

---

Meeting	Area Planning Sub-Committee
Date	3 October 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick [for Agenda items 1, 2 3, 4 and 4a only], Fisher, Galvin, Craghill, Lomas, Melly, Orrell, Waudby and Kilbane (Substitute for Cllr Webb)
Apologies	Councillor Webb

---

### Site Visits

Site	Visited by	Reason
Royal Masonic Benevolent Institute Connaught Court [18/02169/FULM]	Cllrs Hollyer, Crawshaw, Galvin and Melly	As the recommendation was to approve and objections had been received.
26 The Horseshoe York YO24 1LX [19/01140/FUL]	Cllrs Hollyer, Crawshaw, Galvin and Melly	At the request of the Ward Councillor.

### 30. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda. Cllr Cullwick declared a personal interest in Agenda Item 4b [26 The Horseshoe York YO24 1LX [19/01140/FUL] as he knew the Applicant. He undertook to withdraw from the meeting for the consideration of that item.

### 31. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 8 August 2019 and 5 September 2019 be approved and then signed by the Chair as a correct record.

## **32. 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.

## **33. 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.

### **33a) Royal Masonic Benevolent Institute Connaught Court**

Members considered a major full application from RMBI Care Company for Change of use of existing care home bungalows (use class C2) to residential dwellings (use class C3b) and construction of associated car park and access road from Fulford Park at the Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York.

An Officer update was given. Members were advised that:

- A fourth plan should be added to the list of plans for approval (condition 2). This was 15684-Y-DR-102 P1, Car Park Construction Details and did not include any new information as it had been included in the initial submission.
- Three additional objections have been received. Most of the issues raised in the objections were listed in Section 3 of the committee report. They raise issues already listed at section 3 of the report and addressed at section 4.
- The comments included in the additional objections had been taken into account and were not considered to affect the planning balance in the report, including the officers' recommendation to approve the application.

Mary Urmston, a local resident, spoke in objection to the application. She raised concern about condition 5. She explained that the idea of allowing a new road was unacceptable and cited the concerns of the landscape architect and conservation consultant. She raised further concerns about the car park, change of use from C2 to C3 and lack of information provided in the report. She noted that the application damaged the character and appearance of the conservation area and view of the corridor into York.

Jesper Phillips, a local resident, spoke in objection to the application. He explained that the car park would cause long term damage and that there was a number of alternative uses for the buildings without the need for parking. He expressed concern that the responses from the landscape architect and conservation consultant were not adequately included in the report. He added that the road access to the site had no pedestrian footpath and that the development would cause harm to the conservation area and trees.

Ray Haddock spoke in objection to the application on environmental grounds. He supported the change of use to bungalows but was objecting on the grounds of the loss of trees and concerns about the access road. He noted the comments of the conservation officer. He added that the refurbishment of the bungalows should be to the highest sustainability standards and that the green space should be protected.

Cllr Aspden read out statement from Lindsay Cowle, Conservation Consultant, who was unable to attend the meeting. Mr Cowle objected to the application because of harm to the heritage of the area.

Philip Holmes (O'Neill Associates), Agent for Applicant, spoke in support of the application. He explained that the majority of the bungalows had been vacant for 15 years. He noted that the advice of the ambulance service was that the access was required. He noted that the car park would be screened. He acknowledged that the private drive and car park would have an impact on the site.

Marc Nelson-Smith (Applicant, RMBI), spoke in support of the application. He explained that the bungalows needed to be brought back into use and that the scheme would create the independent living for those living in the bungalows, who may also have a partner in the care home. He noted that people moving into the bungalows would free up other homes in York.

In response to Member questions, the Applicant and his Agent clarified that:

- The care home was regulated by the Quality Care Commission (CQC) and as such there could be no access to the bungalows via the care home. A third party provider would provide services to the bungalows.
- The future needs of the residents in the bungalows would need to be catered.
- A path could not be created because of the health and safety risks.

- The long term objective was for the bungalows to remain in use by the care home.
- There was no information on the percentage of people moving into the care home from York addresses. The allocation of places was on a first come first served basis.
- The access road was needed for residents and ambulances.

Officers clarified that the condition 12 restricted the occupancy of the bungalows.

Karin De Vries Fulford Parish Councillor, spoke on behalf of Fulford Parish Council, who strongly objected to the application. She explained that Fulford had very little public open green space. She suggested that the committee report omitted some information. She noted that there was car parking available very close to the site for three hours that could be used by carers. She added that RMBI had sold off buildings to a private developer.

Cllr Aspden, Fulford and Heslington Ward Councillor, spoke on behalf of a number of residents in objection to the application. He explained that there was no quantification that the public benefits of the application outweighed the harm and the applicant had not demonstrated that a different use could be found for the bungalows. He suggested that fire engines could not turn safely on the site, that there was a significant loss and risk to the loss of trees and harm to the conservation area that had not been addressed. In response to the points raised by Cllr Aspden, clarification was given on fire engine access to the bungalows.

Members debated the application during which officers gave clarification on the tests for legal agreements.

The officer recommendation to approve the application was moved and seconded and on being put to the vote the motion fell. It was then moved and seconded that the application be refused. On being put to the vote it was:

Resolved: That the application be refused.

Reason: The harm to the preservation, character and appearance of the conservation area, impact on the parkland and loss and risk of the loss of trees on the site. Weight has been given to the conservation of all relevant heritage assets. This harm has been weighed against the public benefits of bringing back into use 10 homes for older people in

need of care. The public benefits of bringing forward the housing proposed does not outweigh the identified harm to the conservation area, parkland and trees.

**33b) 26 The Horseshoe York YO24 1LX [19/01140/FUL]**

[Note: Cllr Cullwick withdrew from the meeting at this point].

Members considered a full application from Erica Hammill for the erection of 1no. dwelling with associated crossover following demolition of existing bungalow and outbuildings at 26 The Horseshoe, York.

An Officer update was given in which Members were advised of an amendment to condition 14 relating to the large scale details of windows, doors and eaves and verge of roof:

The Applicant, Erica Hammill, spoke in support of the application. She thanked the Officer for his time spent on the application. She explained that the house would reflect the arts and crafts style of the surrounding area and would aesthetically fit into the style of the street. She explained the changes that had been made following the objections made by a neighbour.

It was moved and seconded that the Committee accept the officer recommendation to approve the application. On being put to the vote it was:

Resolved: That the application be approved subject to the conditions listed in the report and amended Condition 14 below:

Amended Condition 14

Large scale details (at 1:10 or 1:20) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwelling and the works shall be carried out in accordance with the approved details.

- a) All windows and doors, in context and including section drawings, on the front elevation of the building.
- b) Eaves/verge of roof

Reason: In interests of the character and appearance of the area.

Reason: The proposed replacement dwelling, although materially larger than the existing bungalow will not be out of place in this location due to the existing residential character of large suburban dwellings and is considered to be in compliance with paragraph 127 of the NPPF and Policy D1 of the 2018 Draft Plan. The design is in keeping with the arts and craft character of the Horseshoe. The revised proposal excluding the balcony is considered to be acceptable on the grounds of residential amenity due to its design and location. Conditions are also considered necessary for highways, drainage and land contamination reasons.

### **34. Appeals Performance and Decision Summaries**

Members considered a report that informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2019. A list of outstanding appeals at date of writing was also included.

Resolved: That the content of 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.

### **35. Planning Enforcement Cases - Update**

Members considered a report that provided a quarterly update on planning enforcement cases for the period 1 April 2019 to 30 June 2019. A Member expressed concern regarding the lack of progress on enforcement in his Ward.

Resolved: That;

- i. the content of the report be noted.
- ii. the update be referred to the appropriate Scrutiny Committee for examination.

Reason: To inform Members of the current position in relation to planning enforcement cases.

Cllr A Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].