5 Fire/acoustic strategy

Strategies for achieving fire and acoustic separation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details. Proposals shall detail the impact on any features or historic and/or architectural interest. In accordance with the application details there shall be no suspended ceilings to the front rooms within apartment 1.

Reason: In the interests of the architectural and historic interest of the listed building.

Discussion of this item took place at the same time as Agenda Item 4b) Hunter House, 57 Goodramgate.

Resolved: That the application be approved.

Reason: The works proposed would have no undue impact on features of special or historic interest, they would allow comprehensive use of the upper floors throughout the buildings and be in the interests of its vitality. The level of harm will be low and given the overall benefits of the scheme, they are deemed to

be outweighing material considerations that justify the harm.

**39d) 32 Tranby Avenue, Osbaldwick, York YO10 3NB  
(14/02443/FUL)**

Members considered a full application for a part two storey part single storey side extension by Mr and Mrs K Blade.

Officers informed the Committee that they had been in discussions with solicitors in regards to highway damage issues that had been raised by the Ward Member. They clarified that this matter was covered by the Highways Act and as such it was not appropriate to attempt to control the issue through the planning permission.

Some Members felt that if permission was granted, the suggested informative 3 (Damage to Highway and Verge – Highway Regulation) should be amended to make it clear that this included the use and protection of the **grass verge** as well as the public highway itself and this change was agreed.  
*[Amended at meeting on 5 February 2015, for clarification]*

The Chair reported that he had received apologies from Councillor Warters, as the Member who had called in the application for consideration by the Committee, for not attending the meeting.

Resolved: That the application be approved subject to the conditions listed in the report and the amendment to Informative 3 as detailed above. *[Amended at meeting on 5 February 2015]]*

Reason: It is not considered that the proposed extension would create demonstrable harm to the residential character of the street scene. Nor is it considered that the extension would create any significant harm to the amenity of the neighbours in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with the National Planning Policy Framework (NPPF) and Policies GP1 and H7 of the City of York Draft Local Plan and the Council's Supplementary Planning Document (December 2012).



### **39e) 12 Barley View, Wigginton, York YO32 2TY (14/02173/FUL)**

Members considered a full application from Mr D Leeper for the erection of a detached dwelling to the side of 12 Barley View with detached double garage and new vehicular access from Rye Cross.

Some Members pointed out the distance between the proposed and existing house was only one metre and questioned whether this was sufficient. It was reported that there was no access shown on the drawing from the garage to the rear garden of the existing property.

Representations in objection were received from Mr Jonathan Atkinson, a neighbour. He felt that the application was inappropriate, out of character and unsympathetic with the area. He added that he felt it constituted massive overdevelopment as the site was very cramped, there would be a flooding risk and that there would be an increase in parking due to an increase in the number of residents.

Representations in support were received from the agent Mr David Chapman. He informed Members that there would be separation distance of a metre between 12 Barley View and 12A but that the applicant was willing to move the proposed building in order to widen this gap. Mr Chapman confirmed that he would be willing to resubmit drawings to show this if requested. He commented that he felt that the appearance of the building reflected the area which was a mixture of architectural styles.

Discussion took place during which some Members felt that the application was overdevelopment, would detract from the area and meant that 12 Barley View would have a very narrow and overshadowed garden.

Some Members felt it was better to accept the recommendation as long as 12 was moved further away from 12A, whilst others felt that it should be deferred in order for Members to be given the chance to seek revised plans.

Councillor Galvin moved deferral of the application in order to move 12A to the west of the boundary to address the access to

the garage from 12 Barley View. Councillor Merrett seconded this.

Resolved: That the application be deferred.

Reason: In order to seek revised plans from the applicant in regards to the separation distance between the proposed house and number 12.

**39f) 1-12 Kensal Rise, York (14/01857/FUL)**

At their meeting on 6 November 2014, Members considered a full application from Mr David Jones for an additional floor to accommodate six roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking. Officers had recommended that members approve the application subject to a section 106 unilateral undertaking to secure a contribution towards off-site open space and Members resolved to grant permission subject to the completion of the undertaking and an additional condition to control the management of construction works in the interests of highway safety.

Members were advised that the section 106 unilateral undertaking had not been completed to date and the planning permission had not been issued.

As a result of a revision in national planning practice guidance on 28 November 2014, section 106 planning obligations should no longer be sought from developments of 10 units or less. As such part of policy L1c (provision of new open space in development) of the Development Control Local Plan, which required that for sites of less than 10 dwellings a commuted sum to be paid towards off-site provision, was no longer in accordance with national planning policy.

It was therefore considered that the previous sub-committee resolution no longer complied with the National Planning Policy Framework. The Committee were therefore asked to consider a revised conclusion and recommendation for approval to that contained in the original report.

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

Reason: In order that the Committee's decision complies with the National Planning Policy Framework.

**39g) The Memorial Hall, 16 The Village, Haxby, York YO32 3HT (14/01982/FUL)**

At their meeting on the 6 November 2014, Members considered a full application by Haxby Town Council for alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3 no. dwellings (use class C3) between 66 and 68 North Lane (resubmission).

Officers had recommended that members approve the application subject to a section 106 unilateral undertaking to secure a contribution towards off-site open space traffic regulation measures and Members resolved to grant permission subject to the completion of the undertaking.

Members were advised that the section 106 unilateral undertaking had not been completed to date and the planning permission had not been issued.

As a result of a revision in national planning practice guidance on 28 November 2014, section 106 planning obligations should no longer be sought from developments of 10 units or less. As such part of policy L1c (provision of new open space in development) of the Development Control Local Plan, which required that for sites of less than 10 dwellings a commuted sum to be paid towards off-site provision, was no longer in accordance with national planning policy.

It was therefore considered that the previous sub-committee resolution no longer complied with the National Planning Policy Framework. The Committee were therefore asked to consider a revised conclusion and recommendation for approval to that contained in the original report.

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

Reason: In order that the Committee's decision complies with the National Planning Policy Framework.

Councillor B Watson, Chair

[The meeting started at 2.05 pm and finished at 4.05 pm].