City of York Council	Committee Minutes
Meeting	Area Planning Sub-Committee
Date	11 November 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Melly, Orrell, Perrett and Webb
Apologies	Councillors Galvin and Waudby

25. 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 that he was a member of the Campaign for Real Ale and that the interest was not prejudicial or pecuniary.

26. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 13 October 2021 be approved and then signed by the Chair as a correct record.

27. 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.

28. 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.

29. Castle Howard Ox, Townend Street, York, YO31 7QA [21_00537_FULM]

Members considered an application which sought permission for the conversion of the public house to 16 no. studio apartments for student accommodation. In addition there would be a two storey extension to the side/east elevation and rear/north elevation and a single storey extension to the north following the demolition of the existing extensions. A communal room was proposed on the ground floor, there would be external cycle and bin store and outside communal space.

The Development Manager gave a presentation on the application. This was followed by a number of questions from members, to which the officer answered that:

- The cycle parking provision had undergone various revisions in order to achieve the correct layout and mix of cycle parking storage types.
- The open space contribution and the cost of removing the site from the resident's parking zone R25 was included in the Section 106 agreement. The Development was not required to make a sports provision contribution due to the provision via the University's sports facilities. It was not considered reasonable to request a contribution to the CYC Travel Plan due to the size and car-free nature of the site.
- As an existing building it was not necessary to add a requirement for a turning point for waste removal vehicles.
- All rooms have a window and/or roof light.
- In paragraph 5.23, there was a typographical error – the building itself is a **non-designated** heritage asset.

<u>Public Speakers</u>

Alastair Cliffe, the agent acting on behalf of the applicant, spoke in favour of the application. He explained that the pub had been vacant for a number of years and that the building has been marketed for community use without success. He emphasised that the site was brownfield land and that there was a growing need for purpose build student accommodation within York. They had worked with various CYC Officers to agree a sympathetic design ensuring that it was clear that the extension was a later addition. They were over target concerning their obligations regarding CO2 emissions, cycle parking. The

accommodation would be managed by the Urbanite brand, who operate in the city already and were experienced in managing student accommodation.

He was joined by the architect Nick Watson to respond to questions from members. They confirmed the following:

- There was a management plan working with the existing Coal Yard student accommodation to work with residents and students to manage waste collection, changeover days and the communal garden.
- Prior to the applicant purchasing the pub, it had been closed and was marketed as a pub since 2017. There had been no bids received from pub operators, when it was marketed informally. It was then marketed actively, as a pub, for seven months.
- There would be a construction environment management plan that outlines how the site and construction parking would be managed.

In response to further questions from members, officers noted that:

- A construction environment management plan had not been required due to the size of the project. The site would be managed effectively through the Council parking management service and scaffold licenses. A plan for unloading and/or constructor parking could be required, if necessary.
- On the basis of all the facts, officers had taken the view that on balance an additional period of marketing would be unlikely to achieve any bids to operate the site as a pub or gain any further insight on its viability. The marketing exercise was normally taken as the test of financial viability.
- The wording of the Policy HW1 (Protecting Existing Facilities) of the Emerging Local Plan provides that ‘development proposals which involve the loss of community facilities or facilities last used by the community will not be supported unless it can be demonstrated that….(iv) in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer viable’. Paragraph 6.10 of the Emerging Local Plan states ‘evidence that facilities have been marketed for a year without success will be required to demonstrate they are unviable’

- CYC have no policies that stipulate the minimum size of student accommodation.

After debate, it was moved by Cllr Crawshaw and seconded by Cllr Perrett to refuse the application. A vote was taken and the motion was carried. It was therefore:

Resolved: That the application be refused.

Reason:

1. The application had not fulfilled the requirements of Policy HW1 in that the applicant had not demonstrated that the pub was unviable. It was considered that the conversion of the pub to student accommodation would fail to make a positive contribution to a sustainable community.

Following the vote, Cllr Fisher requested that his vote, which was against the motion to refuse, be minuted.

Cllr A Hollyer, Chair
[The meeting started at 4.30 pm and finished at 5.45 pm].