
Meeting	Area Planning Sub-Committee
Date	7 April 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Cannon, Mercer, Orrell and Funnell (Substitute for Councillor Looker)
Apologies	Councillor Looker

52. Declarations of Interest

At this point in the meeting, Members were asked to declare if they had any personal, prejudicial or disclosable pecuniary interests in the business in the meeting.

Councillor Galvin declared a personal interest in Agenda Items 3a) and 3b) Groves Chapel, Union Terrace as he was a Governor of York Hospital NHS Foundation Trust. The building was owned by the NHS. He clarified that as a Governor, he was appointed by the Council and was not involved in the operational running of any of the hospital's business matters. He added that membership of the Hospital's Governing body was open to all.

No other interests were declared.

53. Public Participation

It was reported that there had been no registrations under the Council's Public Participation Scheme on general issues within the remit of the Committee.

54. 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.

**54a) Groves Chapel, Union Terrace, York YO31 7WS
(15/02833/FULM)**

Members considered a full major application by Clarence Union Developments for a change of use of an existing building with internal and external alterations to form a convenience store at ground floor, 2no. flats at first floor and the erection of a four storey extension to the rear to accommodate 14 no. flats with associated car and cycle parking.

Representations in objection were received from:

Mr Andrew Dickinson who commented that in the Local Plan section on shopping developments that it stated that permission should not be granted if there was considered to be an adverse effect on neighbouring properties and he felt that there would be an adverse effect. He added that the noise statement provided by the applicant, mentioned that the development would emit in total 97db, which was equivalent to a construction site. He further commented that, in his opinion, the development did not provide a diverse retail experience for the community, given the closeness of other convenience stores to the site.

Mrs Rosie Dickinson, who mentioned that Union Terrace was a cul de sac with problems with traffic and safety, and asked Members to consider a deferral in order for a highways report to be received. She referred to subsidence issues and that an ongoing investigation by the council in respect of whether a weight limit needed to be imposed on vehicles using the road. In respect of delivery vehicles she asked Members to consider a reduction in the size and weight of these and regarding delivery times, suggesting that residents would appreciate if the applicants would consider changing this to 10 am- 4pm.

Angus McArthur, who commented that the road had not been built for two way traffic and circulated photographs amongst Members, to demonstrate.

Michael Askew, who spoke about Hope Church's wish to buy the chapel to restore it, if the current proposal failed to do so. Although the Church would not be able to match a commercial offer to buy the chapel, it could raise a substantial figure.

Brian Dunning, who spoke about the comparison sites for convenience stores used to assess traffic, and traffic surveys in York. He commented that these had been taken from Sheffield where the shop was substantially smaller and Cardiff where the shop was difficult to find. In regards to the traffic survey on Beckfield Lane, he suggested that there was inadequate parking as this suffered from congestion and parking on double yellow lines.

Reverend Alastair Rycros, from St Thomas' Church, who referred to there being no desire in the community for the shop because there were three stores located within ten minutes of the site. He felt that the development would worsen congestion in the area, and also suggested that the proposal was not the only option for reuse of the building.

Representations were then received in support of the application from the agent, Gavin Douglas. He spoke about how the building had been underused, needed significant repairs and in order to continue to support it, a substantial financial commitment was required from the NHS. He added that the proposals offered the building a long term future, improved the appearance and reduced anti social behaviour. The sale of the building would also allow for improvements to take place at York Hospital.

In response to questions from Members to the agent and a representative from Sainsbury's who was present at the meeting, it was reported that;

- Sainsbury's wanted night time deliveries in order to set up shelves for the next day.
- Staff at the Sainsbury's store would be expected to use the car park on Union Terrace, walk or cycle to work.
- 89% of shoppers were expected to arrive at the store on foot
- A comparison of parking at the Sainsbury's store in Blossom Street had been raised with Officers and they had no concerns.
- The apartments were aimed at people who worked nearby.

Further representations in support were received from a representative of the owners of the chapel, James Hayward of York NHS Foundation Trust.

He informed Members that the Trust had an estate of buildings, including Groves Chapel which was surplus to requirement. It was in a poor state of repair and housed redundant medical equipment. The Trust intended to use alternative facilities, as the listing of the building did not allow for modern health care to take place at the Chapel. He reported that proceeds from the sale of the chapel would go towards a new Endoscopy Unit and Radiology Suite.

In response to a question from a Member regarding other options for conversion of the building, it was confirmed that Officers were aware of Hope Church's proposal but they thought this was only to put a floor across the interior of the chapel to use it as a meeting room, but there were no other proposals forwarded at the pre-application stage.

In response to other questions from Members, it was reported that;

- There would be no disabled parking for customers, as there would be no customer parking at all.
- 1 hour pay and display would be changed to 10 minutes, would lead to a better use of parking.

During debate some Members felt that the delivery hours were unsociable, and the manoeuvring space for vehicles on the street was limited, they added that they were disappointed that the housing that would be provided would not be affordable housing. Some Members added that they were not sure if the proposed highways improvements would ease the traffic problems, given the delivery vehicles using the road. Some Members were concerned about the increase of the traffic, the location of the supermarket, supermarket deliveries and the impact on residential amenity. However, others pointed out that the building had been empty for fifty years.

Councillor Craghill then moved refusal of the application on the grounds of traffic, location of the supermarket, deliveries and how this would affect residential amenity, which was seconded by Councillor Cannon. On being put to the vote that motion fell.

Councillor Carr then moved and Cllr Derbyshire seconded that the delivery times be amended from 7 am- 11pm to 10 am- 4pm.

On being put to the vote that motion also fell.

Finally, Councillor Gillies then moved and Councillor Orrell seconded, approval conditional upon the delivery times being revised from 7am -11pm to 7 am- 6pm.

On being put to the vote that motion was then carried.

Resolved: That the application be approved subject to a Section 106, an amended condition regarding delivery times (7am- 6pm) and the conditions listed in the Officer's report.

Reason: The proposed scheme will create a long term viable use for the building and it is considered that the external changes are acceptable in terms of their impact on the appearance of the conservation area. Based on the submitted and assessed calculations, the levels of vehicle movement will be within acceptable levels. The servicing of the store will generate some noise, but it is note in the context of high background noise at the northern end of the street this will not be unduly disruptive to living conditions. The development is considered acceptable in terms of amenity and in all other relevant planning considerations.

**54b) Groves Chapel, Union Terrace, York. YO31 7WS
(15/02834/LBC)**

Members considered a listed building application by Clarence Union Developments for internal and external alterations in association with change of use of existing buildings to form convenience store at ground floor, 2 no. flats at first floor and erection of four storey extension to rear to accommodate 14 no. flats with associated car and cycle parking.

This application was considered at the same time as Plans Item 54a).

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

Reason: The proposals would secure a long term use for the chapel building, this is central to ensuring it retains a landmark building. It is considered that the works whilst creating a new long term use for the building have an overall neutral impact on its special historical and architectural character.

54c) Fossbank Boarding Kennels, Strensall Road, York YO32 9SJ (15/02843/FUL)

Members considered a full application by Mrs A & M Royle & Barker for the demolition of existing kennels, stables quarantine and cattery buildings, erection of 4 no. detached dwellings with garages, and provision of a new access road from an existing driveway.

In their update to Members, Officers reported that the applicant sought deferral so that the second reason for refusal, to undertake a bat survey, could be addressed.

Resolved: That the application be deferred to be determined at a later date.

Reason: To allow for further information to be provided on roosting bats.

54d) Bicis Y Mas,59-63 Walmgate, York YO1 9TG (16/00012/FUL)

Members considered a full application by Mr Ellis Thackray for the use of rear yard for café seating associated with existing retail use.

Officers provided an update to Members, in which they advised that since their report had been written and published two additional objections had been received. One of these objections included a noise report, and that the site was predominantly a café not a retail premises/bike repair shop. In addition, if Members were minded to approve the application Officers suggested that condition 2 be reworded, as the applicant had expressed a wish at the site visit for a decrease in the number of tables in the yard. Full details of the noise report and the reworded condition were found in the Officer's update which was attached to the online agenda for information.

Representations in objection were received from Mr Price. He felt that the application would have a detrimental affect on residential amenity, and informed the Committee that the Council's Environmental Protection Unit had identified a loss of amenity is likely if the rear yard was used particularly in the evening. He highlighted than no assessment had been carried out as to the increase in covers or extended hours by either the Council or the applicant.

Representations in support were received from Jane Thackray, the applicant. She informed the Committee that their primary business was as a bike repair shop. It was reported that during a trial period in 2011, complaints about noise received were due to a new member of staff moving recycling and the other were due to cyclists moving tables. It was noted that the courtyard had previously been rubble and that the cycling community had brought more tourists to the city. The applicant confirmed that the café was licensed but the yard was not.

Resolved: That the application be approved subject to the amended condition 2, to have four tables with three chairs around, and the conditions listed in the Officer's report.

Reason: Whilst noise as a consequence of the introduction of the outside seating area would be apparent at times, the potential impact, based on national planning policy guidance, is regarded and not intrusive. The impact on residential amenity is considered to be acceptable and there are no other detrimental impacts to warrant refusal of the application.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.25 pm].