

Meeting	Planning Committee B
Date	18 July 2023
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fisher (Substitute for Cllr Waudby), Melly, Orrell, Vassie and Warters
Apologies	Councillor Waudby
Officers Present	Gareth Arnold, Development Manager Erik Matthews, Development Management Officer Natalie Ramadhin, Development Management Officer Sandra Branigan, Senior Solicitor

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#### **10. Declarations of Interest (4.38 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.

In relation to items 4 d (129, Osbaldwick Lane, York, YO10 3AY) and 4 e (9 St Marys Grove, Osbaldwick, York YO10 3PZ), Cllr Warters noted that he had called in both applications and stated that he intended to approach the applications with an open mind.

#### **11. Minutes (4.38 pm)**

Resolved: That the minutes of the last meeting held on 14 June 2023 be approved as a correct record.

#### **12. Public Participation (4.39 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **13. Plans List (4.39 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.

### **14. Macmillan House, 60 York Road, Acomb, YO24 4NW [22/01840/FULM] (4.39 pm)**

The Committee considered a major full application by Mr Christopher Goodman for the conversion of building from 17 self-contained bedsit flats to 8no. self-contained flats; erection of 2no. bungalows to rear and associated car parking and cycle storage.

The Development Manager gave a presentation on the plans and the Development Management Officer provided an update which amended the refusal reason 1 to the following:

It is considered that the erection of the bungalows and consequent loss of the garden would harm the setting and character of a Grade II listed building (60 York Road) by virtue of the loss of its present pleasant domestic character and ambience together with the introduction of an alien form of development with a highly prominent roof form in the highest part of the site. The proposed development would also result in harm to the character and appearance of Acomb Conservation Area by virtue of disruption to the pattern of historic plots and the loss of important views across the site. There is no clear and convincing justification in support of the proposal, and the harm is not considered to be outweighed by public benefits of the scheme, and therefore the proposed development would conflict with paragraphs 199 - 202 of the National Planning and Policies D4 and D5 of the (2018) Draft City of York Local Plan.

In response to Members, it was confirmed that the objection to the application related principally to the loss of the garden area.

[4:40 pm Cllr Baxter joined the meeting, she therefore took no part in the discussion or vote relating to items 4a & 4b]

Following a short debate, Cllr Warters proposed the officer recommendation to refuse both the applications for item 4a and 4b. This was seconded by Cllr Fisher.

On being put to the vote, Members voted unanimously in favour of the recommendation, and it was therefore:

Resolved: That the application be refused.

Reason: The application site is a Grade II Listed Late Georgian villa currently in use as 17 bedsits within the Conservation Area. Planning permission is sought for the erection of two bungalows within the existing garden and the conversion of the existing house to 8 flats. It is considered that the proposed bungalows result in less than substantial harm to the significance of the listed building and the character and appearance of the conservation area. Having special regard to the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and giving great weight to the identified harm, it is considered that the harm is not outweighed by public benefits. The proposal would also fail to provide an inadequate standard of amenity for prospective occupants of the proposed properties. The proposal is considered to be contrary to the National Planning Policy Framework and policies D4, D5 and ENV2 of the Draft Local Plan.

**15. Macmillan House, 60 York Road, Acomb, YO24 4NW  
[22/01841/LBC] (4.39 pm)**

Members also considered the application for Listed Building Consent for the Internal and external alterations in association with conversion of 17 no. self-contained bedsits to 8no. self-contained flats, alongside item 4a.

Cllr Warters proposed the officer recommendation and this was seconded by Cllr Fisher. Members voted unanimously in favour and it was therefore:

Resolved: That the application be refused.

Reason: Listed Building Consent is sought for the conversion of the premises from 17 bedsits to 8 apartments involving alteration to the existing internal pattern of subdivision. Two specific areas of harm to the significance of the internal layout have been identified. The servant's stair leading to the attic would be severed in its central section and the insertion of an entrance hall would undermine the legibility of the first-floor bay windowed room. Having

regard to the statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 199 of the NPPF, great weight is attached to the identified harm to the listed building. No detail in terms of viability has been provided and no other case for public benefits to otherwise balance the identified harms has been provided. The proposal is contrary to policy D5 of the emerging Local Plan and paragraph 202 of the NPPF.

## **16. Principal York, Station Road, York, YO24 1AY [22/02629 FULM] (4.55 pm)**

The Committee considered a major full application by Mr Gregor MacNaughton for the erection 4 storey extension building to provide 41 bedrooms, reception/entrance space, reconfigured car parking and landscaping.

The Development Manager provided a presentation on the application and the Development Management Officer gave an update as follows:

### Additional Consultation Response

CYC Landscape Architect

The Landscape Architect notes the impact of the proposed development appears to be very similar to the proposals that have previously been approved (15/02596/FULM and 19/01322/FULM). The Planting Plan EA\_1545\_PL\_500 Rev. A is acceptable. This comment is reflected in condition 6 and 7.

### Additional Information

The following additional information has been received by the Agent with regards to waste storage and collections:

The existing waste strategy will be maintained with bins being collected from the service lift that opens up on to Station Road loading area.

In response to questions from members, officers reported the following:

- Condition 7 could be worded to cover the new trees on the plan for the lifetime of the development, however, the trees would be protected by the conservation area.
- Conditions 27 & 28 are in accordance with the Draft Local Plan and should not be removed as these are designed to give certainty to planners. If the conditions were not met, developers would have to provide a report and explain why BREEAM targets were not feasible.

- Highways had specified the use of York stone; it would be of an appropriate specification for the highway.
- The design of the parking arrangements and the turning circle were matters for the hotel management.
- There was considered to be no harmful impact on the city walls.

Following debate, Cllr Warters moved the officer recommendation to approve the application, with condition 7 (planting scheme) amended to remove the reference to 5 years. This was seconded by Cllr Fisher.

With 8 members voting for the proposal and 1 abstention, it was therefore:

Resolved: That the application be approved.

Reason: This proposal is a re-submission of planning permission 19/01322/FULM which expired in December 2022. Minor changes to the originally approved drawings are proposed to the landscaping and lower ground floor rooms. The local plan context has changed since the original submission, in terms of the weight to be attached to draft policies and the conclusion of the main modifications consultation (March 2023). The relevant policies of the Draft Local Plan have been detailed within the appraisal. It is considered that there have been no significant changes to the policy context in the intervening period to the 2019 approval to warrant a different appraisal of the scheme, apart from the consideration of biodiversity enhancements in line with paragraph 174 (d) of the NPPF (2021). The previous planning permission carries significant weight in the decision making process.

The application would provide 41 no. additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. The new building has been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. The development would respect the host Listed Building and its setting. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced within the Conservation Area. There is considered to be no harm to the setting of the listed building or the character and appearance of the conservation area. All other issues, such as archaeology, amenity, sustainability,

ecology, construction and flood risk, are satisfactorily addressed either within the plans or are dealt with via a condition.

The application accords with national planning policy set out within the National Planning Policy Framework and policies of the Draft Local Plan (2018). The application is therefore recommended for approval subject to conditions.

[5:28 – 5:34 pm the meeting was adjourned for a comfort break]

**17. 129 Osbaldwick Lane, York YO10 3AY [23/00540/FUL]  
(5.39 pm)**

The Committee received a full application from Mr C Brown for a single storey rear extension and dormer to rear.

The Development Manager gave a presentation on the plans and provided the following update:

Bat Report

A bat report had been received from the applicant. Property and emergence surveys had been undertaken. The building has low suitability for roosting bats. The property does not support a bat roost. The impact to roosting bats from the extension and new dormer is considered to be negligible.

Additional letter of objection

This letter commented on waste left out to the rear of the property.

It was confirmed that the additional information had been assessed and the officer's recommendation remained for approval subject to the conditions within the report.

In response to members question it, was reported:

- Discussions were ongoing on how best to approach bat surveys.
- Under use class C4, the property could be occupied by up to 6 people. The HMO license was currently for 5 people, it would need to be updated, should one of the communal rooms be converted to an additional bedroom and the occupancy increased to 6.
- The planned changes do not adversely impact the local area and building; the existing living conditions would be improved.

- The property had an existing certificate of lawfulness that covered the cycle and bin storage.

Following debate, Cllr Melly proposed the Officer recommendation to approve the application. This was seconded by Cllr Hollyer. Members voted 8 in favour of the proposal and 1 against, it was therefore:

Resolved: That the application be approved.

Reason: The proposals are small scale and are not considered to result in harm to residential or visual amenity. As such the proposal is considered to comply with NPPF policy, policy D11 of the emerging Local Plan and guidance with the SPD.

**18. 9 St Marys Grove, Osbaldwick, York, YO10 3PZ  
[23/00532/FUL] (6.05 pm)**

The Committee received a full application by Mr Nikolai Krasnov for the change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4).

The Development Manager gave a presentation on the plans and explained the parking arrangements which was the reason for limiting the number of occupants to 4 people. He responded to questions from members as follows:

- As it was possible for rooms to be double occupied, the number of people, and by implication, the number of cars, had been specified in condition 4.
- Paragraph 8 of the emerging local plan specified high standard accommodation, large enough to accommodate the number of residents. Policy H8 of the NPPF (National Planning Policy Framework) made provision for sufficient storage space.

Following debate, Cllr Melly proposed the Officer recommendation, subject to an amendment to condition 4, whereby the number of bedrooms were to be limited to 4, rather than the limit placed on the number of tenants. There was no member willing to second this motion.

Shortly thereafter, Cllr Fisher proposed the Officer recommendation with no amendments, this was seconded by Cllr Hollyer. Members voted, 4 for the motion and 5 against, the motion therefore fell.

Cllr Warters then proposed a reason for refusal, that the application was detrimental to residential amenity. This was seconded by Cllr Orrell. Members voted 4 in favour and 5 against the motion, therefore this motion also fell.

[6:54 – 7:05 pm the Chair took an adjournment to take advice from Legal on procedural matters relating to the meeting processes]

Following the adjournment and further debate, Cllr Melly moved the Officer recommendation to approve the application. This was seconded by Cllr Hollyer. On being put to a vote, members voted 5 for the motion, 3 against and 1 abstention, it was therefore:

Resolved: That the application be approved.

Reason: The application property is considered to be appropriate for the needs of future occupants within a 4.no. bedroom small HMO. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The existing density levels of current HMO's is below the policy threshold (at both Street Level and Neighbourhood Level). Therefore, the proposal is considered to comply with policy H8 of the 2018 draft Local Plan and the requirements of the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy.

Cllr B Burton, Chair

[The meeting started at 4.35 pm and finished at 7.24 pm].