
Meeting	Area Planning Sub-Committee
Date	17 September 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Lomas (as substitute for Cllr Perrett), Melly, Orrell, Waudby and Webb

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

17. 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 Fisher declared a personal, non-prejudicial, non-pecuniary interest in Agenda item 4a) 105-111 Micklegate 19/02750/FULM in that a close friend lived adjacent to the site.

18. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 20 August 2020 be approved and then signed by the Chair at a later date.

19. 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.

20. 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.

20a) 105-111 Micklegate, [19/02750/FULM]

Members considered a full application from Micklegate Developments Ltd. for the erection of a new 62 bed hotel (use class C1) with bar/restaurants on the ground floor (use classes A3 and A4) after demolition of existing buildings. There had been various applications at the site relating to alterations to the existing buildings. Application 19/00485/FULM, which had also included the neighbouring site 127 Micklegate, had been withdrawn in 2019 following comments from the City of York Council officers.

Officers gave a presentation based upon the slides at pages 57 - 80 of the Agenda and reported:

- An additional representation had been received from a local resident in objection to the proposal on the grounds that the building had a dominating effect on the surrounding area; breaching the line between pastiche and architectural integrity.
- Amendments to the following conditions listed in the officer report: 4,6,8,9, 10, 12, 13, 14, 15, 16, 18, 24, 25, 26, as set out in the resolution below.
- An additional drainage condition (no. 30).

Ms Pamela Chapman, a neighbouring resident, spoke in objection on the grounds that the scale and mass of the proposal was inappropriate for this part of Micklegate. In addition, she expressed concern that one of the two existing buildings that would be demolished may date from the Georgian period. The first-floor level in Minster Car Hire had retained the original building and contributed significantly to the historic development of this part of Micklegate.

Mr Neil Brown from Vincent and Brown Architects, acting as Agent for the applicant, spoke in support of the application. Mr Chris Miele, from Montagu Evans Heritage and Design responded on questions relating specifically to heritage and design.

In response to questions from Members, officers confirmed that:

- A grade 2* building is in between a grade 2 and grade 1 building, with grade 1 being the highest.
- The hotel would provide 20 full time equivalent jobs.

The Council's Design and Sustainability Manager provided guidance to Members on the prominent location of the proposal and the surrounding heritage assets.

After debate, Cllr Galvin moved, and Cllr Fisher seconded, that the application be approved, in accordance with the officer recommendation, along with the amended and additional conditions reported in the officer update and an amendment to condition 20 set out below: Cllrs: Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Craghill, Crawshaw, Lomas, Melly and Webb voted against this motion. It was therefore:

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

Amended Condition 4

A foundation design and statement of working methods, which preserve at least 95% of the archaeological deposits, is required for this site.

A) ~~No development shall commence until~~ **No groundworks until** foundation design and statement of working methods (including a methodology for identifying and dealing with obstructions to piles and specification of a level in mAOD below which no destruction or disturbance shall be ~~made~~ **submitted to** archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve 95% of the archaeological deposits on the site has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved foundation design and statement of working methods.

This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy D6 (2018 Draft Local Plan).

Reason: The site lies within an Area of Archaeological Importance or the site is of Archaeological Interest which contains significant archaeological deposits. The development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

Amended Condition 6

All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect local amenity

Amended Condition 8

Development shall not commence (**except demolition**) until, an investigation and risk assessment (in addition to any assessment provided with the planning application) ~~must~~ ~~be~~ has been undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to **the relevant Local Planning Authority**. The written report is subject to the approval in writing of the Local Planning Authority for approval in writing prior to commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Amended Condition 9

Development shall not commence (**except demolition**) until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval has been submitted to and approved in writing of by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Amended Condition 10

Prior to first occupation or use, the approved remediation scheme ~~as approved~~ must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is ~~subject to the approval~~ in approved in writing of by the Local Planning Authority.

Amended Condition 14

No development shall take place until a detailed scheme of noise insulation measures for protecting the hotel accommodation above this proposed development from noise internally generated by the proposed **A3 or A4** use has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Amended Condition 15

No development shall take place until a detailed scheme of noise insulation for the building envelope of the commercial premises (the bar/restaurant) within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include measures for protecting the residential accommodation in the near vicinity outside of the premises from noise break out internally generated by the proposed **A3/A4** use of the ground floor. Upon completion of the insulation scheme works the A3 use shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Amended Condition 20

The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

~~Prior to first use~~ **Post demolition and prior to the commencement of construction of build**, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Amended Condition 24

No works shall take place until large scale details (including samples if deemed necessary) of the following items have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

Roof and roof plant equipment

verges,

soffit,

fascias,

spandrels,

rainwater goods,

windows & doors,

dormer window structure

oriel window structure

rails (to windows),

gate to front elevation,

render finish,

glass lightwells

hard landscaping to Micklegate frontage

internal window screens to the front elevation including their method of fixing

~~render finish,~~

~~glass lightwells~~

~~hard landscaping to Micklegate frontage~~

Additional Drainage Condition 30

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: So that the Local Planning Authority may be satisfied with the foul and surface water drainage arrangements.

Reason for Approval

The proposed redevelopment of the application site for a hotel and ground floor restaurant is considered to be acceptable in principle given the city centre use. The proposal is acknowledged to be in highly sensitive location with a number of

designated heritage assets, including the city walls, Micklegate Bar in close proximity and also being within the conservation area. The proposal, while larger than the existing buildings is considered to preserve the character and appearance of the conservation area and the setting of the listed buildings and scheduled monuments. Furthermore, the proposed replacement will provide a sustainable car free development and meet the Council's ambitious climate change targets set out in draft Policies CC1 and CC2. The proposal is considered to be a distinctive and positive design solution for the location and acceptable on amenity grounds.

Paragraph 11d) of the NPPF states where there are no relevant development plan policies, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. While it is acknowledged that the scheme is contentious due to its sensitive and prominent location and that Historic England and York Civic Trust have maintained their objections to the scheme, this assessment has concluded that the proposal does not harm the heritage assets. The proposed conditions would ensure the proposal is acceptable and the recommendation is approval.

[There was a short break from 6.20 pm until 6.30 pm, in order to register the public speakers].

**20b) The Lord Nelson, 9 Main Street, Nether Poppleton,
[18/02692/FUL]**

Members considered a full application from Mr Thomas for the erection of 2 dwellings with detached garages on land to the rear of the Lord Nelson pub.

Officers gave a presentation based upon the slides at pages 111 -127 of the Agenda and reported that:

- An additional representation from a local resident had been received. Requesting that the application be deferred in order for Members to undertake a site visit. This was considered necessary as the ground level of the

application site was significantly above the ground level of Main Street, 1 and 3 Hallgarth Close and 15 Main Street and would result in the two new houses appearing to stand high and conspicuously in the Conservation Area.

- Further conditions would be added to ensure that the applicant was compliant with CC1 and CC2 of the draft Local Plan; and to ensure the removal of permitted rights to fences.

Mr Norman, a neighbouring resident to the site, spoke in objection to the proposal, on the grounds that the officer report had underestimated the flood risk and that there was the potential for damage caused by water egress, either on the surface or below ground from the development site into Hallgarth Close and/or 15 Main Street. He also expressed concern regarding access to the public footpath across the entrance to the site, already a precarious crossing.

Cllr Jones, Chair of the Nether Poppleton Parish Council (NPPC) and his colleague Cllr Harper, also a member of the NPPC, spoke in objection to the application on the grounds that the scheme proposed would destroy an ancient burgage strip that had been identified as an area of archaeological interest by the City Archaeologist, in order to create a new gated community in a conservation area therefore contravening the NPPF paragraph 194, regarding 'harm to, or loss of...a designated heritage asset.' They also expressed concern that there was no scale on the drawings, therefore the exact dimensions of the final houses were only estimated. They considered the proposal to be inappropriate development in the conservation area.

In response to questions from Members, Cllrs Jones and Harper confirmed that the plot had been removed from the Neighbourhood Plan due to its use for a range of community activities such as picnics, fireworks etc. Had it remained in the Neighbourhood Plan, the community were fund raising, and had raised over £1M with the intention of purchasing it as a community space or to develop bungalows to support the needs of the elderly population in the area.

Mr Martin Walker of Walker Dsp Architects, and Agent for the applicant, explained that the plans had been amended and improved to address the constraints and opportunities, of the site, bringing active use to a disused site and providing much

needed new housing. He considered that the Lord Nelson public house was unaffected by the development, retaining sufficient off street car parking and separated vehicular access and adequate space for delivery vehicle turning.

After debate, Cllr Fisher moved, and Cllr Waudby seconded, that the application be deferred to allow time for those Members that wished to visit the site, to visit safely and independently, in accordance with Covid-19 regulations. Cllrs: Fisher and Waudby both voted in favour of this motion and Cllrs: Craghill, Crawshaw, Cullwick, Galvin, Lomas, Melly, Orrell, Webb and Hollyer all voted against this motion and the motion was declared LOST.

Cllr Webb then moved and Cllr Lomas seconded that the proposal be approved in accordance with the officer recommendation with the addition of the requests outlined in the officer update regarding ensuring that the applicant is compliant with CC1 and CC2 and the removal of permitted rights to fences and that delegated authority be granted to the Assistant Director responsible for Planning and Public Protection, in consultation with the Chair and Vice-Chair in relation to noise associated with the pub. Cllrs: Craghill, Galvin, Lomas, Melly and Webb all voted in favour of this motion. Cllrs: Cullwick, Crawshaw, Fisher, Orrell, Waudby, and Hollyer all voted against this motion and the motion was declared LOST.

Finally, Cllr Fisher moved and Cllr Orrell seconded that the proposal be refused (reason set out below) overturning the officer recommendation to approve the application. Cllrs: Crawshaw, Cullwick, Fisher, Orrell, Waudby and Hollyer all voted in favour of this motion. Cllrs: Craghill, Lomas, Melly and Webb all voted against this motion. Cllr Galvin, abstained from voting; and it was therefore:

Resolved: That the application be REFUSED.

Reason: On the grounds that the proposal would be an inappropriate development of an historic plot which would harm the conservation area and detracts from the setting of grade 2 listed building, Poppleton House. Furthermore, the Identified harm would not be outweighed by public benefits and is therefore contrary to the Neighbourhood Plan and DLP policies.

[There was a short break from 8.10 pm until 8.15 pm, in order to register the public speaker for the next agenda item].

20c) Ausgang Lane, Osbaldwick [20/00892/FUL]

Members considered a full application from Mr Mohammed Iqbal for a change of use of the first floor from former builders' yard offices to a taxi business.

Officers gave a presentation based upon the slides at pages 139 to 145 of the Agenda and reported:

- An additional representation had been received from Councillor Warters, Ward Member for Osbaldwick and Derwent, in objection on the grounds that taxis were being parked on roads and verges outside the site. In addition, concerns that the facility had no sewer connection for toilet or washing facilities and should therefore not be in operation.
- An amendment to the wording at Condition 4.

Mr Billy Iqbal, spoke on behalf of the applicant stating that the building location had adequate parking and that they would rent a lockup close by to mitigate congestion issues, should that become a concern. A new drainage system plan has been submitted to the City of York Council and work would commence upon approval.

After debate, Cllr Webb moved, and Cllr Lomas seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion and it was therefore:

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

Amended Condition 4.

Group training shall only take place at the site on a maximum of two days per month and shall be attended by a maximum of 10 people at any one time.

Reason: Any proposal to increase the intensity of training activities would

need to be considered in the light of local highway and parking conditions.

Reason for Approval

The taxi office is proposed in an area of existing office space no longer needed in relation to the current B2 (General Industrial) use of the building.

The main planning concerns relating to taxi offices normally relate to vehicle movements and noise from staff and customers congregating, particularly late in the evening. The taxi office would be a control room and customers would not visit. The location on an industrial estate would limit this in any case. Taxi drivers would also not be based at the office and its location away from the city centre would make it unlikely that taxi drivers would wish to congregate there between jobs.

The applicant has stated that they wish to undertake training for drivers related to taxi work at the site. This would take place around twice a month for up to 10 people working for the taxi business. It is considered that the relatively infrequent and small scale nature of such training would limit any local parking impacts.

It is considered that subject to the suggested conditions controlling and restricting the nature of the use and improving cycle parking provision, the proposal is acceptable.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 8.42 pm].