

Meeting	Area Planning Sub-Committee
Date	9 June 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Mercer, Orrell and Derbyshire (Substitute for Councillor Flinders)
Apologies	Councillor Flinders
In Attendance	Councillors Doughty and Fenton

Site	Visited by	Reason for Visit
Newington Hotel, 147 Mount Vale, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	As the recommendation was for approval and objections had been received.
26 Hob Moor Terrace, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	As the recommendation was for approval and objections had been received.
Hilary House, St Saviour's Place, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	As the recommendation was for approval and objections had been received.
Fossbank Boarding Kennels, York	Councillors Cannon, Carr, Craghill, Gillies and Shepherd	To allow for Members to inspect the site, following deferral of the application from 7 April 2016 meeting.
Royal York Hotel, Station Hotel, York	Councillors Cannon, Craghill, Gillies and Shepherd	As it was an application for major development that would have an impact on the conservation area and was within the curtilage of a listed building.

1. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable prejudicial interests that they might have had in the business on the agenda.

Councillor Carr declared a personal interest in Agenda Item 4b) (26 Hob Moor Terrace) in that he was acquainted with the architect.

No other interests were declared.

2. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 5 May 2016 be approved and then signed by the Chair as a correct record.

3. 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 Committee.

4. Plans List

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

4a) Newington Hotel, 147 Mount Vale, York YO24 1DJ (16/00833/FUL)

Members considered a full application by Mount Vale Venture LLP for the conversion of an existing hotel and outbuildings into 7no. residential units to include the erection of a new town house adjacent to no. 147 and the demolition of extensions to the rear of the hotel together with associated works including

3no.blocks of garages and alterations to car park and driveway to form access and individual gardens (resubmission).

Officers gave an update to Members which included:

- Two further representations had been received since the publication of the agenda, from the Ward Member and from a neighbour
- Information had been received from the Public Protection Unit regarding the potential for land contamination meaning that this matter could be conditioned (Condition 19).
- Full information had now been received on conditions that were previously in draft in the Officer's report.

Representations in objection were received from Mike Nicholas a neighbour. He also provided a handout to Members which included photographs which included an overlay aspect of the proposed property with the current view. He stated that the property was close to his garden and felt that the proposed three storey building should be two storeys in height and there should be no windows in the gable. He also felt that any window in the gable should be obscured and fixed shut.

Further representations in objection were received from a local resident Daryl Goddard. He also spoke about the glazing of the windows on the northern elevation which overlooked his conservatory kitchen. He stated that although this was obscured, they overlooked and affected his privacy. He requested that the high windows be fixed and this be conditioned and the low windows be obscure glazed.

Representations in support were received from the agent Janet O'Neill. She spoke about the design of the proposed Newington Villa and residential amenity issues.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, further information received in respect of land contamination, and those additional ones circulated at Committee;

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed Lower Ground Floor 3011/101 Rev.B, Proposed Second and Third Floor 3011/104 Rev.C and Proposed Building Sections 3011/107 Rev.B, dated April 2016;

Proposed Block Plan 3011/100 Rev.F, Proposed Ground Floor 3011/102 Rev.F, Proposed First Floor 3011/103 Rev.E, Proposed Site Elevations 3011/105 Rev.F, Proposed Newington Villa Elevations 3011/106 Rev.D and Proposed Coach House Elevations 3011/108 Rev.C, dated May 2016;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first and second floor windows in the north facing elevation of Newington Villa, the bathroom and landing windows in the north and east facing elevations of Coach House shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

Additional condition: Notwithstanding the details on the approved plans, the proposed new boundary wall enclosing the garden of no. 155 and separating it from the parking area serving no.151, shall be replaced with a fence, details of which shall be submitted to and approved in writing by the Local Planning Authority before being erected.

Reason: To protect the existing category A Sycamore tree, referred to as T5 in the tree survey and which makes a significant contribution to the amenity of the development.

Reason: The proposal would provide homes within a sustainable and accessible location and would improve the significance and presence of the grade II listed buildings, and consequently the character and appearance of the Tadcaster Road Conservation Area.

4b) 26 Hob Moor Terrace, York YO24 1EY (16/00828/FUL)

Members considered a full application by Mr Tim Shepherd for the erection of a detached two storey dwelling following the demolition of a bungalow.

One registration had been received to speak on this application which was withdrawn at the meeting.

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

Reason: As the application accords with policies within the National Planning Policy Framework and the Draft Development Control Local Plan approved for development control purposes April 2005.

4c) Hilary House, St Saviour's Place, York YO1 7PJ (16/00701/FUL)

Members considered a full application from St Catherine's Developments for a roof extension to provide an additional apartment.

Officers circulated an update which included detailed comments from the Conservation Architect in respect of Hilary House. This was republished with the agenda following the meeting.

In response to a question about residents parking, it was noted that this would not normally be required as the property was located in the city centre.

Representations in objection were received from Mark Fieldsend. He made reference to a previous application made in 2013 for a roof extension, which had not been approved. He questioned any change in circumstances that time which would allow the roof extension applied for. Whilst the existing building was appropriate to the period, he felt that the proposal was inappropriate would set a precedent.

Further representations in objection were received from Janet Cole. She requested that if the application was approved, that a number of conditions be attached to the permission;

- including limiting working hours to 08.00-17.00 with no working at weekends or on Bank Holidays,
- limiting noise and vibration in particular no beeping by reversing vehicles,
- prohibiting obstructions in the common parts of the building and outside areas
- providing that all repair, redecoration and cleaning necessitated by the works will be carried out promptly, to a good standard and at the expense of the developer. The common areas will be left clear, clean and tidy at weekends.

She spoke about how the parking plans presented were inaccurate, in that there were nine parking spaces in the basement but there were eleven presented on the plans. She felt that if the application was approved, that there should be a revised plan.

Representations in support were received from the agent Janet O'Neill. She spoke about how although it was a dominant building on the skyline, it would not dominate the Minster. In addition, she reported that Historic England regarded the application as an enhancement to the Conservation Area. She felt that it would bring also benefits to the surrounding streetscape.

Some Members felt that the roof extension was inappropriate in the area. Others questioned whether the National Planning Policy Guidance (NPPG) required the design of buildings to be distinctive or to respect the existing environment.

Councillor Craghill moved refusal and Councillor Looker seconded refusal on the grounds of the harmful impact that the application would have on the Central Historic Core Area, that it would detract from its setting and that the public benefits were not considered to outweigh the harm that the roof extension would bring.

Resolved: That the application be refused and that reasons for refusal be delegated to the Chair and Vice Chair, in conjunction with Officers.

Reason: The host building is identified as a detractor in the Central Historic Core Conservation Area Appraisal; due to its scale and form it is out of character with the

surrounding townscape. The proposals would amplify the level of harm the building has on the character and appearance of the conservation area. The proposed rooftop extension would be a conspicuous addition and appear alien to the host building and its setting and would draw more undue attention, in particular in views along St Saviourgate and from the City Walls, to a building which already detracts from the skyline and historic setting. The proposals would not preserve, but have a harmful effect on the character and appearance of the Central Historic Core Conservation Area. The proposals would only create one dwelling and there are insufficient public benefits to justify the significant harm. To allow the proposal would be in conflict with paragraphs 126, 129, and 134 of the National Planning Policy Framework, policy within National Planning Policy Guidance regarding design and the scale of buildings and policies HE2 and HE3 of the City of York Development Control Local Plan (2005).

4d) Land to the South of Partnership House, Monks Cross Drive, Huntington, York (16/00665/FULM)

Members considered a full major application by Mr Chris Hale for a mixed use development including the erection of an electrical retail store with associated workshop, storage and offices and a drive thru restaurant.

Officers suggested that if Members were minded to approve the application that a number of highways conditions were required. In response to a Member's question about construction hours, it was noted that this could be added as an informative.

Representations in support were received from the applicant, Chris Hale. He informed the committee that they had outgrown their existing premises and were looking to relocate to purpose built premises and that all employees would be relocated. In addition, the Foss Internal Drainage Board had given them permission to drain into their system. If the application was approved, the applicant would try to reduce the surface water drainage overall. He commented that the café would also provide jobs in the area.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, additional highways conditions and the additional informative regarding hours of construction.

Reason: Members consider that the development represents sustainable development and is in principle supported by relevant policies in the NPPF.

4e) Fossbank Boarding Kennels, Strensall Road, York YO32 9SJ (15/02843/FUL)

Members considered a full application for the demolition of existing kennels, stables quarantine and cattery buildings, erection of 4 detached dwellings with garages, and provision of new access road from existing driveway.

Officers gave an update in which they informed Members that;

- Planning permission and reserved matters had been granted in 1995 for 125 dwellings, a parish hall and sports facilities at Fosslands Farm on land to the south of the site.
- The plan of the site had been incorrectly labelled, the cattery and quarantine buildings should be the other way round.
- A further representation in support of the application had been received from Richard Watson.

The representation from Richard Watson had been circulated amongst Members at the meeting.

Representations in objection were received from Jacky Ridley. She felt that expansion of the buildings on the site was inappropriate, special circumstances had not been demonstrated for development on Green Belt land and there was substantial local objection against the plans. She felt that it should be refused on the grounds of Green Belt policy.

Representations in support were received from the applicants' agent, Jennifer Hubbard. She informed the Committee about how the kennels were established before the houses were built nearby and the applicants had reduced the numbers of dogs that they kept on the site because of noise complaints.

If required the scheme could be reconfigured to make the courtyard development more open to replicate a rural agricultural development to minimise the impact on the green belt. She also felt in regards to surface water drainage that there was no use existed in this case for a further percolation test.

Representations were received from a representative of Earswick Parish Council, Pat Leveson. She informed Members that the Parish Council were in support of the application. They felt there were special circumstances for development in the Green Belt in that the development would be built in a sympathetic style, a bat survey had been undertaken and the access road would include a turning circle for emergency vehicles.

Representations in support were received from the Ward Member, Councillor Doughty. He highlighted that the application would make a small contribution to York's housing stock, the proposal was on brownfield land and the site was previously developed land. He felt there were very strong circumstances to approve the application.

Some Members felt that the application should be approved as they did not feel the development would impinge on the openness of the green belt and that there were very special circumstances in that the applicant would not be able to accept any more dogs at the kennels due to a noise abatement order which adversely affected the viability of the business. Other Members expressed concern that the Council's Green Belt policy was not being followed. Members were informed that although the Foss Internal Drainage Board and Flood Risk Management Team had objected to the application in regards to a lack of information a condition could be added to any permission to cover drainage.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, an additional condition relating to drainage, and reasons for approval be delegated to be agreed by the Chair and Vice Chair, in conjunction with Officers.

Reason: The proposals would not materially affect the openness of the Green Belt and applicant has demonstrated that very special circumstances exist to justify approving the application despite the potential

harm to the Green Belt by reason of inappropriateness.

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans:-

House Type Plots 2 & 4 0307A&CD08A and House Type Plots 1 & 3 0307A&CD09A, dated 12.5.15;

Site Plan 0307A&CD13B, Site Plan 0307A&CD14A, Proposed Site Layout 0307A&CD05A Rev.A, Double Garage 0307A&CD10A Rev.A and Single Garage 0307A&CD11A Rev.A, dated 7 March 2016;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of relatively undisturbed ground, where there is the potential for archaeological features and deposits relating to a prehistoric-Romano-British landscape and/or medieval and post-medieval agricultural practices, which could be disturbed through foundation excavations.

4 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in the Bat Survey report by QUANTS Environmental Ltd dated May 2016 submitted in support of the application. This includes the

following measures to be provided prior to demolition or any works to the buildings:

- Install 3x durable woodcrete bat boxes (i.e. 2F Schwegler) on site, to be installed in a mature tree with the position confirmed under the guidance of a suitably qualified ecologist;
- A toolbox talk to the contractors involved with demolition delivered by a suitably qualified ecologist in order to explain the presence of bats, their legal protection, roles and responsibilities, the proposed method of working and procedures should bats or evidence of bats be found.

During works to Buildings B1 (kennels) and B4 (stables) the roof tiles and other features of potential value to bats should be removed in a controlled manner by hand/hand tools under the supervision of a Natural England licensed bat surveyor.

Prior to occupation, as a biodiversity enhancement, two woodcrete bat bricks (1FQ or 1WQ Bat Box by Schwegler or similar) should be installed on the south/east/west elevations of each new dwelling (the position of the bat bricks should be confirmed under the guidance of a suitably qualified ecologist).

Reason: To take account of and to enhance the habitat for a European protected species.

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 The applicant shall install a three pin 13 amp electrical socket in each of the garages for the four properties which are located in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used (including surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

8 Prior to occupation, a detailed landscaping scheme (including hard and soft landscaping) which shall illustrate the number, species, height and position of trees and shrubs within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the houses and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

11 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-

off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of foul water disposal.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and because building works may prejudice an acceptable drainage scheme.

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

13 Before the commencement of construction works, details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Note: The details shall include a refuse collection point within the site curtilage.

Reason: In the interests of highway safety.

14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the preserving the openness of the Green Belt the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

**4f) Royal York Hotel, Station Road, York, YO24 1AY
(15/02596/FULM)**

Members considered a full major application from Troy Management Services (Royal York) Ltd for a four storey extension to provide 45no. additional bedrooms.

In their update to Members, Officers stated that condition 2 regarding the submitted plans required amendment. A BREEAM very good rating condition also needed to be added if planning permission was granted. In regards to the hotel's location in Flood Zone 3, this meant that bedrooms could not be located on the ground floor.

Some Members asked about the reduction of car parking spaces. Others asked about the visibility and design of the extension.

Officers responded that the extension was a simple and elegant design which would not be prominent from the city walls.

Resolved: That the application be approved with the amended plans and a BREEAM condition, alongside the conditions listed in the Officer's report.

Reason: Having attached considerable importance and weight to the desirability of avoiding such harm it is concluded that the harm is outweighed by the application's public benefits of improving the conference facilities at this premium hotel and by the new building having been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].