

Meeting	Planning Committee
Date	18 October 2017
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Fenton
Apologies	Councillors Warters

### 36. Site Visits

Application	Reason	In attendance
The Carlton Tavern Public House 140 Acomb Road	As the recommendation was for approval and objections had been received.	Councillors Ayre, D'Agorne, Dew and Fenton
Burnholme Community Hub Bad Bargain Lane	To familiarise Members with the site.	Councillors Ayre, D'Agorne, Dew, Fenton and Reid
Cemetery New Lane Huntington	To familiarise Members with the site.	Councillors Ayre, D'Agorne, Dew, Fenton and Reid
Yorvale Ltd Fossfield Farm Foss Field Lane Acaster Malbis	To familiarise Members with the site.	Councillors Ayre, D'Agorne, Dew, Fenton and Reid

### 37. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Pavlovic

declared a pecuniary interest in the Carlton Tavern application as he had a previous business relationship with the developer involved with the alternative proposal to the planning application. Cllr Reid declared a pecuniary interest as her son lives in Shelley House, adjacent to the Carlton Tavern site.

**38. Minutes**

Resolved: That the minutes of the last meeting held on 14 September 2017 be approved and then signed by the chair as a correct record.

**39. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**40. 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.

**41. The Carlton Tavern, 140 Acomb Road, York (17/00476/FULM)**

[Note: Councillors Reid and Pavlovic withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major full application by Crown Care for the construction of a three-four storey 74 bedroom care home with associated parking, cycle racks and landscaping following the demolition of the existing Carlton Lodge Public House.

Officers provided an update to Members. Members were advised that that there had been additional submitted drawings, an email from a third party which had been forwarded to Officers in relation to a potential bid, an objection in relation to boundary impact, and an additional 40 letters of objection.

Duncan Marks, representing York Civic Trust, spoke in objection to the application. He stated that York Civic trust strongly objected to the proposed demolition of the Carlton Tavern due to it being a heritage asset on the city's local list, and a building of historical importance, as an example of late Victorian Tudor revivalism designed by Walter Green Penty. This included the aesthetic of the vertical wall hung tiles, which was a style that was being increasingly recognised nationally. He highlighted the loss of other buildings designed by Penty and added that Carlton Tavern had a rich history of serving the local community.

Dave Rowsell, on behalf of Friends of Carlton Tavern then spoke, also in objection to the application. He noted the use of the lift and the impact of the loss of car parking spaces, suggesting that this would have a negative impact on parking in the vicinity. He also cited the public use of facilities as a safeguarding concern, asking how the safeguarding of residents at the proposed care home could be ensured when the cafe was open to the public.

Louise Ennis, a local resident, addressed the Committee in objection to the application and she provided additional points in relation to her objection. She outlined the benefits versus the harm to the Carlton Tavern as a heritage and community asset. She suggested that there had been a lack of consultation and noted the level of public objection to the proposed application. She asserted that the evidence demonstrated that consultation was inadequate, that community needs and experts' views on heritage significance were disregarded, and that the harm to the whole community from the loss of the Carlton Tavern outweighed the benefit.

Roy Wallington, CYC Programme Director for Older Persons' Accommodation then addressed the committee. He advised that there was a rise in the number of over 90 year olds in York, and that dementia care was in huge demand in York. He noted that Oakhaven would be redeveloped to provide care for elderly people to live independently and there was a need to build 10 care homes to keep pace with the rapidly changing population. In response to Members' questions, he explained that integration and support were key to the city and most care homes in the city accommodated people that have moved were no more than three miles from their own homes.

Dr Pummi Mattu, Chief Operating Officer of Crown Care, spoke in support of the application. She stated that York had a shortfall of 657 residential and nursing beds. She noted that CYC had closed Oakhaven and the redevelopment of the Carlton Tavern site would enhance that care shortfall. She noted that their care homes were regulated by CQC in which they met and exceeded the regulatory requirements. She added that the care home would be an inclusive development representing a new and improved community asset. It was hoped that the development would strengthen and support CYC's assisted living complex on the Oakhaven site.

Mark Massey, the applicant's agent, spoke in support of the application, stating that the current owners had agreed to sell the building site to Crown Care. A thorough appraisal of the building had concluded that the building could not be converted and included in a larger development and evidence had been provided to show that this was neither practical nor feasible. He cited the use of a meeting space for local community groups, cinema, gym and therapy room open to the over 55s who live locally. The cafe and restaurant would be open to the wider public during visiting hours. He added that the care home would create in excess of 30 full time equivalent jobs.

In response to Members' questions, Mr Massey confirmed that no alternative land for the development was available at a price Crown Care could afford and that it had not proved possible to deliver a feasible option to keep the facade of the existing building.

Members went on to have a full debate on the proposals in the light of Officers advice and the issues raised by the public participants. In response to Members' questions, Officers advised that:

- The issue was whether the provision of the care home outweighed the cumulative loss of a non designated heritage asset and an asset of community value
- The Carlton Tavern was not formally recognised as a non designated heritage asset.

Cllr Shepherd then moved and Cllr Looker seconded a motion to refuse the application. On being put to the vote, the motion was lost.

Cllr Galvin then moved and Cllr Cuthbertson seconded the Officer recommendation for approval subject to the updated list of conditions (conditions 2, 6 and 12, 15 and 26 to be amended and conditions 13 and 17 to be deleted), and on being put to the vote the motion was approved and it was:

Resolved: That the application be approved subject to the conditions listed in the report, with conditions 13 and 17 to be deleted and conditions 2,6, 12, 15 and 26 amended as detailed below:

### Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:

Site Location Plan PLO1

Existing Site Layout PL02

Existing Site Sections PLO3

Proposed Site Layout PLO4 REV F

Proposed Ground and first Floor PLO5 REV E

Proposed Second and First Floor PLO6 REV E

Proposed Roof Plan PLO7 REV D

Proposed Site Sections PLO8 REV D

Proposed Elevations PLO9 REV E

Proposed Boundary Treatment PL10 REV C

Proposed Streetscape along Acomb Road PL10 REV A

Proposed site Sections in relation to existing Buildings PL12  
REV E

Proposed Site Layout in context of Neighbouring Windows PI13  
REV A

Proposed Access Arrangements PL14

Proposed Site Layout in context of Shelley House PL15 REV C

Proposed Site Section cut and fill PI16

Artists Impressions Sheet 1 A101 REV A

Artists Impressions Sheet 2 A102 REV A

Artists Impressions Sheet 1 Trees Ghosted A103 REV A

Artists Impressions Sheet 2 Trees Ghosted A104

Artists Impressions of Principal Elevation A105

Proposed Principal Elevation Study PPES1

Internal Perspectives IPO1

Shelley House Perspectives – Existing SHO1

Shelley House Perspectives Proposed SHO2 REV B

Shelley House Perspectives Combined SHO3

Aerial Axonometric AA01

Eastern Elevation Artist Impression EE01

Design and Access Statement  
Addendum A to the Design and Access Statement.  
Archaeological Evaluation – Written Scheme of Investigation  
Arboriculture Impact Assessment  
Heritage Statement

Amended Condition 6

There shall be no demolition, construction or other invasive works on site until an Arboricultural Management Plan has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the submitted plan.

Reason: In the interests of the protection of existing trees on site that are subject to a Tree Preservation Order.

Amended Condition 12 (deleted repeated reference to cinema)

Prior to the first use of the building, or such longer period as may be agreed in writing by the LPA, a management plan for the community use and access of a meeting room within the building, together with the use of the cinema, gym and therapy room for use by over 55's who live in the Ward. Thereafter the operation of the building shall be carried in accordance with the approved plan, unless an amendment has first been agreed in writing by the local planning authority.

Reason: In the interests of securing community benefits.

Amended Condition 15

Notwithstanding the submitted details, the construction of the building hereby approved shall not commence until a detailed landscaping scheme (which shall illustrate the number, species, height and position of trees and shrubs) and boundary treatments (including full boundary treatment details) has been submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented in full prior to the occupation of the building unless a longer period has first been agreed in writing by the LPA. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The submitted details shall include planting along the boundary of the site with both Baildon Close

and Shelley House, and include details of planting, spacing, and height to be maintained.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area, and neighbour amenity.

Amended Condition 26

Add reason to state: In the interests of maintaining the amenities of neighbouring residents.

(i) The main issue is whether, having regard to material planning considerations, any adverse impacts of the development proposed would significantly and demonstrably outweigh any benefits, when assessed against the policies of the National Planning Policy Framework as a whole.

(ii) Paragraph 6 of that document explains that there are three dimensions to sustainable development - economic, social and environmental.

(iii) In terms of the economic dimension, this proposal will result in the loss of the jobs associated with the existing public house. However, these will be more than compensated for by those created through this development (i.e. the 30 FTE employed in the Care Home itself, in its supply chain, and in construction of the facility). Whilst the development will result in the loss of the Business Rates generated from the Public House, this loss will be offset by the Council Tax receipts it will generate. Therefore, this application is considered to be sustainable in terms of the economic dimension of sustainable development.

(iv) In the case of the social dimension, the balance of factors is in favour of the scheme. Whilst the demolition of the Public House will result in the loss of a local community facility and the function rooms and outdoor play area that it currently provides, the Carlton Tavern is not the only Public House serving this community (there are, in fact over 10 others within a mile of this site) and the development will include a publically-available meeting room, hairdressers, at the third level is a cinema, gym and therapy room that will be open to over 55's who live in the area. The provision of Class C2 facilities including traditional residential care facilities will help to meet a pressing need within

York for this type of accommodation. Therefore, this application will make a considerable contribution to the meeting an element of the housing needs of the City that is currently underprovided for. The revised plans have reduced the impact of the development on the existing amenities of neighbouring occupiers to a level that is considered to be on balance, acceptable.

(v) With regard to the environmental role, again the position is balanced. In terms of its location this development could not be more sustainable - it is well-served by existing public transport; it is within easy walking distance of existing shops, doctors and other community facilities; it is in a low flood-risk area. The design of the building, itself, is also very sustainable - the development will be very energy- efficient (equivalent to Level 4 of the Code for Sustainable Homes); it is proposed to be built using sustainably-sourced timber from managed forests, with sedum on the roof, and photovoltaic panels. In addition, the use would generate less movements than those of the current building. However, this has to be weighed against the fact that this application would involve the demolition of a building which, although not listed, is undoubtedly of architectural and historic interest in a local context and which makes a valued contribution to the character of the locality. Moreover, the development has raised some concerns over the longevity of the trees along the site's frontage, trees whose importance to the streetscene are recognised by virtue of the fact that they are protected by a TPO.

(vi) The loss of the community facilities provided by the Carlton Tavern are considered to be considerably outweighed by the benefits to the community of York, as a whole, which would derive from the provision of a form of accommodation for which there is a pressing need in the City and for which there are few suitable alternative sites in the authority's area.

(vii) Whilst the overall judgement is balanced, it is considered that the significant benefits which the care home would provide would be sufficient to outweigh loss of a non – designated heritage asset, even one of the undoubted local importance of the Carlton Tavern, and furthermore would outweigh the loss of a listed Asset of Community Value. It is considered that the possible harm to part of the root zone of the



nearest tree to create the lift platform is not sufficient to weigh in favour of refusal on its own.

**41a Burnholme Community Hub, Bad Bargain Lane, York, YO31 0GW (17/01925/FULM)**

Members considered a major full application by Ashley House Plc for the construction of an 80 bedroom care home with associated landscaping, infrastructure and car parking.

Officers provided an update to Members which detailed an amendment to condition 19 and an additional planning condition.

In response to Members' questions, it was clarified that:

- The reference to sustainable features is included in the policy requirement for BREAM, which was very good.
- The trees at the front of the site would be retained and the trees to the south would be removed.

Following discussion it was:

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amendment to condition 19

The premises shall be used only as a Care Home within Use Class C2 and shall not be used for any other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In order to allow a consideration of the impact of any changes on amenity.

Additional planning condition

The development hereby permitted shall not be occupied unless or until the carriageway and footway basecourses and street lighting to the new estate road, up to and including the exit point from the site, have been constructed.

Reason: To ensure appropriate access and egress to the building, in the interests of highway safety and the convenience of prospective residents.

Reasons:

(i) The provision of a care home on this brownfield site complies with relevant local and national policy. It is considered that the proposal makes good use of the site which is in a sustainable location and will provide much needed older persons' accommodation for the city.

(ii) It is considered that The design will be a positive addition to the site and that impact on neighbouring residents will be minimal given that the site was previously in use as a school and therefore recommend the application for approval subject to planning conditions.

#### **42. Cemetery, New Lane, Huntington, York (17/01250/FUL)**

Members considered a full application by Huntington Parish Council for the change of use of part of OS Field 0042 from agricultural land to extension to existing cemetery.

Following consideration it was:

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

Reasons:

(i) In addition to the harm to the York Green Belt by reason of inappropriateness, it is considered that the development would impact on openness, because openness is considered to be an 'absence of development'. However it is considered that the operationa development would not be readily seen from outside the site, with an absence of visual intrusion. As such it is considered that subject to a landscape/ecological management plan, to include the retention of existing trees and hedges, (except where access is required), the development will not impact on the amenity of the area.

(ii) The proposed development is required to enable the extension of the existing cemetery to accommodate future demand in the Parishes of Huntington, New Earswick and Earswick. The land has already been acquired, and will enable the continued operation of the cemetery in a manner that benefits local people. Works carried out on the existing site, will enable the implementation of additional land in a manner that is low key, and utilises existing employees, equipment and a storage building. Furthermore it can be managed in a manner that benefits nature conservation. Furthermore the principle of development has already been agreed.

(iv) As such, even when substantial weight is given to the harm to the Green Belt, it is considered that the cumulative weight of the considerations above are sufficient to clearly outweigh the harm to the Green Belt and any other harm and that the very special circumstances necessary to justify the development exist.

**42a Yorvale Ltd, Fossfield Farm, Foss Field Lane, Acaster Malbis, York (17/01790/FUL)**

Members considered a full application by Yorvale Icecream Ltd for the construction of a single storey production building.

Members were provided with an update which reported that the Flood Risk Assessment referred to in the conclusion of the report had been received that afternoon. The submission was to be considered in due course and therefore the recommendation remained unchanged.

Following consideration it was:

Resolved: That the Committee:

- i) Delegate authority to Officers to approve the application on the receipt of adequate flood risk information that would result in a positive sequential test, and receipt of satisfactory drainage information.
- ii) Delegate authority to Officers to refuse the application if adequate flood risk information that would result in a positive sequential test and receipt of satisfactory drainage information has not been submitted within 3 months of the date of this resolution.

Reason:

In addition to the harm to the York Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

However it is an established successful business that currently exists on the site and whilst the proposed development would be a significant increase on the existing host building it would be sited on a partially enclosed site on the edge of the confines of the farm and factory complex. Relocation to another site would break the functional link and remove the farm-based marketing value. There is considered to be a functional link of the ice cream business to the farm activity and the importance of the "provenance" of the ice cream, frozen yoghurt, and kefir. As such it is considered that cumulatively 2 factors the report are considered to have sufficient weight to clearly outweigh the harms to the Green Belt and other harms identified in this report even when substantial weight is given to the harm to the Green Belt. Therefore the very special circumstances necessary to justify the development exist.

#### **43. Appeals Performance and Decision Summaries**

Members received a report highlighting the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2017 and providing a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included.

Resolved: That Members note the content of this 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

Cllr N Ayre, Chair  
[The meeting started at 4.30 pm and finished at 6.07 pm].