

Meeting	Area Planning Sub-Committee
Date	7 August 2014
Present	Councillors McIlveen (Chair), Douglas, Horton, King, Looker, Fitzpatrick, Galvin (Vice-Chair), Watt, Cuthbertson and Warters
Apologies	Councillor Hyman

Site	Visited by	Reason for Visit
Bert Keech Bowling Club, Sycamore Place	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Garage Court Site at Chaloners Road	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Acomb Wood, Acomb Wood Drive	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Matmer House, Hull Road	Councillors Galvin, King, Looker, McIlveen and Watt	As the recommendation was for approval and objections had been received.
Public Convenience, Exhibition Square	Councillors Galvin, King, Looker, McIlveen and Watt	At the request of Councillor Watson

12. 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.

Councillor McIlveen declared a personal non prejudicial interest in plans item 4f (Garage Court Site at Chaloners Road) as Northern Power Grid (who had been consulted on the application) were a client of his employer.

13. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 3 July 2014 be approved and signed by the Chair as a correct record.

14. 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.

15. 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.

15a) Bert Keech Bowling Club, Sycamore Place, York. YO30 7DW (13/03727/FUL)

Members considered a full application by Mr David Brown for the erection of four two storey dwellings and one three storey dwelling.

Mr Cliff Caruthers had registered to speak on behalf of St Peters School in objection to the application. With regard to flood risk, he stated that the development would result in the loss of a flood plain and expressed concerns at the requirements of condition 9 which were the measures to manage flood risk. His other main concern was the loss of open space land and advised members that there was a shortage of play areas nearby.

He advised that St Peters School would like to build netball and tennis courts on the site, which would also be available for community use, and expressed the view that the land should be retained for sports use.

Mr Martin Stancliffe, a local resident, also spoke against the application due to concerns regarding the loss of open space. He acknowledged that although the site was privately owned, it was designated open space and had been valued as such for many generations. Although the site had been allowed to become wild, the community was in need of a specific sports facility and amenity provided by this open space which he stated should not be developed.

Members acknowledged that the site was currently enjoyed by residents whose houses and gardens looked onto the area but agreed that they had not heard any planning reasons for refusal.

Members did not feel that flood risk was an issue, particularly taking into account the flood barriers along the riverside. They acknowledged the plan put forward by the school to provide sporting facilities on the site but noted that the school had not been able to purchase the land. They agreed that green space was needed but so was additional housing and noted that open space was available close by along the river and in the Museum Gardens.

Members agreed this was a good solution for what had become a derelict site. They felt that the proposed design and layout of the houses was suitable and that the back gardens were sizable.

Resolved: That the application be approved subject to a section 106 agreement.

Reason: The scheme would assist with housing supply in the city, which is a Government priority, and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety. A legal

agreement to secure an open space contribution, secondary school provision and funding of traffic orders, to amend res-parking in the area, has been agreed.

15b) Public Convenience, Exhibition Square, York

Members considered a full application by Healthmatic for a single storey building to provide retail unit (use Class A1) and replacement public conveniences.

Members provided an update on the application, officers provided the following updates on information contained in the report:

- Paragraph 4.9 - Metal gates - replacement gates were now proposed to enable the gates to sit against the wall, and maximise space in the courtyard area. Condition 3 was to be amended to agree replacement gate design.
- Paragraph 4.10 - Door under the steps up to the City Wall - it was now proposed that this door was to be retained and blocked from behind.
- Paragraph 4.11 - DDA requirements for toilets - applicants have confirmed the night toilet would be DDA compliant.
- Paragraph 4.14 - Boundary wall with 1 High Petergate - It was proposed to re-build the boundary wall up to approx 4m. Officers had no objection to this. It was noted consent would be required from the neighbours, under the party wall act.
- Condition 3 - large scale details - require details of roller shutter – There was no need for details of doors, as no new doors were proposed.
- Conditions 5 (brickwork) & 6 (doors under steps) could be deleted. Brickwork would not be prominent from public realm and door was to remain.

Members questioned the decision taken to reduce the number of toilet cubicles from 13 to 7.

Members were advised that the need for improved toilet facilities here had been raised during the public consultation for public realm improvements in Exhibition Square, and the amount of cubicles provided was considered reasonable by the proposed operators Healthmatic and the city council as client had not disagreed with this.

With reference to paragraph 4.11, Members asked for clarification on which toilets were DDA compliant and which would be wheelchair accessible. Officers advised that there was one wheelchair accessible cubicle, but that the night toilet would not be wheelchair accessible.

Councillor Brian Watson, who had called in the application to committee to assess the impact on listed buildings and consider the proposed retail development, addressed the committee. He advised members that the present facility comprised 13 toilets as well as urinals. He stressed the important role of urinals stating that 60 percent of male users of public conveniences use urinals. He questioned whether a reduction to 7 toilet cubicles was really sufficient to meet needs. He drew members attention to paragraph 4.3 of the report which stated that Section 70 of the NPPF advised that planning decision should aim to achieve places where there is “no unnecessary loss of public facilities” and questioned whether a reduction from 13 to 7 was in accordance with that advice. Finally he voiced the opinion that the window to the retail unit was alien to Bootham Bar itself.

Members asked what work had already taken place at the site. Officers advised that the original building had been demolished in line with planning permission granted by City of York Council. They explained that the Planning Act allows scheduled ancient monument consent to take precedence over listed building consent. As the site has scheduled ancient monument consent from English Heritage, the listed building consent application had been withdrawn as it was not necessary.

Charlotte Harrison, the agent for the applicant, was present at the meeting in order to answer any questions from Members. She provided the following information:

- the night toilet would have a level threshold and the door was wide enough to make it DDA compliant. It would be available for all users and would not operate with a radar key. However it was not possible to make the night toilet

wheelchair accessible due to space constraints. However there was a new changing place facility due to open nearby at Union Terrace Car Park.

- Heathmatic were providers of WCs in the city and had been in discussion with CYC for several years leading up to this application.
- The quality of former facilities had fallen as they hadn't been maintained for a number of years. The proposed replacement facilities would be easier to maintain due to the reduction in cubicles.
- The night WC in the former facility had never been wheelchair accessible. We are working with a restrictive site and are meeting DDA requirements.

Members accepted the need to improve toilet facilities at Exhibition Square and were on the whole supportive of the proposals, however acknowledged the concern over night time use by wheelchair users. Some Members expressed the view that when designing a new facility, one should hope for 24hr access for disabled people and expressed concern about the lack of a night time wheelchair accessible toilet. They expressed concern that there didn't appear to have been any consultation with disabled access groups.

One Member expressed concern regarding the introduction of unisex facilities and stated that men preferred the option to use a urinal.

Members expressed pleasure that the proposals would expose the Roman wall with use of glass ceiling as well as the Victorian part of the wall.

Councillor Horton moved and Councillor Cuthbertson seconded a motion to approve the application.

Councillor Warters moved and Councillor Fitzpatrick moved a amendment to defer the application. On being put to the vote, this motion fell.

The agent for the applicant advised the Committee that the wheelchair accessible toilet and night time toilet may be interchangeable so that the wheelchair accessible toilet could be open 24 hours. Officers advised that if Members wanted to ensure that the night time toilet to be wheelchair accessible, they would need to defer the application to seek amended plan.

However the other option was to approve the application with an informative to ask the agent to go away and look at the feasibility of making the night time toilet wheelchair accessible.

Resolved: That the application be approved subject to the conditions listed in the report, the amended condition below, the deletion of conditions 5 (brickwork) and 6 (doors under steps) and the addition of an informative to ask that consideration is given to the night-toilet being made wheelchair accessible.

Amended 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 the development and the works shall be carried out in accordance with the approved details.

- Sections and plans through the cladding and glazing, to include connections to the stone walls
- Roller shutter
- Glazed window within the stone arch (the framing must be hidden from external view)
- Entrance gates
- Paving pattern (including relationship to existing)
- External lighting
- Signage (note listed building consent would be required to fix any signage to listed structures).

Reason: To sustain the significance of heritage assets in accordance with section 12 of the National Planning Policy Framework.

Reason: The proposal in principle is compliant with planning policy. Subject to planning conditions, the development would be of acceptable appearance; the character and appearance of the conservation area would be preserved, and there would be no undue effect on amenity.

**15c) Spar Stores, Turner Close, York. YO31 9FD
(14/01039/FULM)**

Members considered a major full application (13 weeks) by James Hall & Co Ltd for the variation of condition 14 of permitted application 11/03269/FULM to allow deliveries to the retail store from 07.00 hours.

Officers confirmed that this was the only change to the existing permission which if approved would allow deliveries one hour early than at present.

Members noted that the Environmental Protection Unit had objected to the application as they felt it would lead to a loss of amenity for the residents living closest to the loading bay area.

Mr Alan Croston, the agent for the application, spoke in support of the application. He stated that the shop had very few deliveries, comprising normally one spar lorry each weekday and other visits delivering fresh bread etc and a refuse collection. The reason for the application was to provide more flexibility in delivery hours so vehicles could respond to traffic conditions and avoid congestion which would allow the store to get the shelves stocked as early as possible. He pointed out that other stores nearby were allowed to accept deliveries from 7.00am and the road was already busy by 7.00am.

The only concern raised by Members was the issue of potential noise from delivery vehicles when reversing. However no objections had been made to the application by neighbours.

Resolved: That the application be approved subject to a section 106 agreement.

Reason: The proposal is to allow delivery times to be consistent with the store opening times between Mondays and Saturdays. The 07.00 opening time is regarded as day-time and there would not be an undue impact on residential amenity. Planning permission would replace the 2011 permission. As such the previous legal agreement will need to be updated and the relevant planning conditions re-applied.

15d) Matmer House, Hull Road, York. (14/01149/FUL)

Members considered a full application by Mr A Choudhury for a single storey rear extension to retail units 1,2,3,5,6 and 7 (resubmission).

Officers advised that condition 6 should be revised to read:

Prior to the commencement of the development hereby authorised full details of all facilities for the treatment and extraction of cooking and other odours and other air handling facilities shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a detailed plan of at least 1:50 scale identifying the precise location of the plant to be installed. Once approved each item of plant shall be fully installed and operational prior to the extensions hereby authorised being first brought into use and shall be maintained as such thereafter.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Condition 10 should also be revised to include the need for the housing of a top opening Euro Trade Waste Bin.

Councillor Barnes, who had called in the application, had submitted a written representation to the committee as he was unable to attend the committee meeting to address the committee as ward member. His statement had been circulated to Members prior to the meeting together with his original letter to officers calling in the application. He made the following points:

- Previous application for this site was unanimously rejected by members.
- 2 applications have been submitted for this site – this and one other which has already been rejected under delegated powers
- Decision to call in applications is due to the scale of the development, it's previous history and members previous decision.
- Site is in sore need of development and gives support for responsible development of the site,

- This is still a largely residential area with a number of nearby properties so need to ensure residents' concerns are fully considered as well as view of Hull Road Planning Panel.

Mr Daniel Clubb, a neighbour, had registered to speak in objection to the application. Ms Deborah Rhodes, another resident, had also registered to speak but she confirmed she was happy that Mr Clubb would cover the concerns she wished to raise in his presentation so withdrew her request to address the committee. Mr Clubb asked the committee to consider the living conditions for the resident of 277a Melorsegate which was a ground floor flat overlooking Matmer House yard. He stated that the flat only had 2 windows and these both overlooked the yard. Further more, the proposals would lead to a loss of light and aspect for nearby properties. He expressed concern about future plans for student accommodation on the site and expressed the view that the regularisation of bin storage and car parking could be achieved without the need for flats.

Officers provided clarification to the committee and explained that the other application which had been referred to by Councillor Barnes and the previous speaker was for a certificate of lawfulness to seek CYC agreement to use the upper floor of the existing shops as student accommodation. This had been refused as the planned use did not fall within permitted development rights. Members were reminded that they had to deal only with the application in front of them.

Mr Choudry, the applicant, then spoke in support of his application. He assured members that if approved the proposals would improve the service and parking area which currently suffered from fly tipping. He explained that, at present, the shop units did not have customer toilet facilities, and this extension would provide additional space for this as well as a bin storage area. He advised the committee that he was mindful of his neighbours and had listened to their concerns and would endeavour to minimise any noise and disturbance during development.

Some Members felt that this application would be better considered along with any other relevant applications for this site in order that an informed decision could be made on the whole site, but acknowledged that they could only make a decision on the application in front of them.

Members agreed that the site needed improving and the proposals would enable this to happen.

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

Revised Condition 6:-

Prior to the commencement of the development hereby authorised full details of all facilities for the treatment and extraction of cooking and other odours and other air handling facilities shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a detailed plan of at least 1:50 scale identifying the precise location of the plant to be installed. Once approved each item of plant shall be fully installed and operational prior to the extensions hereby authorised being first brought into use and shall be maintained as such thereafter.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Revised Condition 10

Prior to the commencement of the development hereby authorised full details of the proposed bin stores including details of the means of enclosure and any gates shall be submitted to and approved in writing by the Local Planning Authority. Such details shall also provide for the housing of a top opening Euro Trade Waste Bin. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Reason: The existing parking and servicing yard is poorly maintained and detracts from the wider amenity of the area.

The proposal is however single storey and has been amended to ensure that the impact upon adjacent properties notably 277 Melrosegate can be restricted to an acceptable level. At the same time the proposal creates the opportunity to regularise the layout of the yard whilst providing formal bin storage and lighting.

15e) Acomb Wood, Acomb Wood Drive, York (14/00790/GRG3)

Members considered a general regulations (Reg3) application by City of York Council for the construction of an additional footpath from Ashbourne Way to Quaker Wood Pub and the extension of an existing path from Girvan Close to Lomond Ginnel.

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

Reason: It is considered that the proposed path would not have any detrimental impact upon the amenities of nearby residential properties and the surfacing would not have any detrimental impact upon the character of the area.

15f) Garage Court Site at Chaloners Road, York (14/01191/FUL)

Members considered a full application by City of York Council for a residential development to include six apartments and two houses with associated parking and landscaping.

Officers provided an update in respect of consultation responses. They stated that the Internal Drainage Board had advised that the revised layout would not present any issues and therefore they did not object to the scheme. However they awaited further information in respect of surface water drainage. Officers advised the Committee that condition 4 required further details prior to the commencement of development.

Officers advised that Northern Power Grid had confirmed that they had no objections to the application.

With regard to the which flood zone the site was within, Officers confirmed that although the site was currently shown as being within Flood Zone 3 (FZ3) on Environment Agency flood maps, the applicant had undertaken a topographic survey which demonstrated that the site should be in flood zone 1. Officers confirmed that both the Environment Agency and flood risk officers were happy with the scheme.

Andy Kerr, the Council's Housing Strategy Manager and Helen Humphrey-Atkins, the Council's Senior Architect were in attendance at the meeting. In response to a question from Members they confirmed that the entrance to the apartments was secure.

Members acknowledged that there were other three storey developments further up Chaloners Road, and agreed that the development would provide some much needed housing.

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

Reason: The site is brown field site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. It is noted that the Environment Agency accepts the submitted modelling demonstrating that the site is in fact at a low risk of flooding. The proposal would deliver affordable homes (built to Code Level 4) of the type needed within the City. In design terms, the scheme would be contemporary and it is considered that it would be of innovative design adding interest to the streetscene. There would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents. Because the City Council can not enter into a Section 106 Agreement with itself, a letter has been provided by the Head of Housing Services confirming that the a contribution of £ 7,524 towards amenity space and sports facilities in the locality will be made.

16. 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 2014, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

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 McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.25 pm].