City of York Council	Committee Minutes
Meeting	Area Planning Sub-Committee
Date	16 July 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett

There were no site visits due to COVID-19 restrictions.

5. 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 Waudby declared a non-prejudicial interest in Agenda item 4b) Crescent Nursery [19/01986/FUL] in that she had visited the Crescent Working Men's Club, next door to the site, in preparation for this meeting and had held a brief conversation with the Manager.

Cllr Crawshaw declared a prejudicial interest in Agenda Item 4b) Crescent Nursery [19/01986/FUL], in that he had previously registered an objection to the application and had therefore predetermined his position. He left the meeting during consideration of that item and took no part in the debate or decision thereon.

6. Minutes

Subject to the following amendment:

From: Cllr Perrett was present for Agenda items: 1,2,3,4 and 4a,
to: Cllr Perrett was present for Agenda items 1,2,3 and **item 4a only, and was not present at the meeting thereon.**

It was therefore:

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 18 June 2020 be approved and then signed by the Chair at a later date.

7. 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.

Agenda items were considered in the following order: 4a, 4c then 4b.

7a) 7 Elm Tree Avenue, Upper Poppleton York, YO26 6HL, 19/02546/FUL

Members considered a full application from Ms Kate Messenger for the erection of a dwellinghouse following the demolition of the existing dwellinghouse.

Officers gave a presentation based upon the slides at pages 29 - 34 of the Agenda and reported that:

- an additional representation had been received requesting that the application be deferred until a peculation test is undertaken.
- Condition 2 should relate to a later drawing than the one referred to as dated March 2020, and this should therefore refer to the same drawing updated at **7 July 2020**.

Cllr Hook, Ward Member for Rural West York, spoke in objection, on behalf of the elderly residents on all three sides of the proposed property, on the grounds that she considered that the re-build proposal was an overdevelopment of the site, being significantly wider, longer and higher than the existing property, resulting in an overly dominant property which would be out of keeping with the surrounding area. She expressed further concern regarding; potential drain blockage at no. 5 resulting from an increased surface area of the property; overshadowing at No.9 due to increased proximity and concern that the creation

of an upstairs would reduce the privacy of nearby residents particularly at No. 22 Dikelands.

In response to questions from Members, officers confirmed that:

- it was likely there were some bungalows with stairs in the immediate vicinity of the proposal;
- there were stairs in the plans for the new rebuild proposal;
- the properties original footprint was 71 square meters. The new rebuild proposal was 150 square meters.

After debate, Cllr Webb moved, and Cllr Galvin seconded, that the application be approved, in accordance with the officer recommendation, with one amended and one new condition and an additional informative. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended / additional conditions and informative:

Amended Condition 2
The development hereby permitted shall be carried out in accordance with the following plans:-
Proposed Plans & Elevations – Drg No. 485-04D **(Dated 7 July 2020).**

Additional Condition 8
All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:
Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

Reason: To protect the living conditions of nearby residential properties.

Additional Condition 9
The development would need to ensure provision of electric vehicle charging points.

Reason: To assist in providing the infrastructure to help reduce emissions and improve air quality.

Additional Informative 4
The developer is urged, where possible, to re-use materials from existing property in the development of the new property.

Reason: In order to create less waste and reduce the use of raw resources.

[There was a short comfort break from 5.10 pm until 5.20 pm]

7b) Crescent Nursery, 7 The Crescent York, YO24 1AW, 19/01986/FUL

Members confirmed that in the event that the Chair was unable to Chair this item (such as a technical problem), Cllr Webb would act as Vice-Chair in the Chair. It had been necessary to confirm this position as the Vice-Chair, Cllr Crawshaw, would be leaving the meeting having declared a prejudicial interest in this application.

Cllr Crawshaw left the meeting having declared a prejudicial interest in this item.

Members considered a full application from Planusual Projects Ltd for the conversion of a former nursery to form 4 holiday lets comprising 2 x 1 bedroom, 1 x 2 bedroom apartment and 1 studio apartment, with dormer window to rear and associated works.

Officers gave a presentation based upon the slides at pages 57 - 64 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting;

- Nine further objections had been received since the publication of the committee report. Officers confirmed that the additional information had been assessed and the planning balance and the recommendation remained unchanged from that in the published report.
- A correction at paragraph 5.8 of the officers report which should now state that ~~all~~ **the majority** of the attending children were relocated within ~~1.5 miles~~ **a mile** of this provision.

Mr Harkirit Singh Boparai, Venue Manager at the Crescent Working Men's Club, spoke in objection on the grounds that those using the proposed holiday lets could potentially make complaints regarding noise levels at the Crescent, which could pose a threat to the late night club show events for which they apply for a Temporary Events Notice. Were the application to be approved, he requested that it be subject to a 'deed of easement' agreement between the Crescent and the developers.

Mr Chris Sherrington, on behalf of York Music Venue Network, and in his capacity as a Regional Co-ordinator for the Music Venue Trust, spoke in objection to the application echoing the points raised by the previous speaker. He considered that making use of a deed of easement, would ensure a long term future for both properties by providing protection against any future noise issues irrespective of the ownership or uses for the property.

Mr Lee Vincent of Vincent & Brown, Agent for applicant stated that the applicant had prepared a statement for the Early Years' Service of the Local Authority who agreed that the building was not suitable for use as a nursery. The applicant had committed to extensive noise mitigation measures, far exceeding other residential properties in the vicinity and considered that this proposal could co-exist with the next door music venue. The applicant would agree to a deed of easement to protect the club and prevent noise complaints from those using their holiday let.

Cllr Kilbane, Ward Member for Micklegate, spoke in objection on the grounds that there was a shortage of nursery provision in this ward. The closure of the nursery had meant that service users were dispersed across the ward necessitating a car journey to access provision. He urged members to refuse the application on the grounds that it was contrary to policy HW4 of the Local Plan, in place to protect nurseries from closure. He considered that there was no evidence that the nursery was not viable. If the application were to be approved it should be with a proviso for a S106 agreement from the developer towards childcare provision.

Cllr Kallum Taylor, Ward Member for Holgate, spoke in objection to the application urging Members not to approve the application until a deed of easement had been put in place to

protect the Crescent, in line with the Full Council October 2019 motion unanimously supported by Members, to support and protect community music venues such as this; particularly in instances where development brings community/music venues into conflict with their neighbours.

In response to questions from Members, officers confirmed that:

- The council's Childcare Team had no objection to this scheme, it would be unlikely that a childcare provider would find the building suitable for starting up a childcare provision given that there were concerns regarding the single entrance and exit point to the building.
- The council's Environmental Officer would undertake checks to ensure that the applicant had achieved the conditioned noise and sound insulation standard required.
- If the applicant wanted to apply for change of use for the property this would be subject to the usual call in process.
- A deed of easement is a private agreement between the Crescent music venue and the applicant.

After debate, Cllr Webb moved, and Cllr Orrell seconded, that the application be refused, overturning the officer recommendation, on the grounds that the proposed scheme would result in: an unacceptable loss of a children's day nursery provision without justification, contrary to policy HW4 of the Local Plan; an unacceptable impact on the operation and viability of the adjacent music venue contrary to paragraph 182 ("agent of change") of the NPPF which contravenes the Full Council October 2019 motion, unanimously supported by Members to protect community music venues; a failure to protect those using the proposed holiday lets who may be unaware that they would be booking to stay next door to a music venue playing music until 3am.

Cllrs: Craghill, Melly Orrell, Perrett, Waudby and Webb all voted in favour of this motion. Cllrs: Cullwick, Fisher, Galvin and Hollyer voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be REFUSED.

Reason: The proposed scheme would result in: an unacceptable loss of a children's day nursery provision without justification, contrary to policy HW4 of the Local Plan; an unacceptable

impact on the operation and viability of the adjacent music venue contrary to paragraph 182 (“agent of change”) of the NPPF which contravenes the Full Council October 2019 motion, unanimously supported by Members to protect community music venues; a failure to protect those using the proposed holiday lets who may be unaware that they would be booking to stay next door to a music venue playing music until 3am.

7c) York City Living Limited 22 – 26 Blossom Street York YO24 1AJ, 19/01588/FULM, 19/01589/LBC

Members considered a full application from York City Apartments Ltd. for the conversion of a building to form 7no. apartments and 1no. studios with redevelopment of land to the rear to include the erection of detached three storey building to create 5no. apartments and 3no. studios (16 units in total) with external alterations including dormer window to the front of the main dwelling and associated landscaping, cycle parking and refuse storage. In addition, Listed Building Consent in relation to internal and external alterations to convert building to form 7no. apartments and 1no. studios including dormer window to front and part demolition.

Officers gave a presentation based upon the slides at pages 113 to 125 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting the following amendment to paragraph 1.4 of the officers report:

> 1.4 Additionally, the lower ground floor windows in the front elevation of the building at partly street level will be reinstated and railings installed in front of the windows, ~~as well as the reinstatement of the pavement lights on Blossom Street.~~

Mr Graeme Holbeck, Agent for Applicant, O’Neill Associates, explained that the former Working Men’s Club on Blossom Street had been vacant for around 18 months, following a vote taken by its members to close the venue in September 2018 due to dwindling membership numbers. The proposed development offered the opportunity to: return the Grade II listed properties to their original residential use; deliver 16 new flats on a brownfield site in close proximity to the city centre and offer

low cost homes and a contribution to affordable housing provision in the city of £54,000.

Mark Andrews, Architect, Vincent & Brown, explained that he had worked closely with the council's conservation team to develop a sensitive approach to incorporating the new dwellings, stripping away unsympathetic additions and re-instating key elements that had been lost. The construction would work towards meeting the climate change policies within the emerging local plan, taking a fabric-first approach to achieving carbon and energy reductions.

In response to questions from Members, officers:

- confirmed that the property had met the criteria for the vacant building credit, which is determined by the relevant Local Authority, and would therefore not be required to meet the 20% affordable housing criteria; and
- explained the test for policy HW1 as referred to at paragraph 5.13 of the officers.

After debate, Cllr Galvin moved, and Cllr Orrell seconded, that the application be approved, in accordance with the officer recommendation with the addition of an informative seeking to encourage additional cycle parking spaces and provision for electric bike charge points. Cllrs: Craghill, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Crawshaw, Melly, Perrett and Webb voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and an additional informative:

<u>Additional Informative 11</u>

The developer is encouraged to add further additional cycle parking spaces and uncovered visitor cycle parking as well as provision for electrical bike charging points.

Reason: To encourage sustainable travel.

A further motion was proposed to approve the Listed Building Consent, 19/01589/LBC, in relation to internal and external

alterations to convert building to form 7no. apartments and 1no. studios including dormer window to front and part demolition. Cllrs: Craghill, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Crawshaw, Melly, Perrett and Webb voted against this motion and the motion was declared CARRIED. It was therefore:

Resolved: That Listed Building Consent be APPROVED.

Reason: No. 22-26 Blossom Street is a Grade II listed building and its significance derives from its historical and aesthetic values. The internal and external alterations, including the removal of c20th extensions and the re-introduction of the original plan form and layout and reinstatement of features, such as staircases and the carriageway are considered to be of better and better reveal the significance of this heritage asset. The public benefits demonstrated by the application are considered to outweigh the less than substantial harm to this heritage asset. The application is considered to comply with the requirements of NPPF and Policy D5 of the Publication Draft Local Plan (2018).

[There was a short comfort break from 6.45 pm until 7.00 pm]

Cllr Hollyer, Chair
[The meeting started at 4.30 pm and finished at 8.45 pm].