
Meeting	Area Planning Sub-Committee
Date	6 December 2018
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Gillies, Hunter, Mercer and Shepherd

46. 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 Gillies declared a personal, non prejudicial interest in agenda item 4a due to him knowing the applicant.

47. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee held on 6 September 2018 and the 4 October 2018 be approved and then signed by the Chair as a correct record subject to the following amendment to minute 34d from the meeting held on 6 September 2018:

Amend line to read as follows:

- Some Members felt that there would be a degree of harm to the conservation area, ~~which outweighed the public benefit of the sign~~ *and were unable to identify any public benefit associated with the sign.

48. 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.

49. 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.

**50. The Mount Royale Hotel, 117-119 The Mount, York, YO24 1GU
[18/00848/FUL]**

Members considered a full application from Mr Stuart Oxtoby for the erection of 2 dwellings with associated parking following the demolition of existing dwelling, workshop and storage.

Officers provided an update on two representations that had been received with regards to this application. The first was from the Council's Flood Risk Management team, asking for conditions to be included regarding foul and surface water drainage. The second was from the Council's Archaeologist requesting three conditions relating to the sites archaeological importance, that were as follows:

- An archaeological watching brief
- Details of foundation design
- The recording of archaeological stone found within the garden

Officers also clarified for the committee the planning legislation and policy position relating to listed buildings and conservation areas. Officers explained the recommendation for refusal stating that the proposal would not preserve the setting of the listed building or the character and appearance of the conservation area by eroding the contribution that the space makes to the historic layout of this heritage asset through the truncating of the existing curtilage and introducing modern intrusion. Officers stated that the proposal does not preserve the setting of the listed building as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor does it preserve or enhance the character or appearance of the conservation area as required by Section 72 of the 1990 Act.

It was reported that the Conservation officer had identified 'less than substantial' harm to the conservation area with this proposal however according to the NPPF, any harm must be weighed against public benefit.

The public benefits outlined in the application were:

- The replacing of low quality existing buildings with a high quality development.
- A lower overall footprint
- The provision of accommodation

It was the view of the planning officer that these were private benefits or minor public benefits that did not outweigh the harm to the heritage assets.

Mr Chapman, the agent for the applicant, spoke in support of the application. Mr Chapman highlighted to the committee that there had been no objections from neighbours or from Historic England. Mr Chapman also pointed out that the conservation officer had declared 'less than substantial' harm would be caused and that the proposal would not affect the setting of the listed building.

Cllr J Hayes then spoke in support of the application. Cllr Hayes said that he believed the proposal would have limited impact on the listed building and that it was separated from the Mount Royale Hotel by gardens, trees and shrubs. Cllr Hayes also explained that the current buildings on site were of poor quality and that the proposal would improve the site.

During debate, some Members indicated that they did not believe that this development would harm the setting of the listed building nor have a detrimental impact to the conservation area.

Other Members did see the impact that this development would have on the listed building and discussed the importance of the removal of trees within the site and the impact this would have on the street scene. Members noted that despite the lack of objections and poor maintenance of the current buildings on this site, it was a poor argument to suggest that due to a lack of stewardship, the development should be allowed.

Resolved: That subject to the additional conditions below, the application be approved and delegated authority be given to officers alongside the Chair and Vice-Chair to finalise the wording of the approval.

Conditions:

- i) Development to start within three years
- ii) Approved plans condition
- iii) An archaeological brief
- iv) Details of foundation design
- v) Photographic record of medieval, architectural fragments in garden
- vi) Large scale details including windows, doors, elevations and gate.
- vii) Supply of boundary details
- viii) Sample of materials
- ix) Landscaping scheme
- x) Cycle parking details
- xi) Restriction of working hours
- xii) Electrical sockets for vehicles
- xiii) Method statement
- xiv) Foul and surface water drainage details

xv) Refuse arrangements with Mount Royale Hotel

Reason: As Members felt the degree of harm was less than substantial and did not believe that this development would harm the setting of the listed building nor have a detrimental impact to the conservation area.

51. Garage Court Site at Newbury Avenue, York [18/02441/GRG3]

Members considered a variation of condition 16 of permitted application 18/00410/GRG3 to alter the date for the provision of 4 public parking spaces.

Officers explained that currently the condition explicitly states that the parking spaces must be provided prior to the commencement of works on site. Officers informed the committee that due to the placement of a telecoms box in the same vicinity as the proposed parking spaces, the parking spaces could not currently be delivered. It was requested that the trigger point for the condition be varied to 'prior to the commencement of the superstructure of the bungalows', to allow demolition and ground works to take place before the spaces are provided.

Cllr Waller, Ward Member, then addressed the Committee. Cllr Waller highlighted the importance of rebuilding the trust with the Community with regards to the enforcement of conditions such as this and requested a firmer commitment be given to deliver the parking spaces. Cllr Waller also highlighted the narrow streets in this area, potential issues with the no.24 bus and further traffic and highway concerns.

The Housing Development Manager then informed the committee that due to the specific way in which Virgin Media (the owners of the telecoms box) manage their contracts, they were unable to move the box prior to a contract being agreed between the Council and the developer. The officer stated that he believed this would be resolved very soon.

Resolved: That delegated authority be granted to officers in consultation with the Chair and Vice-Chair to approve the variation of condition 16 of permitted application 18/00410/GRG3.

Reason: It is considered that it would be unreasonable to refuse the application to relax the trigger point for condition 16 to allow demolition to commence prior to the provision of the parking spaces. The level of parking provision is small and the delay in their provision would not have any significant impact on residential amenity or the safety of the public highway but

would delay the provision of five Council houses for which there is a known need.

52. Lincoln Court, Ascot Way, York [18/01872/FULM]

Members considered a Major Full Application from the City of York Council for a three storey rear extension to accommodate 10 sheltered independent living apartments with communal facilities, single storey front extension to form a new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing.

Officers highlighted two parts of the update for the committee. The first was to clarify that the proposal was for 10 apartments and associated facilities for elderly people on a sheltered independent living basis and not as an extra-care scheme as was originally stated in the report. The officer also informed the committee that Sport England had originally objected to the removal of the MUGA but then rescinded their objection, however the Council had received a more recent objection from Sport England and had been unable to contact them for clarity prior to the meeting.

Vicky Japes, the Older Person's Accommodation Manager, then addressed the committee to explain the scheme. Ms Japes explained that this project would modernise and refurbish the current buildings and provide an extra 10 affordable homes that were needed in this area of the city.

Cllr Waller, Ward Councillor, also addressed the committee. Cllr Waller welcomed the modernisation and encouraged the officers to continue to engage with residents on the development.

Members requested assurance from the officer that the placement of the boiler/plant room next to bedrooms, would not become a problem, as this had been an issue raised by residents. The officer explained that they were aware of the concerns and had carried out a number of tests to discover the level of vibration and noise that would be associated with the placement of the boiler/plant room in its location. The officer said that it would not be an issue.

In response to member questions, the officer also highlighted the engagement work that Council officers had been undertaking and would continue to undertake in the weeks and months ahead.

Members asked the officer to state whether residents would have to move out during the construction phase. The officer stated that advice

would be needed from Health and Safety colleagues on that matter and that this may become clearer as plans develop.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: It is considered that the proposal would not give rise to an adverse impact upon the visual amenity of the wider street scene, the residential amenity of neighbouring properties or the safety and convenience of highway users.

53. Hob Moor Community Primary School, Green Lane, Acomb, York, YO24 4PS [18/01475/GRG3]

Members considered an application by the City of York Council for the creation of a new area of playing fields, wetland areas and timber walkways, erection of fabric shelter over outdoor class space.

The Development Management Officer informed the committee that there were a number of additional drainage conditions and that these had been added as an update to the report.

Members were interested to understand how the 'community use' of the playing fields would work in practical terms. Officers informed the committee that the school would lead on the organisation of the community use of the playing fields. The fields would only be allowed to be used by the community outside of school hours and that the school were fully supportive of the idea.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: Due to the loss of playing field space to accommodate another development, this proposal ensures that Hob Moor Primary School does not lose sports pitch provision. Subject to any approval being appropriately conditioned in terms of archaeology and biodiversity impact, the proposal is felt to be appropriate in planning terms.

54. Windsor House, 22 Ascot Way, York, YO24 4QZ [18/01467/GRG3]

Members considered an application from the City of York Council for the erection of a part single storey, part two storey centre for disabled children and their families following the demolition of existing care home with associated parking, access and landscaping works (includes part of Hob Moor School site).

Cllr Waller, Ward Councillor, then addressed the committee and paid tribute to the team who submitted this application who have consulted with the community and the ward committee on a number of occasions. Cllr Waller also expressed concerns regarding traffic congestion and highway issues, particularly during construction.

In response to member questions, officers explained that they did not expect the centre to be a major trip generator due to many of the service users accessing the centre via minibus. To further mitigate against these fears, the design also included areas specifically for 'drop off' to alleviate any pressure on the highway system.

Members questioned the officers on the potential inclusion of photovoltaics within the application and discussed the sustainability and BREEAM standards of the building.

Officers informed the committee that photovoltaics were being considered for this building and if deemed appropriate, could be included as a non-material amendment at a later stage. Officers also explained why BREEAM standard 'Excellent' was not within the budget of this project and that there had to be a balance between the use of funds for the standard of sustainability and the use of the building.

Members agreed that the Centre of Excellence would be a great asset to the City and that there was a great deal of support for this application.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: It is felt that the proposal is acceptable in terms of its impact upon the visual amenity of the wider street scene. The proposed alternative playing field provision is acceptable and no material harm would be caused to the safety and convenience of highway users on the surrounding network. It is felt that the proposal would be consistent with the requirements of Policy D1, GI5 and HW4 of the Publication Draft City of York Local Plan and the proposal is therefore acceptable in planning terms.

55. Appeals Performance and Decision Summaries

Members were presented with a report outlining Appeals Performance and Decision Summaries for their comment.

In response to member questions on the number of appeals noted in the report, officers explained that this was a statistical anomaly and that only if the number appeals continued in this way would it be a concern.

Resolved: That members note the report.

Reason: To inform members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

56. Planning Enforcement Cases - Update

Members received a quarterly update on Planning Enforcement Cases.

It was proposed by members that consideration be given to establishing a review process for older enforcement cases. Members were keen to highlight that only in consultation with Ward Councillors should this approach be considered due to the importance of some enforcement cases with members of the community.

Resolved: That members note the content of the report

Reason: To update members on the number of outstanding planning enforcement cases and level of financial contributions received through Section 106 agreements.

Cllr J Galvin, Chair

[The meeting started at 16:30 and finished at 18:50].