

Meeting	Planning Committee B
Date	26 February 2025
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Fenton, Melly, Nelson, Orrell, Vassie and Warters
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Lawyer Jodi Ingram, Lawyer

60. Apologies for Absence (4.31 pm)

None were received.

61. Declarations of Interest (4.31 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

None were received.

62. Public Participation (4.32 pm)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Ben Ffrench, a resident, highlighted York's housing emergency, noting that there were approximately 1500 families waiting for housing. He stated that social and affordable housing should be a priority. He made reference to the applications on the agenda, and suggested that, in relation to item 4a, the affordable housing development at Askham should be started in preference to the temporary health centre. He welcomed the proposed development of five homes for item 4b, noting that five households will be given a permanent home as a result.

63. Plans List (4.36 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers. Item 4b was considered first due to the number of public attendees for this item.

64. Askham Bar, Tadcaster Road, Dringhouses York [24/02106/FULM] (6.10 pm)

Members considered a major full application by Nimbus Care for the retention of temporary buildings and erection of additional temporary structures as a Primary Care Medical Centre (use class E(e)) with associated parking and access for a period of 24 months.

The Development Manager gave a presentation on the plans and confirmed that there was no further update to the officer report.

In response to questions from Members, it was reported that:

- Provision for accessible cycle parking could be included by a condition should Members feel it was reasonable and necessary.
- The travel plan makes no provision for which patients were referred to which facility based on their location.
- Should the plans for housing be brought forward, the lease could be terminated; the applicant was not gaining any use rights from the series of planning permissions.

Members expressed a desire for an informative in relation to the referral of patients to their nearest site.

Following a brief debate, Cllr Warters proposed the officer recommendation to approve the application, and this was seconded by Cllr Vassie. On being put to a vote, Members voted unanimously in favour of the application, and it was therefore:

Resolved: That the application be approved subject to an amendment to condition five, to require the provision of accessible cycle parking and an informative requesting that the scheduling of appointments take into account the geographical location of the patient.

Reason: The application relates to the former Askham Bar Park and Ride, a brownfield site allocated in the Draft Local Plan 2018 (Policy H1) as a proposed location for housing. The site is currently in use as a temporary care centre, established as part of the Class A emergency plan for the use as a Covid vaccination centre in 2020. The continued temporary use of the site for health care purposes notwithstanding the previous time limited consent, retaining and partially expanding the existing area of modular buildings is considered acceptable in principle. The site is in a sustainable location and there would be no harm to visual or neighbour amenity. The application is in accordance with draft Local Plan policy HW5, T1, D1 (as modified) and the relevant provisions of the NPPF.

65. Garages at Hawthorn Terrace South, New Earswick, York [23/01879/FUL] (4.36 pm)

Members considered a full application by Joseph Rowntree Housing Trust for the erection of 5no. dwellings following demolition of existing garages with associated access, parking and landscaping.

The Development Manager gave a presentation on the plans and provided an update to Members which contained additional consultation responses, an additional representation and a correction to the report, noting that there was no change in the planning balance. The update also included an additional condition to remove permitted development rights for the construction of front garden boundary walls and fences in the interests of the character and appearance of the conservation area.

In response to questions on the plans, the location of the trees that were to be removed was identified and rear boundary was clarified. The officer confirmed that no further update had been received from Highways.

Public Speakers

Virginia Shaw spoke in objection, on behalf of residents, to ask the committee to refuse the application. She stated that five homes made no material difference to housing targets and the loss of mature trees was not mitigated by the new planting scheme. She felt the site could be better used to provide additional green space and parking.

In response to Member questions, she stated that there was an existing problem with congestion and access with cars parking on the terrace from surrounding roads that had no on street parking

Janice Pegg also spoke in objection on behalf of residents and raised concerns around access for emergency vehicles, noting that the road was congested at evenings and weekends as several roads needed to park in Hawthorn Terrace.

In response to questions from Members, she reported that six properties on Ivy Terrace could only be accessed from Hawthorn Terrace South. There was often nowhere to park cars and the garage area was often full up with parked cars at night.

Kathryn Jukes, the agent for the applicant, spoke in support of the application and noted that they had previously requested deferral, so that they could incorporate energy saving measures. She explained that they believed the community orchard was a suitable replacement for the trees that were to be removed and confirmed that all tenants of the garages had been relocated if they had requested to do so.

In response to questions to Members she explained the following:

- The detailed landscaping scheme was conditioned, and maintenance would be dealt with by Joseph Rowntree.
- The garages were no longer practical for cars had been mostly used for storage in recent years; many of the leaseholders were not local residents; at the time of preparing the application two of the garages had been used for parking cars.
- Joseph Rowntree Housing Trust took a consistent approach, conserving the key principles of the development and acknowledging current needs.
- Inline solar panels were considered but discounted as should the system need replacing in the future the roof would need replacing.
- The parking spaces were standard size, EV charging options were being explored.

During further questions to officers, the following was reported:

- Double yellow lines had not been recommended by Highways.
- Windows at a 45-degree angle mitigates harmful overlooking.
- It was not possible to link the green space provision within another application with this one.
- The application pre-dates the current biodiversity net gain requirements.

- The loss of green space in the application was considered minimal and had been considered in the officer assessment of the planning balance.

The officer had visited the site on 3 evenings in the preceding week and reported that the garages were already out of use and while Hawthorn Terrace South was heavily parked and there was some double parking in the layby, there were additional parking spaces within the vicinity. He confirmed that there was some parking available during the evening.

Following debate, Cllr Melly proposed the officer recommendation to approve the application, and this was seconded by Cllr Baxter. Members voted seven in favour and two against, it was therefore:

Resolved: That the application be approved, subject to the amendments contained within the update.

Reason: The proposal would provide 5no. two-bedroom affordable houses (to rent) all of which would be provided by a Registered Social Housing Provider. This is in excess of the policy requirements for affordable housing for a development of this size. This has significant weight in the planning balance. Other benefits include; the utilisation of previously developed land for residential development in a sustainable location, removal of the uncharacteristic garages, suitable landscaping and parking for new occupiers and visitors.

Less than substantial harm has been identified to New Earswick Conservation Area (spaciousness reduced due to increase in built form, lack of pavement/grass verge and the visual impact of cars in the vicinity). Moderate harm has been identified from the loss of 4no. category B trees which are worthy of protection. Limited harm arises from the loss of a small proportion of open space (which is not replaced elsewhere).

The design and layout of the proposal is considered appropriate for the setting. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. The proposal is not considered to have a detrimental impact on the highway network and garage occupiers have been given the opportunity to relocate. Due regard has been given to the Public Sector Equalities Duty. Matters such as ecology, landscaping,

sustainability, drainage, amenity and trees can be addressed by condition.

In the planning balance the provision of affordable housing and proposed public benefits are considered to outweigh the identified harms. In coming to this conclusion, considerable weight and importance has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and preserving the listed buildings or their setting. As such the development would accord with paragraph 215 of the NPPF and policy D4 of the Draft Local Plan (2018). The benefits would also overcome the conflict with policy identified at 5.69(b) and 5.69(c).

[6.06-6.10 pm, the meeting adjourned.]

Cllr B Burton, Chair

[The meeting started at 4.31 pm and finished at 6.31 pm].