
Meeting	Area Planning Sub-Committee
Date	11 January 2018
Present	Councillors Galvin (Chair), Carr, Craghill, Crawshaw [except for minute 28c-28e], Flinders, Hunter, Mercer, Orrell, Funnell (Substitute) and Looker (Substitute)
Apologies	Councillors Gillies, Shepherd and Cannon

Site Visits

Site	Visited by	Reason
Abbeyfield House, Regency Mews, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received.
26 Barbican Road, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received.
Fiesta Latina, 14 Clifford Street, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received.
3 Murton Way, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	At the request of the Ward Councillor
44 Tranby Avenue, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received

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. None were declared.

26. Minutes

Resolved: That, subject to the word "Compensation" being substituted with "Compulsory Purchase" under the Reason in item 20b, the minutes of the Area Planning Sub-Committee meeting held on 9 November 2017 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.

28a) Abbeyfield House, Regency Mews, York (17/01419/FULM)

Members considered a Major Full Application by Abbeyfield Society (York) Ltd for the erection of part two/part three storey building comprising 17 extra care flats and 8 dementia care flats following demolition of no.27 St Helens Road.

Officers gave an explanation of the layout of the site including access and egress to the site and buildings, car parking and the scale of the building. They advised that four trees were covered by a Tree Preservation Order (TPO) and there was a similar loss of trees to that of the previous scheme submitted. It was confirmed that there would be affordable housing on site, which would be secured by a 106 Agreement.

Deborah Sillence, a local resident, addressed the committee in objection to the application. She raised concerns regarding the building height, size and proximity to local residents, the loss of

open space and the detrimental effect that increased traffic to the site would bring to local residents.

Mark Chapman, a local resident, spoke in objection to the application. He made a number of comments in objection, suggesting that paragraph 14 of the NPPF should not outweigh GP1 of the Local Plan. He noted that the scale of the proposal was larger than that previously submitted and that 69 residents had objected to the application.

David Marshall, a local resident, spoke in objection to the application. He expressed concern that the building was larger than the one in the previously refused application, there had been no noise, light or shading surveys undertaken and there were other sites more suitable for the scale of development.

Roy Wallington, Programme Director - Older Person's Accommodation, City of York Council, spoke in support of the application. He explained that there was a significant shortage of care places for the elderly and an increase in the number of elderly over the coming years. He advised of the need for quality accommodation for extra care patients and dementia care patients.

In response to the question of whether extra care accommodation could be built elsewhere, there was competition for land and sites coming forward for development. He added that the application delivered extra care and enhancement to the existing care on the site.

Andrew Arnell, the applicant (and registered manager of Abbeyfield House), addressed the committee in support of the application. He explained that the proposal would provide flexible person centre care and that the application responded to the need for their services. He noted that the average age of residents is 92.

Andrew Arnell was asked and noted that Abbeyfield House was in its twentieth year of service.

Gareth Jackson, agent for the applicant, spoke in support of the application. He addressed how the scheme was different from previous proposals and explained the access to the site, proportional development of the site and how green space would be provided around the building.

Cllr Fenton, Ward Councillor for Dringhouses and Woodthorpe, addressed the committee to raise local residents' concerns in relation to the application. He explained that the nature of the objections and cited the main concern as being the adverse effect that the development would have on the Wendy House children's nursery, which would be overlooked by the proposed building.

In response to Member questions, officers clarified that:

- Part of the site falls under the definition of previously developed land.
- A traffic survey had been undertaken and highways officers had been satisfied with the application.
- The element of the development overlooking the play area of the children's nursery was an angled view over the play area. There was not considered to be an overlooking issue.
- With reference to the impact of construction traffic on the children's nursery, the majority traffic was through Regency Mews.

Debate followed, during which Members acknowledged the concerns of residents and the need for extra care accommodation. Following debate it was:

Resolved: That the application be approved subject to the completion of a Section 106 Agreement to secure 5 units of affordable housing and £5000 towards a TRO on Regency Mews.

Reason:

- i. The scheme is for an extension to the existing use on site and will provide 25 units of extra care for older people. It is considered to comply with relevant policy within the DCLP, emerging Local Plan and NPPF and will fulfil a need for this type of accommodation in a sustainable location.
- ii. Some harm has been identified to the character of the area and visual amenity through the loss of some of the mature landscaping on site. This impact will predominantly be to views of the site from

Regency Mews as a group of trees in the middle of the site are to be removed to facilitate the development. This includes trees covered by a Tree Protection Order. The trees are not especially good individual specimens but are of group value for their softening of views of the site from Regency Mews. Replacement tree planting is proposed within the parking area which will help to reintroduce some greenery in to the view along Regency Mews. Trees along the North and East boundaries of the site will be retained.

- iii. Distances between the proposed development and neighbouring properties are considered sufficient to prevent overlooking and overshadowing with the retained boundary planting helping to provide additional screening. Likewise the bulk of the building is towards the centre of the site helping to ensure there is no overbearing impact on neighbours. Increases in height towards the North of the site, as a result of bringing the structure further away from a protected tree, are still considered acceptable given the distances involved and screening provided by the tree itself.
- iv. Some impact has been identified on existing residents of Abbeyfield House as a result of the proximity of the North West wing of the new development to the existing building. A distance of 13m is retained between the buildings and the new wing is approximately 13m wide. These distances are considered sufficient to ensure no significant detriment to amenity of existing residents through loss of outlook.
- v. Highways impacts are not considered to be significant. Staff will access the site via the St Helens Road drive and trip generation has been shown to be little changed from the existing situation. Likewise information has been provided to indicate that changes to the

use of the access off Regency Mews and the existing parking area will be minimal and will have no significant impact on the existing network. Para. 32 of the NPPF states that development should only be refused on highway grounds where the residual cumulative impacts of development are severe. There is no indication that is the case in this instance.

- vi. Despite the previous planning history for the site, the clear need for this type of accommodation, sustainable location, and good quality design, clearly outweighs the harm to the character of the area through the loss of trees within the centre of the site. This is supported by changes in planning policy since the previous refusals and the presumption in favour of sustainable development contained within the NPPF.

28b) 25 Barbican Road, York, YO10 5AA (17/02199/FULM)

Members considered a Major Full Application by Mr D Blackwell for the Conversion of 25 and 26 Barbican Road into 12 apartments with associated external alterations and 3 storey rear extension.

Officers advised Members of amendments to condition 2 (plans), condition 8 (materials) and condition 9 (cycle parking storage area).

Councillor Taylor, Ward Councillor for Fishergate, spoke in objection to the application. He explained the objections raised by residents. He noted that the amenity for residents would be poor and the waste management of the development would be poor. He added that a number of developments in the area were for student accommodation and there was a need for family accommodation.

Following a question about waste management, Officers advised that:

- Waste management would be the responsibility of the building owner

- A condition for waste management could be added to the conditions.
- The committee could delegate authority to officers to add in a condition regarding waste management.

During debate on the application, Members raised concerns regarding the overdevelopment of the site, the development being too dense and the lack of amenity for residents. Following debate it was:

Resolved: That the application be refused.

Reason: The proposed development, by reason of the size, scale and massing of the proposed extension is considered to be out of character with the existing pattern of development on the east side of Barbican Road in the vicinity of the site, resulting in harm to the visual amenity of the area. Furthermore the proposed number of residential units to be accommodated within the development would result in a poor standard of residential amenity and a restricted outlook for future residents. Therefore the proposal would result in the overdevelopment of the application site contrary to Policy GP1 and H8 of the Draft Development Control Local Plan (2005) Policy D1 of the Pre-Publication Draft Local Plan (2017) and paragraph 17 of the National Planning Policy Framework.

**28c) Fiesta Latina, 14 Clifford Street, York, YO1 9RD
(17/02224/FULM)**

Members considered a Major Full Application by Mr M Easterby for the conversion of the basement and ground floor from a restaurant (use class A3) to office use (use class B1), and upper floors from office (use class B1) to 10 dwellings (use class C3) and the construction of a roof extension, second floor rear extension and alterations to elevations.

Members were advised by officers that the Environment Agency had raised no objections to the application.

Mark Stothard, the agent for the applicant was in attendance to answer questions. Following a question regarding soundproofing, he explained that two noise reports had done

and they were satisfied that the upgrades to the windows and party walls would address noise levels. He added that any concerns regarding noise could be addressed during development.

Members discussed the proximity of the proposed development to a nearby nightclub. In response to a Member question, the Development Manager advised that officers could only require by condition what soundproofing was considered necessary for the development to be acceptable, in this case the noise surveys had not identified an issue with noise transfer through the walls of the building.

Following debate it was:

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

Reason:

- i. The site is an existing mixed-use corner building that is currently partly occupied. The proposals involve the internal relocation of offices within the building, the loss of existing restaurant uses and the introduction of residential use within the building. The scheme is not considered to have an adverse impact on the vitality and viability of the city centre. The site is considered to be a sustainable location for residential and office uses, with the most vulnerable uses (residential) not at risk of flooding.
- ii. The applicant has undertaken further investigations, in respect to noise from neighbouring late night uses and has detailed mitigation measures to ensure that any occupants of the flats would be adequately protected and an adequate standard of residential amenity would be provided. The objection raised by the operators of the adjoining late night bar and nightclub is considered to have been addressed.
- iii. The proposal has been amended in design terms, and offers sensitive extensions and alterations to preserve the Conservation Area. The proposal is therefore recommended for approval subject to the suggested conditions including a condition that amends the Traffic Regulation Order, removing the

site from the Residents Parking Zone. The proposals accords with national guidance in the NPPF and the Draft Development Control Local Plan Policies.

28d) 3 Murton Way, York, YO19 5UW [17/02487/FUL]

Members considered a Full Application by Mr and Mrs Starzinski for the erection of First floor side extension (resubmission).

There was no officer update.

Stephanie Leeman, agent for the applicant, spoke in support of the application. She referred to the extension permitted in 1991 noting that the proposal was for a hipped roof to an existing single storey extension. She noted that the roof extension was not negatively impacting on the character and appearance of the Conservation Area as the plot was not in an open rural setting. Members were provided with a set of her briefing notes and design and access statement regarding the application.

Coucillor Warters, Ward Councillor for Osbaldwick and Derwent, addressed the committee in support of the application. He explained that the proposals sought to keep the bungalow in symmetry and that the proposed application would not negatively impact and would benefit the Osbaldwick Conservation Area.

Resolved: That the application be approved subject to the inclusion of a condition regarding materials.

Reason: The proposal is not considered to be harmful to the character and appearance of the conservation area. This would support national planning policy in relation to heritage assets and good design contained within the National Planning Policy Framework and with Policies GP1 ("Design"), H7 ("Residential Extensions") and HE3 ("Conservation Areas") of the City of York Draft Local Plan along with the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012 which encourages appropriate types of development within residential neighbourhoods.

**28e) 44 Tranby Avenue, Osbaldwick, York, YO10 3NJ
(17/02432/FUL)**

Members considered a Full Application by Mr Nikolai Krasnov for the change of use from a dwelling (use class C3) to House in Multiple Occupation (HMO) (use class C4).

The Development Manager advised that in the neighbourhood where the property was located, 6.42% of properties are shared houses, and within 100m of the property 7.14% are shared houses. If planning permission was granted the property would remain under the thresholds.

Cllr Warters, Ward Councillor for Osbaldwick and Derwenthorpe, addressed the committee in objection to the application. His concerns related to the impact of amenity because of extra noise, disruption, parking problems created through the change of use of the property to a HMO.

Members debated the application, expressing a number of views and it was:

Resolved: That the application be approved.

Reason: The proposed change of use would not breach the thresholds set out in the approved SPD and the use would not have any significant adverse impacts upon the amenity of neighbours or the character of the area. Therefore, subject to conditions, the proposal is in compliance with the NPPF, the SPD on 'Controlling the Concentration of Houses in Multiple Occupation' and draft Local Plan policy H8: Conversions.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].