

Meeting	Area Planning Sub-Committee
Date	7 February 2019
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Hunter, Mercer and Shepherd
Apologies	Councillor Gillies

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## **62. 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. None were declared.

## **63. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 6 December 2018 be approved and then signed by the Chair as a correct record.

## **64. 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.

## **65. 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.

**65a) Hazelwood Guest House, 24 - 25 Portland Street, York,  
YO31 7EH [18/02444/FUL]**

Members considered a full application from Mr Matt Cullen for the change of use from hotel (class C1) to 8 flats (class C3) with management office and single storey extension to the side/rear.

Officers provided an update to Members of the Sub-Committee highlighting the following points:

- That 5 additional letters of objection had been received including a new issue of 'noise disturbance from rooms across party walls'.
- That the site is to be removed from the Residents' Parking Zone.

Mr Roger Lake addressed the committee regarding the application and processes. Mr Lake highlighted that it was difficult to follow planning applications and it was unclear when certain documents had been received by the planning authority. Mr Lake was concerned that people inexperienced with planning applications would struggle to have their say.

Ms Jude Warsop then addressed the committee in objection to the application. Ms Warsop made the following points with regard to the application:

- That the proposal, with 8 new flats and potential for 11 new residents with staff and visitors would have a detrimental impact on their community.
- The change from C3 to C3B use significantly alters the proposal
- The development is too dense and incomparable to that of the hotel that currently exists in this space
- The committee report states that there were no comments from the Design Conservation Sustainable Team, however the CAAP minutes from 5 December stated that they did object and that it was regrettable that the properties were not being returned to family homes and that the proposal did not fit the area, making section 4.12 and 4.13 of the report incorrect.
- Public Protection have approved this development, under the proposal for full time supervision to control noise issues, the plans state that full time supervision is not mandatory.
- Local Development Plan section HH8 states that planning permission will only be granted for the conversion of dwellings to flats where it would not have an adverse effect

on the neighbouring amenity. This proposal does not fulfil this test.

Mr Martin Legg then spoke in objection to the application. Mr Legg made the following comments:

- The development is too big and is out of proportion for the street
- The use of these properties should return to family homes
- The committee report fails to apply the draft SPD on 'sub division of dwellings'.
- The 2005 Local Plan states that approval should not be granted where it may cause an adverse effect on neighbouring amenity, this has not been considered.

Matt Cullen and Colin Swaine, the developers, then spoke in support of the application. Mr Swaine highlighted that the developers (Merston) only develop properties in partnership with local authorities where a need has been identified. The company specialise in supported living accommodation. In response to Member questions Mr Cullen and Mr Swaine informed the committee that:

- with the proposed user groups, a lift would not be necessary due to residents not having physical disabilities.
- The back of the property will be redeveloped to include an outdoor amenity space for residents.
- There will be a recycling area in the courtyard and parking will be sufficient for staff expected on site.

Mr Andy Kenny, Independent Support, then spoke in support of the application, making the following points:

- That Independent Support are an experienced provider of supported living schemes for adults with a range of needs.
- That this scheme has been designed alongside City of York Council's Adult Social Care Commissioners for people with Autism or Asperges, to develop independence as a short term measure prior to moving into their own accommodation in the community.

In response to Member questions Mr Kenny made the following points:

- Should the proposal go ahead, Independent Support would engage with the local community and apologised for having not engaged with residents before this point.

- It has been agreed with York that a very specific client group has been identified and any other client groups would not be acceptable.
- Based on experience of supported living facilities, it would not be expected that noise would be any more significant than usual residential flats, the client group would have no history of alcohol or substance misuse or Anti-Social Behaviour.
- That the parking on site would be sufficient for carers and workers on site and due to the central location, would not expect all staff to drive.
- Based on the needs of the client group, high volume of professionals would not be expected on site in addition to carers, the focus of the facility is on increasing independence.

In response to the speakers, officers clarified that the Design Conservation Sustainable Team had no comments to make, the comments in the CAAP minutes were comments from the advisory panel themselves.

Some members were satisfied that the mitigations with regard to parking, including the removal of the property from the Resident Parking Scheme and the fact that it was already a guesthouse, satisfied the concerns regarding increased traffic or difficulty parking. Members were also satisfied that the level of noise created by this development would not impact the community.

Other members still had concerns regarding the level of amenity space and were not convinced that the development was comparable with the current guesthouse. It was suggested by the committee that an informative be added to guide future managers of the property to engage with the community and local residents.

Members felt that this was a welcome development, considering the clear need for further supported accommodation in the City.

It was moved and seconded that the application be approved. It was therefore:

Resolved: That approval be granted subject to the conditions listed in the report and the additional informative regarding future community engagement.

Reason: The proposed use is considered to support the Government's objective to boost the supply of homes and address the needs of groups with specific housing requirements (para.59 NPPF) and contribute to the achievement of sustainable development through supporting strong, vibrant and healthy communities and by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (para.8 NPPF). Changes to the use of the property and minor extension to the rear are considered to preserve the character and appearance of the Conservation Area. The proposal meets relevant policy within the Local Plan and NPPF and is therefore recommended for approval subject to planning conditions.

**65b) Club Salvation, George Hudson Street, York, YO1 6JL  
[18/01866/FULM]**

This application was withdrawn by the applicant prior to the meeting.

**65c) Club Salvation, George Hudson Street, York, YO1 6JL  
[18/01867/LBC]**

This application was withdrawn by the applicant prior to the meeting.

**65d) Fishergate County Garage, 14 Heslington Lane, York, YO10  
4LR [18/01480/FUL]**

Members considered a full application from Yorbuild Ltd for a variation of condition 2 (approved plans) of permitted application 16/02665/FUL (Conversion of garage into 1 dwelling) to alter position of rooflights, omit enclosed yard to rear to provide bedroom with roof terrace, incorporation of vehicle turntable, alterations to first floor windows with associated internal alterations (retrospective).

Officers informed the committee that references to 'Condition 1' in conditions 5, 7 and 8, should read 'Condition 2'.

Mr Hammill, the applicant, then spoke in support of the application. Mr Hammill highlighted that all officer

recommendations for changes have been implemented and apologised that the committee are reviewing a retrospective application, however the applicant could not wait any longer prior to starting the development. Mr Hammill also highlighted that the property is listed for a number of awards for design and build.

Members did raise concerns in paragraph 4.22 relating to the chimney that had been constructed and is not included in the application. Planning Officers highlighted that this element of the application was discussed with the agent at the time of the site visit however the submitted revised plans did not show the chimney and officers have to assess the plans that are submitted. In response to Member questions, Officers advised that the chimney would require planning permission. Some Members were displeased with this omission from the application.

It was moved and seconded that the application be approved and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The alterations shown in the revised proposed plans, rather than what has been constructed, are considered to be acceptable. Subject to conditions it is considered there would not be any further impact to the residential amenity of the occupants of the neighbouring dwellings. Subject to the development being built in accordance with the approved plans the proposed rooflights and timber garage door would not result in harm to the setting and character of the conservation area.

**65e) 16 Ashwood Glade, Haxby, York, YO32 3GQ [18/02094/FUL]**

Members considered a full application from Mr and Mrs Jagger for the erection of a single storey side and rear extension.

Officers provided an update to Members of the committee, highlighting that:

- Yorkshire Water and the Environment Agency have withdrawn their objections to the proposal following changes by the applicant.

- The Flood Risk Drainage Engineer has requested an additional condition relating to surface water drainage.

Following the withdrawal of objections and the additional condition, it was moved and seconded that approval be granted. It was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The removal of the detached annex from the scheme has significantly reduced the visual impact on neighbours to the north. The replacement of a pitched roof on the proposed extension with a flat roof and removal of the feature chimney considerably reduces the overall visual impact upon the general surroundings and it is considered that they will respect the general character of the building and area and will have no adverse effect on the amenity of neighbouring residents. It is considered the proposals comply with national planning guidance, as contained in the NPPF, Publication Draft York Local Plan 2018, City of York Council Development Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

**65f) 33 Burton Green, York, YO30 6JZ [18/01443/CLU]**

Members considered an application for the Certificate of Lawful Existing Use from Rev. Christopher Cullwick. This report had come to the committee as the applicant was a Councillor at City of York Council.

In response to Member questions, Officers clarified that the application would not have come to the committee, had the applicant not been a Councillor.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted

Reason: The local planning authority are satisfied that, on the balance of probability, the property would have been

in use as a House in Multiple Occupation (use class C4) for up to 3 occupants on 20 April 2012, prior to the introduction of an Article 4 Directive removing permitted development rights for changes of use between Use Class C3 (Dwelling houses) and C4 (Houses in Multiple Occupation) and remains so on the date of this application.

Cllr J Galvin, Chair

[The meeting started at 16:30 and finished at 17:35].