

Meeting	Planning Committee
Date	19 January 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters

63. Site Visits

Application	Reason	In Attendance
French House (Antiques) Ltd, North Warehouse, North Lane, Huntington	To allow Members to familiarise themselves with the site which was located in the greenbelt	Cllrs Boyce, Cullwick, Cuthbertson, Dew, Galvin and Reid
Stockton Hall Hospital, The Village, Stockton on the Forest	To allow Members to familiarise themselves with the site which was located in the greenbelt	Cllrs Boyce, Cullwick, Cuthbertson, Dew, Galvin and Reid
Brick Farm, Benjy Lane, Wheldrake	To allow Members to familiarise themselves with the site which was located in the greenbelt.	Cllrs Boyce, Cullwick, Cuthbertson, Dew, Galvin and Reid
The Guildhall, Coney Street, York	To allow Members to familiarise themselves with the site	Cllrs Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Galvin and Reid
Aviva, Yorkshire House, 2 Rougier Street	To allow Members to familiarise themselves with the site	Cllrs Cullwick, Cuthbertson, D'Agorne, Dew, Galvin and Reid

64. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have in the business on the agenda. None were declared.

65. Minutes

Resolved: That the minutes of the last meeting held on 14 December 2016 be approved and then signed by the Chair as a correct record.

66. 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 Planning Committee.

67. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

The Council's Senior Solicitor (Planning) advised Committee Members that the first three items to be considered all concerned proposals for development within the Green Belt. She read out a briefing note which reminded Members of the relevant legal and policy tests which applied to these applications.

68. Stockton Hall Hospital, The Village, Stockton On The Forest, York, YO32 9UN (16/02096/FUL)

Members considered a full application by Mr Terence Warom for the formation of an additional car parking area for 20 vehicles behind an area of woodland adjacent to the existing parking area.

Officers drew Members' attention to paragraph 4.15 of the report which referred to the impact of the proposal on trees. She advised Members that the landscape officer had asked for a revised plan moving development out of the root protection zone and that that plan had been received. In view of this, she proposed that the new plan SK01/16/C revision 4 replaced the proposed car park extension revision C which was listed in condition 2 (Plans).

Members noted Officers recommendation for approval and agreed that the applicant had demonstrated very special circumstances relating to the need for additional car parking on site and that these clearly outweighed the harm to the Green Belt.

Resolved: That the application be approved subject to the conditions listed in the report and the amendment to condition 2.

Amended Condition 2

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

Boundary and car park plan

Proposed car parking SK01/16/C Rev 4 Received 19/01/17

Grassguard installation details

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

Reason: The minimal and certainly less than substantial harm to the conservation area and setting of the listed building must be weighed against the public benefits of the proposal which in this case would be the creation of additional off-street parking which would encourage parking within the site rather than on the public highway. In this instance it is considered that the public benefits of providing additional off-street parking in a secluded area away from the listed building while relieving current parking pressures clearly outweigh the harm (even when considerable importance and weight is attached to the preservation of the significance of these heritage assets).

In the circumstances of this case the need for the parking area is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm, such that they amount to very special circumstances. There are also no other material planning considerations that would warrant refusal of the application.

68a French House (Antiques) Ltd, North Warehouse, North Lane, Huntington, York (16/02587/FUL)

Members considered a full application for a single storey extension to the showroom and antiques restoration building to form a furniture storage area.

Mr Stephen Hazell, the owner of French House (Antiques) Ltd, addressed the committee in support of the application. He informed Members that the business had grown year on year and was now the leading supplier of French antiques in the country. He explained that he wanted to continue operating the business from York but needed additional space in order to expand the business and be able to employ more people. He advised the committee that the building would be screened on all sides with existing and proposed new trees. He explained that they had looked to moving to another site but that as a small family business they couldn't afford the logistics of moving to a completely new site in a more expensive location. He advised the Committee that their only option, if the application was refused, would be to transfer the business to Easingwold.

Members noted the reasons for the proposals put forward by the applicant but acknowledged officers views that the reasons put forward as very special circumstances were not special enough to outweigh the harm to the green belt from inappropriateness and harm to openness. Councillor Galvin moved, and Councillor Boyce seconded, a motion to defer the application to give the applicant the opportunity to work with officers to strengthen the reasons which were being put forward as special circumstances.

Some Members were of the view that a local business should be allowed to expand, that this was a relatively modest extension of buildings which didn't look too different to agricultural storage units which could be found on a farm. They

stated that they did not feel that this would cause harm to the greenbelt and acknowledged that that alternate premises of this nature were hard and expensive to come by with additional moving costs. They noted that the expansion would lead to employment of four additional staff.

Some Members, however, felt that the applicant had not put forward special circumstances and that he could relocate his business elsewhere as it did not need to be in a rural location. They noted that the landscaping at the front of the site screened the site from the highway but that the site was visible from the A64 which ran to the East of the site and new development would be visible from there.

After further debate, some Members agreed that the reasons the applicant had put forward constituted very special circumstances but accepted that they could have been articulated more clearly and strongly by the applicant in the planning application. Councillor Galvin withdrew his motion to defer the application (supported by Cllr Boyce who had seconded the original motion to defer).

Councillor Warters then moved, and Councillor Galvin seconded, a motion to approve the application with appropriate conditions on the grounds that the applicant had demonstrated very special circumstances which outweighed the harm to the green belt, with these very special circumstances:

- View of building from A64 would be improved due to additional screening by trees
- Economic benefit - retention of existing business is good for York's economy
- Difficulties in relocating the existing business within the city on grounds of cost
- Expansion would mean employment of 4 additional members of staff
- If business moved out of York, site may become derelict

Officers advised Members that, if approved, relevant conditions would need to be agreed. Members requested that the landscaping condition applied to the lifetime of the development and that the applicant be requested to include native species and evergreens to reduce views of the site from the A64 all year round.

Resolved: That delegated authority be granted to officers to determine the precise wording of conditions to cover the time limit for development; approved plans; materials; highway conditions re redundant access; cycle parking; layout of car parking; drainage; removal of outbuildings; and landscaping, and then to approve the application subject to those conditions.

Reason: Members considered that the applicant had demonstrated very special circumstances which outweighed the harm to the Green Belt, and any other harm, with the very special circumstances as follows :-

- View of building from A64 would be improved due to additional screening by trees
- Economic benefit - retention of existing business is good for York's economy
- Difficulties in relocating the existing business within the city on grounds of cost
- Expansion would mean employment of 4 additional members of staff
- If business moved out of York, site may become derelict

69. Brick Farm, Benjy Lane, Wheldrake, York, YO19 6BH (16/02583/FUL)

Members considered a full application by Mr Raley for the siting of three grain silos to be converted for use as holiday accommodation.

Officers provided a detailed updated on the proposals. They advised that, since the report had been prepared, a detailed consultation response had been received from the Authority's ecologist expressing serious concern in respect of the lack of information with the application in relation to impacts upon local ecology and biodiversity arising from the proposal. It was indicated that the surrounding area comprised suitable habitat for both the Great Crested Newt and species of bat whose habitats were protected by law. Paragraph 118 of the National Planning Policy Framework indicated that very substantial weight should be afforded to any potential harm to such habitat in these circumstances and that permission should be refused if

it could not be demonstrated that the harm could be effectively mitigated. Officers confirmed their recommendation that planning permission should be refused for the additional reason that “Insufficient information had been submitted with the application to enable a substantive assessment of the impact of the proposal upon the habitat of protected species and any necessary mitigation to be undertaken contrary to paragraph 118 of the National Planning Policy Framework.”

Officers also advised that a detailed letter had been circulated on behalf of the applicant but felt that this did not address the requirements of paragraph 87 and 88 of the National Planning Policy Framework, in terms of demonstrating a case for “very special circumstances” that would outweigh any harm arising from the development by reason of inappropriateness or any other harm. At the same time the requirements of paragraph 118 of the National Planning Policy Framework in respect of safeguarding the habitat of protected species had also not been addressed.

Lastly, officers advised that they had just received comments from the council’s highways officers who had indicated that the access, which was quite substantial, did not connect directly to the public highway but instead to a public bridleway. There were implications with regard to the maintenance and usage of the bridleway and how that access would operate which could not be assessed on the basis of the information submitted. They therefore proposed that another reason for refusal would be that there was insufficient information to be able to assess the impact of the proposal on the public highway.

Mr Raley of H Raley and Son, the applicants, addressed the committee in support of the application. He acknowledged the council’s position with regard to Green Belt policy but expressed dismay at how this prevented their attempt to diversify. He informed Members that in the last six months, two family friends has been forced to cease trading and that there had been no objections to the proposals from members of the public who were supportive of them. He stated that he was unaware of the points raised by the planning officer but advised that he had been maintaining the bridleway in question.

Officers advised Members that Highway Network Management, as the responsible authority for public rights of way, had stated that they maintained the bridleway.

Members expressed the view that three silos on that site for agricultural use would not be a cause for concern but suggested that when converted to a holiday home, with potential for cars/bikes to be parked outside, could look very different.

Members felt that the application should be deferred in order that the applicant has the opportunity to comment on the reasons which have been put forward by officers for refusal, especially as some of these had only recently been raised.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: In order that the applicant has the opportunity to liaise with planning officers regarding the reasons put forward for the recommendation of refusal, specifically the lack of information available to allow an assessment of the impact of the proposal upon the habitat of protected species and the lack of information available to assess the impact of the proposal on the public highway.

70. The Guildhall, Coney Street, York, (16/01971/FULM)

Members considered a major full application by City of York Council for alterations to and refurbishment of the Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of the existing south range to provide a cafe and ancillary accommodation, and the erection of an extension on the north side of the complex to form a restaurant and office accommodation.

Officers advised that the applicant had requested that the application be deferred to enable the outstanding concerns in respect of the design of the feature window to the north extension and the alterations to the Grade I Listed Guildhall and the appropriate treatment of its on-going civic use and its substantial contribution to the significance of the building, to be satisfactorily resolved. Officers confirmed they were supportive of deferral for those reasons and therefore recommend that the proposal be deferred for consideration at a future meeting.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: To enable the outstanding concerns described above to be satisfactorily resolved before consideration of the application.

71. The Guildhall, Coney Street, York (16/01972/LBC)

Members considered an application for listed building consent by City of York Council for alterations to and refurbishment of the Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of the existing south range to provide a cafe and ancillary accommodation, and the erection of an extension on the north side of the complex to form a restaurant and office accommodation.

Officers advised that the applicant had requested that the application be deferred to enable the outstanding concerns in respect of the design of the feature window to the north extension and the alterations to the Grade I Listed Guildhall and the appropriate treatment of its on-going civic use and its substantial contribution to the significance of the building, to be satisfactorily resolved. Officers confirmed they were supportive of deferral for those reasons and therefore recommend that the proposal be deferred for consideration at a future meeting.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: To enable the outstanding concerns described above to be satisfactorily resolved before consideration of the application.

72. Imphal Barracks, Fulford Road, York, YO10 4HD (16/02404/FULM)

Members considered a major full application by the Defence Infrastructure Organisation for the erection of a 3 storey accommodation block.

Members noted that an application for a 3 storey building comprising 126 units of living accommodation for the military

had been approved by Planning Committee on 20 August 2015 and were advised that this scheme was for a reduction in the number of living units to 60 in an L shaped building.

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

Reason: The development is required to accommodate military personnel living on site. The development accords with national planning policy set out in the NPPF and relevant policies of the 2005 City of York Draft Local Plan. The Planning circumstances have not changed materially since approval of the larger development.

73. Aviva, Yorkshire House, 2 Rougier Street, York, YO1 6HZ (16/01976/FULM)

Members considered a major full application by Yorkshire House Development One Ltd for the change of use from offices (use class B1) to a 124 bed hotel and 33 serviced suites/apartments (use class C1) and a six storey extension to the rear/southwest.

Officers advised that, since the report had been written, revised plans had been received illustrating the elevational treatment of the proposed extension and the proposed highway works to the vehicular access from Rougier Street. The Conservation Architect was satisfied with the revised elevation details. Highway Network Management raised no objections to the application but made the following points:

- The proposed hotel was ideally situated for guests and staff in terms of sustainable travel (close to the two centrally located bus interchanges and York railway station). Access was to be taken from existing access points; one on Station Road and one on Rougier Street.
- The Rougier Street access was currently subjected to deliveries to The Grand Hotel which had turning space for modest delivery vehicles. Deliveries to Yorkshire House were currently taken by vehicles reversing into the access. Envisaged a notable increase in deliveries to that which could be experienced by the current lawful usage of the site. The application did not offer any proposed turning for

delivery wagons within the proposed site. This access would also serve the lower ground floor car parking area. This was an existing situation. Cars had the required turning within the car park to enter and exit the highway in forward gear. To mitigate the effects on pedestrians/ reversing vehicle conflicts, the applicant had agreed to improvements to this access which may be conditioned.

- The Station Rise vehicular access would lead to car parking and turning for smaller delivery vehicles and cars. The size of vehicles accessing this facility would be restricted to that of the opening allowed above the entrance created by additional floors. This should ensure that vehicles accessing the site would be able to manoeuvre in and out of the site in forward gear into the one way traffic system.
- The car parking accorded with CYC Appendix E parking standards.
- Cycle parking was provided. Sought condition to ensure the cycle stands and enclosure were acceptable and the number of spaces accorded Appendix E minimum number of cycles. Sought following conditions HWAY18 (Cycle parking details to be agreed), HWAY 19 (Car and cycle parking laid out) , HWAY39 (Off site highway works, details required), and Method of Works Statement, and INF1

Officers advised that a further objection had been received which raised the following concerns:

- Objector refers to the book 'The North Eastern Railways Two Palaces of Business' the former NE Railway HQ building (The Grand) is described as a "Palace of Business". The former NER building was located on raised ground so that its height and presence boasted the status of the Railway Company. The objector states that the space to the north of the NE Railway HQ was intended to expose the northern elevation of the building. To fill in the space between The Grand and Yorkshire House with an extension would close off this space.
- Yorkshire House is described as a detractor in the Conservation Area Appraisal. (*Officers advised that Yorkshire House was not identified as a detractor in the Central Historic Core Conservation Area Appraisal*)
- To extend Yorkshire House would create harm to the listed building to the south, to extend it by 6 storeys to create

extra letting rooms to a building proposed for over 100 rooms is unjustifiable. These views are shared by the Conservation Area Advisory Panel and the York Civic Trust. The Committee report concludes that the extension 'causes no harm' do not agree. *(Officer confirmed that the committee report concluded that the proposed extension would result in harm but there were public benefits to outweigh this harm)(No comments have been received from CAAP or the Civic Trust with regards to the revised scheme).*

- There were few listed buildings in the city in a comparably prominent location and the majesty of the NE Railway HQ must be preserved for future generations to admire and enjoy, uncluttered by financially led modern extensions.

Officers informed the committee that Historic England had confirmed that they did not wish to add to their previous comments précised in paragraphs 3.35 to 3.36 of the report.

Officers stated that in light of the revised plan, the officer recommendation was revised to "Approval subject to revisions to Condition 2 (Plans) to include revised plans, condition 3 (Materials) and condition 6 (Landscaping)and additional conditions to include HWAY 19 (parking and manoeuvring of vehicles), HWAY 39 (details required of off site highway works), Method of Works and an additional informative in relation to on site consent to be obtained.

Janet O'Neill of O'Neill Associates addressed the committee. She advised them that she was speaking in objection to the application on behalf of her clients, the custodians of North East Railways (NER) on the grounds of the impact of the proposals on the grade 2* listed building. She confirmed they did not object to the change of use to a hotel but to the proposed extension. She circulated some photos which she explained showed the merits of the NER HQ building and which showed the important space between Yorkshire House and NER HQ and stated that filling in this space with a modern extension would close up part of that space.

Rachel Martin of ID Planning, agent for the applicant, then addressed the committee. She advised Members that they had undertaken a rigorous and comprehensive consultation process which had resulted in many amendments being made to the scheme to address concerns which had been raised, including the removal of the proposed rooftop extension and the reduction

in height of the proposed side extension. She advised Members that there was a market for a high quality hotel in the city and the proposals would lead to an increase in the number of tourists and visitor spend in the city. The proposals would also enhance the public realm of the site and accorded with national and local planning policy.

Some Members raised concern with regard to the loss of employment land and office space and questioned how many more hotels the city could cope with.

Members acknowledged the loss of office space but noted that hotels both created employment and brought people into the city, therefore there was a positive economic benefit in changing to hotel use, which was greater than a conversion to flats. They expressed the view that it was good to see the currently empty building brought back in use and so it could continue to provide some employment use.

Members noted the objections put forward on behalf of The Grand Hotel in relation to the proposed extension but did not concur with them and commented that if the detail of the extension was of good quality, it would improve the site and service area behind it.

Resolved: That the application be approved subject to the amendments and additional conditions listed below and the additional informative.

Revision Condition 2 (Plans)

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

Drawing Number 001 Revision A 'Proposed Design Lower Ground Floor Plan' received 17 November 2016;

Drawing Number 002 Revision B 'Proposed Design Upper Ground Floor Hotel Lobby/Bar/Restaurant' received 05 January 2017;

Drawing Number 003 Revision C 'Proposed Design Typical Hotel Plan 1 - 4 Including Light Void' received 10 January 2017;

Drawing Number 004 Revision C 'Proposed Design Typical Suites Level 5' received 10 January 2017;

Drawing Number 005 Revision C 'Proposed Design Roof Plan as Existing' 05 January 2017;

Drawing Number 006 Revision C 'Proposed Section 001' received 05 January 2017;
Drawing Number 007 Revision B 'Proposed Elevation 001 Elevation 003 received 21 December 2016;
Drawing Number 008 Revision B 'Proposed Elevation 004' received 21 December 2016;
Drawing Number 009 Revision B 'Proposed Elevation 002' received 21 December 2016;
Drawing Number 010 Revision B 'Proposed Elevation 001 Material Information Side Extension' received 21 December 2016;
Drawing Number 011 Revision C 'Proposed Elevation 001 Material Information Roof as Existing' received 05 January 2017;
Drawing Number 012 Revision B 'Proposed Upper Ground Level External Floor Finish' received 05 January 2017;
Drawing Number 017 Revision A 'Proposed Design Site Plan' received 17 November 2016;
Drawing Number 020 Revision A 'Proposed Design Typical Suites Level 6' received 05 January 2017;
Drawing Number 021 'Proposed Elevation 001 Context Levels' received 04 January 2017;
Drawing Number 022 'Proposed Diagrammatic Section Outline Context Levels' received 04 January 2017;
Drawing Number 024 'Proposed Diagrammatic Plan Context Levels' received 04 January 2017;
Drawing Number 025 revision A 'Proposed Design Side Extension Typical Window Detail A' received 10 January 2017;
Drawing Number 1609501b 'Proposed Access Improvements' received 16 January 2017;

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

Revised Condition 3 (Materials)

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used (including details of the balustrades, access ramp, plinth for the outside

seating area, the permanent planters) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

For component repairs and repatching (e.g. removal of escape staircase and making good) a sample and details of the proposed external material to be used shall be submitted to and agreed in writing by the Local Planning Authority, to ensure that it is a good match for the existing. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument.

Revised Condition 6 (Landscaping)

Prior to the first use of the building as a hotel a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the Station Rise/North West elevation shall be submitted to and agreed in writing by the Local Planning Authority. *The scheme shall also include hard/soft landscape details of the upper ground floor/external vehicle parking area, this shall include some soft landscaping.*

The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and

species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site. The Station Rise/North West elevation is prominent within the Central Historic Core Conservation Area and in key views of the Minister and the city walls (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable.

Additional Condition - HWAY 19

The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

Additional Condition - HWAY39

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

(i) Works to include removal of radius kerbs and tactiles and installed dropped crossing in material to complement existing footway as shown in Drawing Number 1609501b 'Proposed Access Improvements' received 16 January 2017.

Reason: In the interests of the safe and free passage of highway users.

Additional Condition - Method of Works

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/ excavation/ preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include at least the following information;

- A dilapidation survey jointly undertaken with the Local Highway Authority
- The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- How vehicles are to access and egress the site
- How pedestrians are to be safely routed past the site
- Details of any implications to the highway of demolition and waste removal vehicle operation
- Where contractors will park to avoid affecting the highway
- How large vehicles will service the site
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

Additional Informative

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 278/62 – Michael Kitchen (01904 551336)
Streetworks Special Permission - Stuart Partington
(01904) 551361

Reason: The loss of the office space and the requirement for the hotel is accepted. The proposed 6 storey extension adjacent to the Grade II* listed building (The Grand Hotel) is considered to result in 'less than substantial harm' to the setting of that listed building. . However the economic benefits of the development are cumulatively considered to provide sufficient public benefit to clearly outweigh the less than substantial harm to the setting of the listed building, even when affording considerable importance and weight to that harm, and to the desirability of avoiding it.

74. Chair's Remarks

The Chair updated Members on the outcome of the judicial review relating to the Community Stadium and thanked officers for their support during the process.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.00 pm].