

Meeting	Area Planning Sub-Committee
Date	1 December 2016
Present	Councillors Galvin (Chair), Carr, Craghill, Hunter, Cannon, Flinders, Looker, Mercer, Orrell and Dew (Substitute for Councillor Gillies)
Apologies	Councillors Gillies and Shepherd

Site	Visited by	Reason
North Lodge, Clifton Park Avenue	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	As the recommendation was to approve and objections had been received.
Land To Rear Of 246 Shipton Road, Rawcliffe	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	As the application was called in and the Officers recommendation was to refuse only on the grounds of flood risk.
23 Minster Avenue, Huntington	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	As the recommendation was to approve and objections had been received.
Burnholme Community Hub, Bad Bargain Lane	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	At the discretion of the Assistant Director as this was a major application submitted by City of York Council.

27. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

28. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 3 November 2016 be approved and then signed by the Chair as a correct record.

29. 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.

30. Plans List

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

30a) 23 Minster Avenue, Huntington, York, YO31 9DJ (16/02036/FUL)

Members considered a full application by Alex Szepietowski to change the use of No.23 Minster Avenue, a four bedroom semi detached house, to a house in multiple occupation (HMO) (Use Class C4) for between three and six unrelated adults to occupy the house.

Officers provided a verbal update to clarify that a HMO did not necessarily mean occupation by students, but was merely shared accommodation.

There were three speakers in respect of this application.

David Shanks, representing local residents in objection to the application, spoke of concerns regarding the issue of parking on the street and the additional cars a HMO may mean. He also highlighted the issues the emergency services had when trying to access what was a very narrow cul-de-sac.

Councillor Runciman spoke as the Member who had called in the application to Committee. She stressed that this was a very narrow residential street with garages that were generally too

small to house a family size car. She also discussed the difficulties for emergency vehicles and stated that it was felt by residents that this was the wrong location for a HMO.

Edward Senior spoke on behalf of the applicant. He clarified that this would not be a student property, but that tenants would be young professionals who would be subject to clear house rules. There would be monthly inspections, and a cleaner and a gardener would visit regularly. He also stated that this was a sustainable location with easy access to bus routes and cycle storage provided.

Members entered into debate and the following points were raised:

- HMO numbers in the area were below the Article 4 threshold, but it was still important to take into account the amenity of neighbours.
- This was a narrow street with limited parking and there were access problems for the emergency services.
- There was increased pressure on the housing system and a need for shared accommodation of this kind.
- That, although there were clearly parking issues this was not a reason to turn down the opportunity to offer affordable housing.

Councillor Carr moved and Councillor Orrell seconded refusal on the grounds of neighbour amenity.

On being put to a vote the motion fell.

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

Reason: The property is reasonably well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout, for a 4 bedroom HMO. The thresholds within the Council's Supplementary Planning Document (SPD) have not been exceeded. Car parking can be accommodated to DCLP standards and cycle parking and refuse can be stored in the existing garage. There is no evidence to suggest a potentially significant impact upon the amenity of existing local residents. As such

the proposal is considered to comply with the NPPF, Policy H8 of the DCLP and the guidance contained within the SPD.

30b) Burnholme Community Hub, Bad Bargain Lane, York, YO31 0GW (16/02023/FULM)

Members considered a major full application by City of York Council to redevelop part of the Burnholme Community College site as a community hub to include a library, nursery, music rooms and ancillary meeting rooms. The existing school hall would be retained with a new two storey extension to house the library and meeting rooms. The main entrance would be via the new extension into the library area.

Officers provided an update on drainage and highways conditions which was attached to the online agenda following the meeting.

During debate Members raised the following points:

- The redevelopment of this site would significantly enhance the local area and benefit the community.
- It was regrettable that CYC were not trying to attain a BREEAM 'excellent' rating.
- Some Members asked if condition 8 (pg.27) could be amended to state that any trees or plants that die, are removed or become seriously damaged or diseased would be replaced for the life of the development, rather than for five years as stated.

In response to issues raised Officers stated that this was a hybrid building, which would retain original features, and as such it would be very difficult to attain BREEAM 'excellent'. It was also a very expensive process and as a Local Authority project, decisions had to be made about the best use of limited funding. In terms of landscaping, to condition this for the life of the development would not be appropriate, as use of the outdoor space would evolve along with the use of the building.

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

Reason: The siting of the proposals away from neighbouring residential properties will help to ensure that there is

little impact on residential amenity and the level of community involvement has helped to reduce concerns from the community. The design and materials of the extension are in keeping with the character of the area whilst producing a focal point for the hub. Sustainability features such as a green roof and a photovoltaic array will also be included and the scheme is seeking to achieve BREEAM Very Good. The proposed development complies with relevant policies GP1, C1, ED3 and GP4a of the DCLP and policy within the NPPF.

30c) North Yorkshire Police Station, Fulford Road, York, YO10 4BY (16/01983/FULM)

Members considered a major full application by Mr Ken Wilson for a replacement evidence store for the Fulford Police Station and external alterations to the existing garages/stores attached to the existing exhibit store. The proposed building was two stories and extended further into the car park and on to a grassed area to the East. The remaining extent of this grassed area would be hard-surfaced and include a covered area for hazardous substances.

Officers provided an update which was attached to the online agenda following the meeting. This was in reference to the BREEAM condition.

Councillor Carr moved to approve the application and Councillor Dew seconded this.

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

Reason: The application complies with relevant policy in terms of its design and impact on amenity. The proposal will provide a modern purpose-built storage facility for the police allowing them to securely store evidence. The building replaces the existing out-dated structure but does not significantly increase the development footprint and with only a small increase in height. The building is some distance from residential properties and unlikely to cause any impact on residential amenity

30d) Land to the Rear of 246 Shipton Road, Rawcliffe, York (16/01848/FUL)

Members considered a full application by Mr Dale Rhodes for a new detached dwelling on a disused garden plot to the rear of 246 Shipton Road.

Dale Rhodes, the applicant, spoke to clarify that he had not applied for a Sequential and Exception test, which was required in order to satisfy NPPF policy, as he knew the proposed development would not pass. He stated that he hoped the Sub-Committee would refuse this application solely on the grounds of Flood Risk.

To clarify the applicant's points, Officers explained that Ward Members had raised issues with the application outside of the flood risk, however Officers had recommended refusal solely in relation to flood risk.

Councillor Dew stated that, as one of the Ward members who had called in this application at the request of residents and Parish Councillors, he would not vote on this item.

Resolved: That the application be refused as per the Officer recommendation.

Reason: The application has been submitted without an acceptable FRA or a Sequential and Exception test which are required for more vulnerable development in Flood Zone 3. As such the proposal is contrary to policy contained in the NPPF and therefore recommended for refusal as being contrary to relevant flood risk policy.

30e) North Lodge, Clifton Park Avenue, York (16/01173/FULM)

Members considered a major full application by Mr Mike Green to demolish the existing two storey building and replace it with a three storey building creating 14 flats (12 x 2 bed flats and 2 x 1 bed flats).

Ben Pilgrim spoke as agent for the applicants. He stated that this would be a high quality development that would enhance the local area. He explained that the development would be reusing stone and slate from the original building in order to fit in

with its surroundings. There had also been significant improvements to the design since the first submission, as well as additional landscaping being added.

In response to Member questions Officers clarified the following points:

- There was already waste storage provided in the plan which was of an adequate size for the development. It was not usual to condition how this refuse would be collected.
- Standard wording would be added to the conditions with reference surface water drainage. This had been missed off the report in error.
- Bike/bus pass provision had not been conditioned as S106 guidance was now a legal requirement, so it had to be shown that conditions were legally necessary for the development to proceed. As this was a small development this had not been deemed necessary.
- That whilst some developments had conditions amended to state that any trees or plants that die, are removed or become seriously damaged or diseased are replaced for the life of the development (rather than for five years), it was not appropriate to apply this as standard to all new developments.

During debate Members raised the following issues:

- This was a small development but would contribute to increasing housing numbers which was much needed.
- The development was close to a main cycle route and a park and ride site.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and additional drainage condition.

Reason: The proposed building is considered to be appropriate development within the Green Belt and would add to the supply of homes in a sustainable location. The proposed building would be in character with the surrounding development and would retain important trees and hedgerows. The development would not result in undue harm to the residential amenity of the occupants of the nearby

dwellings. The scheme is in general accordance with the policies of the NPPF and the Development Control Local Plan (2005).

31. 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 between July and 30 September 2016. It also provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing were included as annexes to the report.

Resolved: That the report and annexes 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.

32. Planning Enforcement Cases - Update

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

Information was given by Officers to Members on the work of the Enforcement Team.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding planning enforcement cases.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.30 pm].