
Meeting	Planning Committee B
Date	12 December 2023
Present	Councillors Hollyer (Vice-Chair, in the Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
Apologies	Councillor B Burton
Officers Present	Gareth Arnold, Development Manager Jonathan Kenyon, Principal Officer, Development Management Ruhina Choudhury, Senior Solicitor

The Chair had sent his apologies and the meeting was chaired by Vice-Chair, Cllr Hollyer. Cllr Fenton proposed Cllr Orrell as Vice-Chair, this was seconded by Cllr Clarke; Cllr Orrell was unanimously elected as Vice-Chair for the meeting.

49. Declarations of Interest (4.33 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Melly declared that she was pre-determined for item 3b (Castle Howard Ox) and had registered to speak in her capacity as Ward Councillor. She therefore withdrew from the meeting during the consideration of that item and took no part in the decision making.

Cllr Clarke noted that he was the Ward Councillor for item 3b but was not pre-determined in the matter.

In relation to item 3d (25 Orchard Paddock, Haxby), Cllrs Orrell and Fenton noted a personal, non-prejudicial interest in that the applicant was a fellow councillor. Cllr Hollyer declared that, as the applicant was a Ward colleague, he would withdraw from the meeting for the duration of the item and take no part in the decision.

50. Public Participation (4.34 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

51. Plans List (4.34 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

52. Fulford Flood Alleviation Scheme, Pt Fulford Ings And Pt Playing Fields, Selby Road, York [23/00283/FUL] (4.34 pm)

The Development Manager requested a deferral for this item due to the applicant being unavailable due to illness.

Cllr Hollyer proposed the Development Manager's recommendation to defer the item and this was seconded by Cllr Melly. Members voted unanimously in favour of the motion.

Resolved: That the item be deferred.

Reason: To allow the applicant to attend the meeting.

53. Castle Howard Ox, Townend Street, York, YO31 7QA [23/00123/FUL] (4.36 pm)

Members considered an application by Alastair Cliffe for the conversion of existing building to 16no. student studio apartments with two storey extension to the side/east elevation, first and second storey extension to the rear/north elevation, and single storey rear/north extension following the demolition of the single storey projections.

The Development Manager gave a presentation on the application and explained the plans.

[4.38 pm Cllr Vassie joined the meeting. He did not take part in the discussion or decision making for this item.]

Public Speakers

Cllr Melly, Ward Councillor, spoke in objection to the application. She urged refusal due to the loss of a community asset and inadequate marketing. She raised concerns regarding the harm to the building, an unsuitable design and noted that the plans did not comply with planning policy with regard to refuse collection and drop off/collection space.

Emma Lancaster spoke on behalf of the applicant. She first requested a deferral so that the applicant had time to address the comments raised in the officer report. She stated that independent advice had not been sought by CYC regarding the marketing and valuation of the property. She noted that the site had not been in use since 2017 and the proposal would provide a similar level of employment as a pub or similar community venue. Student accommodation would offer significant public benefit and should be given positive weight in the planning balance.

In response to questions from Members she reported that cleaners, management staff and security would be employed as part of the student management plan. Space was set aside for refuse collection and details would be included in the operational management plan. They had not undertaken any community engagement. They had carried out a theoretical appraisal based on red book values; it also reflected the holding costs incurred. The marketing issue had not been addressed as the agent had not been made aware of concerns.

Officers responded to further questions from Members and reported the following:

- The applicant must demonstrate that the building could no longer serve the community function, through meeting need or financial viability, and there should be no market interest. The price set needed to be justified and the agent needed to evidence that the property had been marketed appropriately.
- Members of the public reported that offers had been turned down. There was nothing to suggest that the applicant's outlay could reasonably lead to a £600k valuation.
- Biodiversity issues and refuse collection could be covered by planning conditions.
- The main concern was the lack of marketing for the premises to be sold at a reasonable price to be run as a pub.

Following debate, Cllr Warters moved the officer recommendation to refuse the application. This was seconded by Cllr Fenton. Members voted unanimously in favour of the motion and it was:

Resolved: That the application be refused.

Reason: The proposed development is considered to be within a sustainable location. In assessment of Heritage Assets, the scheme would preserve the setting of the Conservation Area, and the setting of listed buildings within it, in addition the proposal would be of appropriate scale, form and materials and is not considered to result in harm or loss of an undesignated heritage asset. Impacts on archaeology are considered to be acceptable and can be mitigated by planning condition. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

The presumption in favour of sustainable development, as set out in NPPF paragraph 11 therefore applies. There is evident demand for purpose built student accommodation and the NPPF requires planning decisions give “substantial weight” to the value of using suitable brownfield land within settlements for housing (which includes student accommodation).

Paragraph 93 of the NPPF sets out, among other things, that planning decisions should guard against the unnecessary loss of valued community facilities (including pubs), particularly where this would reduce the community’s ability to meet its day to day needs. This stance is echoed by policy HW1 (Protecting Existing Facilities) of the Draft Local Plan (2018). The NPPF at paragraph 38 states that the LPA should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81). This stance is echoed by policy EC2 (Loss of Employment Land) of the Draft Local Plan (2018). It is not considered that the site has been reasonably

marketed and as such there is insufficient evidence to demonstrate that the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs or are surplus to requirements; neither has it been sufficiently demonstrated that the facilities are no longer financially viable with no market interest.

[5.12 pm, Cllr Melly re-joined the meeting.]

54. 126 Fulford Road, York, YO10 4BE [23/00798/FUL] (5.12 pm)

Members considered a full application by Stephen Hazell for the erection of 1no. attached dwelling to side.

The Development Manager gave a presentation on the plans and provided a written update to Committee which detailed a revised condition 5, for clarification purposes and an additional condition relating to the location and specification of works for the erection of the stone arch which stipulated that these should be submitted for written approval of the Local Planning Authority. The Development Manager recommended a further condition, not included in the written update, requiring a scheme for noise insulation measures to mitigate road noise.

The Development Manager provided further clarification on the plans regarding vehicle access for the rear parking at no. 126.

Public Speakers

Dorothy Knott, a neighbour, spoke to raise safety concerns relating to the size and positioning of the historic arch, the planned planting and the potential to block sightlines for traffic. She noted that there had been ongoing building work in the vicinity which had caused difficulties relating to skip and traffic management.

In response to questions from Members, she stated that bushes or low level planting would be preferable to trees in the planting scheme.

Stephen Hazell, the applicant, spoke in support of the application and opened by thanking both planning and conservation officers. He noted the concerns over the design that had been raised by residents and confirmed the planting scheme was to contain shrubs rather than trees. He stated that there were more than adequate sightlines for traffic. He also stated that he was flexible on the location of the arch.

Officers responded to further questions from Members and reported that Highways had not raised concerns regarding the location of the parking bays, sightlines were covered in condition 8.

Following debate, Cllr Warters moved the officer recommendation to approve the application, subject to the s106 agreement, and the tabled update which covered the amendment to condition 5 and included two additional conditions related to the stone arch and the noise insulation. The additional condition referring to the stone arch was amended to specifically exclude the location shown on the drawing. There was also an amendment to condition 7 to refer to soft landscaping.

This was seconded by Cllr Orrell.

Members voted unanimously in favour of the motion and it was:

Resolved: That the application be approved, subject to the amendments outlined above.

Reason: It is considered that the proposal would make efficient use of the former hotel site which currently detracts from the appearance of the Conservation Area. The proposed property is relatively bold, however, the scale and design relates well to the host property and it creates a feature of the end/corner elevation. The height drops towards the listed lodge. It is not considered to detract from the character or appearance of the Conservation Area or setting of the listed building.

It is not considered it would cause unacceptable harm to neighbours' living conditions and provides suitable cycle parking. The accessible location is such that the property is not reliant on use of a car, though occupiers can seek to obtain on-street parking permits.

The proposal accords with national planning policy and draft local policy therefore is recommended for approval subject to conditions and subject to the signing of a legal agreement to secure a financial contribution towards improvements to nearby off-site play and amenity space.

[5.43pm, Cllr Hollyer left the meeting and Cllr Orrell replaced him as Chair.]

**55. 25 Orchard Paddock, Haxby, York, YO32 3DW
[23/01400/FUL] (5.44 pm)**

Members considered a full application by E Pearson for a single storey side and rear extension and dormer to rear following removal of garage.

The Development Manager gave a presentation on the plans and provided an update to the Committee which provided an additional condition for obscure glazing on the first floor side facing window, the window should be non-opening.

Cllr Fenton moved the officer recommendation to approve the application to include the additional condition contained in the update and this was seconded by Cllr Melly. Members unanimously voted in favour of the motion and it was:

Resolved: That the application be approved.

Reason: The proposal is considered to comply with the National Planning Policy Framework (2023), policy D11 of the City of York Draft Local Plan (2018) and advice contained within Supplementary Planning Document 'House Extensions and Alterations'.

Cllr A Hollyer, Vice-Chair, in the Chair
[The meeting started at 4.31 pm and finished at 5.49 pm].