

Meeting	Area Planning Sub-Committee
Date	5 January 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies (apart from Minute Items 37g), 37j),37h),37i) and 38) Hunter, Cannon, Flinders, Looker, Mercer and Orrell (apart from Minute Items 37h), 37i) and 38)

Site	Visited by	Reason
The Clock Tower, Bishopthorpe Road	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
5 Mayfield Grove, York	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the application had been called in and the recommendation was to refuse only on the grounds of harm to a protected species.
107 York Road, Haxby	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Clifton Technology Centre, Kettlestring Lane	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	At the request of Councillor Dew.
4 Whitby Avenue, York	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.

Walker Nicholas Architects Ltd, 42 Oxford Street	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
48 Trafalgar Street, York	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.

### **33. Chair's Remarks**

Councillor Galvin made a statement in relation to complaints made against him in relation to the Groves Chapel planning application and the recent investigation by a Joint Standards Board Hearing Sub-Committee.

### **34. 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.

Councillor Orrell declared a prejudicial interest in agenda item 4i) 90 Hull Road, as the applicant was a ward colleague of his. He left the meeting for this item.

Councillor Gillies declared a personal interest in agenda item 4c) 5 Mayfield Grove as the applicant was a member of the same club as him. He also declared a personal and prejudicial interest in agenda item 4j) 4 Heathfield Road as he knew the applicant. He left the meeting for this item.

Councillor Hunter declared a personal interest in agenda item 4i) as the applicant was a colleague of hers.

### **35. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 1 December 2016 be approved and then signed by the Chair as a correct record.

## **36. 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.

## **37. 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.

### **37a) The Clock Tower, Bishopthorpe Road, York (16/01646/FULM)**

Members considered a full major application by Mr Andrew McMurtrie for the conversion of the Clock Tower and former Boiler House to form 22no. apartments with Museum Space and associated car parking.

Officers provided an update to Members that a response had been received from Housing Strategy and Development in regards to the provision of affordable housing. A response had also been from Education Services in relation to the financial contribution to Scarcroft Primary School. They also suggested an amended recommendation full details of this were found attached to the online agenda following the meeting.

Officers suggested that if Members were minded to approve the application that the recommendation be amended to seek delegated authority to approve the proposal subject to the conclusion of a Section 106 Agreement covering sustainable transport measures and the relevant commuted sum contribution towards the provision of affordable housing following further discussion with the applicant in terms of viability of the scheme and compliance with Regulation 123 of the 2014 CIL Regulations.

There had been one registration to speak in respect of the item:

Kate Bailey, the agent for the applicant stated that despite spoke a previous application on the site no alternative plans for a sustainable development that would sustain the future of the clock tower had been submitted and as a result the vacant buildings had deteriorated. There had also been a number of opportunities for the public to comment on the proposals. She informed the Committee that if planning permission was granted, £36k could be transferred over to affordable housing.

In response to questions from Members she confirmed that a provision of a museum, public access would be pinned down in the Section 106 legal agreement. There would be a void behind the clock and the clock mechanism would be reinstated. The residents within the building would pay a maintenance charge, and in order to supervise public access there would need to be a group identified to organise this. It was confirmed that the applicants were content to discuss further details of this in the Section 106.

Some Members expressed regret that the commercial and community uses of the clock tower were had not been realized, but felt that it would bring much needed housing. They hoped that public access to the tower would be maintained. Other Members highlighted that the original building did not have public access, and felt that a more robust discussions were needed in regards to affordable housing contributions. Finally, some supported the application as they felt unless the scheme was financially viable, the tower would collapse.

Resolved: That delegated authority be given to the Assistant Director for Planning and Public Protection approve the application on completion of the Section 106 legal agreement to secure sustainable transport measures and the relevant commuted sum contribution towards the provision of affordable housing following further discussion with the applicant in terms of viability of the scheme and compliance with Regulation 123 of the 2014 CIL Regulations.

Reason: It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duties outlined in Section 66 and Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act have been fulfilled.

### **37b) The Clock Tower, Bishopthorpe Road, York (16/01647/LBC)**

Members considered a listed building consent application by Mr Andrew McMurtrie for the refurbishment and sub-division of former Clock Tower and Boiler House to form 22no. apartments and Museum Space with associated car parking, landscape works and access from Bishopthorpe Road.

This application was considered at the same time as Plans Item 4a) The Clock Tower (16/01646/FULM).

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

Reason: It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duty outlined in Section 16 of the 1990 (Listed Buildings and Conservation Areas) Act have been fulfilled.

### **37c) 5 Mayfield Grove, York YO24 1HJ (16/00725/FUL)**

Members considered a full application by Mr D Evans for the erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme).

Officers provided an update to Members, full details of which could be found online. This included that the applicant requested a deferral to allow for bat activity to recommence and that the Council's appointed ecologist suggested that further bat surveys were needed on site.

There was one registered speaker and a Member of Council had also registered to speak in respect of this item:

Mark Stothard, the agent for the applicant informed Members that all properties would have off street parking and that the proposal had been revised to address previous concerns raised by Planning Officers. He added that the applicant had only been made aware of a bat survey five months after making the application and that the Council's Ecologist had not been consulted until November.

The Council's Ecologist suggested that an activity survey be carried out in May 2017. Therefore, he requested that the application be deferred in order to give sufficient time for a further bat survey to be carried out.

Councillor Mason, the Ward Member, suggested that parking spaces for the proposed properties were not sufficient, and the height of the proposed dwellings would dominate the surrounding properties. He also highlighted comments from Yorkshire Water over drainage problems in the area.

During debate, Members felt that it would be better to defer the application subject to it being reconsidered by the Committee. They wished to echo the concerns raised by Councillor Mason about overdevelopment on the site.

Councillor Gillies then moved and Councillor Shepherd seconded deferral of the application.

On being put to the vote it was;

Resolved: That the application be deferred.

Reason: To address concerns raised and to allow for a bat survey to be carried out.

**37d) 107 York Road, Haxby, York YO32 3EN (16/01374/FUL)**

Members considered a full application by Mrs P Clarkson for the erection of a dwelling following the demolition of an existing bungalow.

There were two registered speakers and a Member of Council had also registered to speak in respect of this item:

Craig Wilson, a local neighbour spoke in objection. He felt that the design of the proposed house was not in keeping and spoke about the traffic on York Road, in particular construction traffic.

Nick Midgely, the agent for the applicant spoke in support. He informed Members that the height had been reduced from the original proposal in order to match that of 105 York Road, and would have the same style as nearby dwellings.

It had also been orientated in a way so it would not overlook other properties. He confirmed that material from the demolished bungalow could be reused and that the applicants were attempting to mitigate concerns about construction traffic.

Councillor Cuthbertson spoke as the local Member who had called in the application. Although he noted that some concerns from residents had now been addressed by the applicant, parking still remained an issue. He requested that an external treatment be added to the lake facing facade of the house and that it matched the vernacular of those houses that faced York Road.

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

Reason: The replacement dwelling is considered to be acceptable in principle and to be of a scale and design that would not harm the appearance of the streetscene. Furthermore, subject to conditions, there would be no significant impact on residential amenity in terms of loss of outlook, privacy or daylight. The application accords with the national planning policy in the NPPF and relevant policies of the 2005 City of York Draft Local Plan.

**37e) Clifton Technology Centre, Kettlestring Lane, York  
(16/01533/FUL)**

Members considered a full application by Mr Max Reeves for the erection of a terrace of 3no. dwellings on land previously used as car park to the south of the existing building.

There was one registered speaker and two Members of Council registered to speak in respect of this item:

Max Reeves, the applicant informed the Committee that the existing building had been unoccupied for eight years and that the surrounding area of Clifton Moor had a mixed residential use. He circulated a handout at the meeting amongst Members which showed an impression of the dwellings, an internal plan of the building and the area. This was attached to the agenda following the meeting. He added that all trees would be retained and further landscaping works would be carried out.

Councillor Warters spoke about landscaping conditions on the site and how he felt that the reasons given for refusal on the loss of landscape were inconsistent with recent planning decisions. He questioned whether a contribution could be sought for the Parish Council for the loss of the trees.

Councillor Dew, the local Member pointed out that there were other unused offices being developed to residential properties adjacent to the existing building. He felt that the application should be granted as it was infill development as stated in Policy H4a in the City of York Draft Local Plan.

Members entered debate during which the following points were raised;

- The homes were very small and crammed into the site.
- There was a lack of amenity in the area and occupants health and wellbeing should be considered.
- Some of the adjacent properties had remained unoccupied since being built.
- The application would provide affordable housing for city.
- It was not a detracting design.

Councillor Carr then moved and Councillor Orrell seconded approval of the application.

On being put to the vote, it was;

Resolved: That the application be approved with the agreement of the wording of conditions to be delegated to Officers in consultation with the Chair and the Vice Chair.

Reason: The application is considered to be an infill development which would accord with policy H4a of the draft local plan (2005) and would provide much needed new housing in a location where residential conversions of office buildings were making the area more mixed use in character, as such the scheme would not harm the visual amenities of the area or the operation of neighbouring businesses.



**37f) 4 Whitby Avenue, York YO31 1ET (16/01644/FUL)**

Members considered a full application by Ms Beth Moulam for the erection of 1no. dwelling to land to side of 4 Whitby Avenue.

In their update Officers informed Members that they had received comments from the Strategic Flood Risk Engineer to support the surface water drainage scheme. They suggested therefore, that if planning permission was granted that a condition be added to take this into account. It was also suggested that a number of references be revised in Condition 2.

There were three registered speakers in respect of this item:

Mark Alexander, a local resident spoke in objection to the application. He informed the Committee that although the dwelling would be lower than what had been originally proposed it would appear higher due to the close proximity to his property. He felt that it would be out of character with the area. There would be a loss of privacy to other residents from the application.

Beth Moulam, the applicant spoke in support, Powerpoint slides were used to support her case. These were uploaded online after the meeting. She spoke about how the house would be modified for her own needs to support her in her day to day life. This would include amongst other things space for her assistants, home office and a therapy/ training room.

John Howlett, the agent for the applicant informed the Committee how the application site was not in a conservation area or a flood zone. The depth of the property was consistent with houses to the south and the side elevation was 17-21 metres away. The minimum standard allowed was 12-15 metres.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the following additional and revised conditions:

The development hereby authorised shall be carried out in strict accordance with the submitted drainage and surface water management scheme for the site date 6<sup>th</sup> July 2016.

Reason: To minimise flood risk to neighbouring properties and to secure compliance with paragraph 103 of the National Planning Policy Framework and Policy GP15a) of the York Development Control Local Plan.

Condition 2: The development hereby permitted shall be carried out in accordance with the following plans:-

M2W05  
E;MW2W0D;M2W24;M2W06C;M2W21D;M2W08F;M2W23A

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

**37g) Walker Nicholas Architects Ltd, 42 Oxford Street, York, YO24 4AW (16/02111/FUL)**

Members considered a full application by Walker Nicholas Architects Ltd for an extension to an existing building to create additional office accommodation on the first and second floors above rear ground floor parking area, including demolition of an existing garage.

Officers provided an update to Members which related to comments received from the Design and Sustainability Manager, full details were uploaded online after the meeting.

There were two registered speakers in respect of this item:

Adam Kent, a neighbour spoke in objection to the application. He circulated a number of papers to Members, these showed the distance between his property and the dwelling. The papers were uploaded to the online agenda following the meeting. He felt that the opening hours of the building should be limited from 7 am to 8pm and that the height of the building should be no more than three storeys. He also requested that the number of occupants in the buildings be capped and that obscure glazing be used in the lower windows.

Martin Walker, the applicant informed Members how the business had felt that by building the extension on the open car park area they felt it would appear subservient to the main building and it would also enhance the streetscape.

Some Members felt that the operating hours of the use should be restricted. In response, Officers commented that as the application was for an extension to existing building hours would not usually be restricted when the use of the existing building was not restricted.

Some Members felt that obscure glazing should be used in the windows. Officers suggested that as there was some uncertainty over the height of the neighbouring wall it would be advisable to give delegated authority to Officers to approve the application following further investigation into the need for obscure glazing in consultation with the Chair and Vice Chair.

Resolved: That the application be approved and authority be delegated to Officers in consultation with the Chair and Vice Chair, to investigate the need for obscure glazing.

Reason: It is considered that the proposed development would not result in unacceptable levels of overshadowing or overlooking and would adversely impact on the availability of car parking in the area. As such it is considered that the scheme would comply with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and accord with advice contained in within the NPPF and policies E4, HE2 and HE3 of the City of York Council Draft Local Plan (2005).

### **37h) 48 Trafalgar Street York YO23 1HZ (16/02342/FUL)**

Members considered a full application by Mr Stephen Robling for a change of use of dwelling (use class C3) to a House in Multiple Occupation.

Officers provided an update detailing Councillor Gunnell's objections to the application.

These included that the application had the potential to increase parking problems, HMOs had refuse issues, produced unacceptable amounts of noise and would lead to the loss of family housing. Full details were published online following the meeting.

Members entered debate during which the following points were raised;

- There had been no physical changes to the building.
- HMOs were not just inhabited by students, but also by young professionals.
- The particular area was not attractive to students.
- Parking was problematic in the area.
- Families would not move in with multiple numbers of cars.

Councillor Cannon then moved and Councillor Shepherd seconded refusal on the grounds of anti social behaviour and refuse issues.

On being put to the vote the motion fell.

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

Reason: The proposal is considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policy H8 and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Houses in Multiple Occupancy).

**37i) 90 Hull Road, York YO10 3LN (16/02468/FUL)**

Members considered a full application by Mr Chris Cullwick for a single storey rear extension.

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

Reason: The proposal is considered to be acceptable as it complies with the National Planning Policy Framework (2012), local plan policies CYC GP1, and H7 and also advice contained within Supplementary

**37j) 4 Heathfield Road York YO10 3AE (16/02576/FUL)**

Members considered a full application by Mr D Rose for a two storey rear extension, single storey side and rear extensions, hip to gable roof extension and dormer to rear (resubmission).

There was one registered speaker and one Member of Council registered to speak in respect of this item:

Patricia Jackson, a neighbour spoke in objection. She informed the Committee that although the double side extension had been reduced to single storey it would still be overbearing and intrusive and she would suffer overshadowing. The space between her property and the new property would also be minimal.

Councillor Warters spoke in objection. He echoed the concerns of the first speaker, and stated that the extension would be visible from residents from the front and behind. The application he felt amounted to the construction of a House in Multiple Occupation (HMO). He made reference to noise disturbance, over occupation and car parking.

It was suggested that if Members were minded to refuse the application that reasons for refusal be delegated to Officers in consultation with the Chair and Vice Chair.

Councillor Shepherd then moved and Councillor Carr seconded refusal on the grounds that no aspects had changed in the revised scheme and that the neighbours' amenity had been compromised.

On being put to the vote, it was;

Resolved: That the application be refused and authority be given to Officers in consultation with the Chair and Vice Chair to write the reason for refusal.

Reason: The proposed extension represents a significant over development of the site. The proposed rear/side extension in close proximity to the boundary would be

an unneighbourly addition that would result in significant harm to the existing living conditions of no3. Heathfield Road because of its overbearing impact. The two-storey rear element of the extension in conjunction with the ground floor and roof extensions represents a clumsy addition to the dwelling which would appear incongruous with the neighbouring properties resulting in significant harm to the appearance of the dwelling and to the outlook from surrounding dwellings. The proposals are contrary to policy H7 and GP1 of the Development Control Local Plan (2005) and the provisions of the National Planning Policy Framework in particular paragraph 17 which requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.20 pm].