

Meeting	Area Planning Sub-Committee
Date	5 September 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Galvin, Craghill, Orrell, Waudby, Webb, Kilbane (Substitute), Fitzpatrick (Substitute) and Fenton (Substitute)
Apologies	Councillors

Site	Visited by	Reason
Block H Joseph Terry Grove	Cllrs: Fenton, Fisher, Galvin, Hollyer and Waudby	At the request of the Ward Councillor.
2 St Aubyns Place	Cllrs: Fenton, Fisher, Galvin, Hollyer and Waudby	As the recommendation was to approve and objections had been received
Club Salvation George Hudson Street	Cllrs: Fenton, Fisher, Galvin, Hollyer and Waudby	As the recommendation was to approve and objections had been received

## 22. 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 Crawshaw declared a personal, prejudicial interest in applications [19/00837/LBC & [19/00836/FULM], Agenda item 3c and 3d, Club Salvation George Hudson Street in that having raised objections to the conversion of music venues in the City for any other use, due to it representing a loss of cultural value and having specifically named Club Salvation as an example of this, he had predetermined his position on this matter and stated that he would leave the meeting for the item.

Cllr Waudby declared a personal, non-pecuniary interest in item 3a on the Agenda [18/01934/FULM] Block H Joseph Terry

Grove, as a family member had attended the site visit. Councillor Waudby declared that this would not affect her consideration of this application.

### **23. 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.

### **24. 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.

### **25. Block H Joseph Terry Grove York [18/01934/FULM]**

Members considered a full application from David Wilson Homes for the Erection of four storey block of 34 apartments with associated parking and landscaping (revised design of Block K, previously named Block H).

The Development Manager updated the Committee on this application which had been deferred from the August 2019 Committee meeting. Since August, further comments had been received from Sports and Active Leisure and Education. The Education and Sports s106 contribution had had been agreed. It was reported that this would be pro-rata.

The Development Manager circulated a further additional condition in relation to providing details of the reduction in carbon emissions this development would achieve through efficient building fabric and/or low carbon technology. A Member requested that the condition state the extent that the applicant would be expected to reduce carbon emissions. The Local Plan had stated 28% carbon reduction.

Mr Eammon Keogh, Agent for the applicant, spoke in favour of the application. He stated that this application was an improvement on the previously agreed scheme as it represented a smaller footprint. In response to questions from Members regarding parking allocation, he explained that there

were 35 parking spaces, one for each apartment plus a further parking space for one visitor.

In response to Members concerns regarding take up of the provision of 5 social rented apartments in this scheme, and whether or not these were occupied, Mr Keogh confirmed that these had been offered to the Housing Association, although he did not have any information regarding take up. Members considered that there had not been take up due to excessive prohibitive service charges. In response to further questions regarding what would happen if there were no take up from the Housing Association, Mr Keogh explained that a commuted sum would be payable to the Council. Some Members considered the cost to be paid to the Council should be the market value of the property rather than the building cost which would be significantly less than the market value.

Mr Terry Wilson, Chair of the Chocolate Works Residents Association spoke against the application. Mr Wilson raised a number of concerns including the following:

That the development:

- (i) Was becoming unbalanced due to subsequent planning applications. Of the 365 total properties 56% of them were one or two bedroom(s) and 70% of these would be apartments. He considered that these properties were inflexible.
- (ii) Impacted upon the heritage at the Terry's site; these concerns had been raised by: the Chocolate Works Residents Association, the York Civic Trust as well as a local residents.
- (iii) Was the width of a football pitch, too large.
- (iv) Impacted on the out of date transport assessment undertaken in 2009 which was based on a lot less residents living in the area.

Ms Janet Ray, a local resident, spoke against the application and expressed similar concerns to Mr Terry Wilson (above), that the proposed buildings were too large for the site and were out of keeping with the heritage area, devaluing the original housing there and representing a marked divorce from the heritage houses. Ms Ray also raised concerns regarding the offer of bikes for new residents which she considered to be intended to entice people to buy a house or flat.

Members discussed the fact that previous planning permission for this block had been granted in 2014 and that the new proposals under consideration represented a smaller footprint than the previous plan permitted.

In response to questions from Members regarding the social housing take up in relation to excessive prohibitive service charges and how to mitigating this problem, the Development Manager acknowledged that this was a concern and that there was uncertainty on how to mitigate this. Members suggested that this may be something that the Housing and Community Safety Policy and Scrutiny Committee could consider.

**UPDATE: This was referred to the Housing and Community Safety Policy and Scrutiny Committee and discussed at its meeting on 23 September. The Committee agreed that the Scrutiny Officer, David McLean would undertake a feasibility report from which Members would decide how to proceed. This decision will be reported back to this Committee in due course.**

During debate, Members discussed a number of concerns, including the fact that the scheme had changed considerably from the original scheme, that there was a lack of local open space and concerns about whether or not this was a sustainable development.

It was moved and seconded that the application be approved and it was therefore:

Resolved: That the application be GRANTED subject to the conditions listed in the report and the addition of the following condition:

Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of

renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: The application proposes a development of 34 apartments on previously developed land in a sustainable location. The proposal provides for a mix of smaller apartments including affordable housing. Previous planning permission exists for an apartment block on the site. The scale and design of the scheme would not harm the character and appearance of the conservation area nor the setting of adjacent and nearby listed buildings. The scale and design of the proposal would not harm the living conditions of existing residents. Parking provision is provided to the standards set out in the DCLP and traffic generation, compared with the extant permission would be neutral. It is considered that the proposal as amended complies with the statutory provisions in terms of heritage assets, and is in accordance with the NPPF, the Submission Draft Local Plan and the Development Control Local Plan.

In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

**26. 2 St Aubyns Place York YO24 1EQ [19/00557/FUL]**

Councillor Orrell left the meeting before the presentation and discussion of this item.

Members considered a full application from The Handa Family for the erection of a replacement dwelling (resubmission).

Officers updated the Committee on the application and reported 3 further responses from local residents which had been received but not previously reported to Members (these can be found attached to the Agenda item 3b).

Officers reported that at the site visit they had been asked to comment about the need to close the footpath(s) parallel to the front boundary of the property and / or footpath on Tadcaster Road /The Mount immediately to the East of the property during construction works and whether consideration had been given to the requirements of the Equalities Act in terms of maintaining appropriate access on the public highway. A full response to this question can be found attached to the Agenda item 3b).

Mr Matthew Margetts, Agent for the applicant, spoke in favour of the application. He explained that he had been working with the Council's Planning Team for two years to come up with a family home with a good design that was respectful to the neighbours. In response to questions regarding the environmental impact of the new build, Mr Margetts explained that the new build would have a high standard energy efficient heating system.

A Member expressed concerns that the build had been used as staff quarters for the hotel for 20 years and that this build could possibly serve as an annex to the Elmbank Hotel.

Mrs Angela Wheatcroft, local resident, spoke against the application. She considered that it would be an expensive waste of money if this application were granted as little would be achieved, only one extra bedroom. Drilling below ground level along with all of the work involved would be an overdevelopment of this site which is sensitive. She was concerned that the 1930's materials set in the context of existing house would be wasted. She raised further concern regarding the courtyard, which is north facing, therefore much of the courtyard would be dark with lots of moisture and moss there.

Dr Jens Wiebe, a local resident next door to the premises spoke against the application. Dr Wiebe expressed concern that his family's privacy would be compromised if this application were granted. He had written to the relevant architects regarding overlooking and they had suggested that the windows would be removed completely which is not the case in this proposal. Dr Wiebe explained that they already experience overlooking from the Hotel. He expressed further concern about the brick

boundary wall which currently gives them some degree of privacy. The application had stated that this would be knocked down. It is a shared boundary wall and he had not been consulted. He was concerned that this could damage his garden.

Mrs Patricia Pitt, a local resident for the last 30 years, spoke against the application. She considered that the new proposal would be more unsightly, offered less parking and no disability assessment had been undertaken. She considered that the changes offered no benefit to the community, the developers were not residents of this City. She considered that the Officer's recommendation to grant this application were contrary to the Local Plan.

During debate, Members raised concerns about the design of the proposal, the lack of ecological credentials of the proposal, the potential loss of an asset which they considered should have historical, architectural value and should be a heritage asset.

In response to local objection, the above concerns raised by residents and questions from Members, Officers explained:

- That a number of concerns raised were not a planning consideration, such as whether the development benefitted the community. The internal materials used.
- The property was not a listed building, there were no protection measures on this building and it could be demolished. It would not harm the setting of the Listed Building.
- The previous application was refused due to the impact on the street scene, these concerns had been addressed in this plan.
- The location of the windows had been addressed and were now considered acceptable.

It was moved and seconded that the application be refused and it was therefore:

Resolved: That the application be REFUSED for the following reasons:

The application is contrary to policy DP3 and D1 failing to respect the context of the site,

harming the setting of adjacent listed building and conservation area. Loss of existing building

Reason: The existing bungalow on the site which is of period 1930s design and which references the Arts and Crafts style of nearby listed properties, has heritage value alone and as a group with other 1930s period properties in the Tadcaster Road Conservation Area, which it sits adjacent to. It is in an iconic location, forms part of the historic character of this part of York, enhances the setting of this and the Central Historic Core Conservation Area which it also borders, and also the setting of the Grade II\* listed Elmbank Hotel. The proposed replacement dwelling is not an appropriate design in this historic context. The proposed development is found to be contrary to paragraph 130 of the National Planning Policy Framework 2019 being inappropriate and poor design that fails to improve the character and quality of the area. The proposal is also contrary to emerging policy 'DP3 Sustainable Communities' in the City of York Local Plan Publication Draft February 2018 as it does not respect nor enhance the historic character of York. It also causes harm to the setting of both conservation areas and the setting of the Grade II\* listed building. There are no public benefits to outweigh this harm and thus it is also contrary to Section 16, particularly paragraphs 194 and 196 in the National Planning Policy Framework 2019, which requires development to sustain and enhance the significance of designated heritage assets.

The applicant has failed to demonstrate that the existing dwelling could not be reused rather than demolished. Section 2, paragraph 8 (c) of the National Planning Policy Framework 2019 sets environmental objectives including protecting the built and historic environment, making effective use of land and minimising waste. Whilst the

proposed design is bold, no environmental benefits of the replacement building have been proposed that outweigh the harm caused by not reusing the existing building or materials. As such, the proposed development is not considered to be sustainable development as set by the NPPF 2019 in the above paragraph.

**27. Club Salvation George Hudson Street York YO1 6JL  
[19/00837/LBC]**

There was a 5 minute recess.

Cllr Crawshaw left the meeting having declared a personal prejudicial interest noted at Minute 22.

Members considered an application from Mr Brown for Internal alterations to Nos 27-31 George Hudson Street involving the removal of existing partitions and the installation of new partitions and doorways to facilitate conversion of the properties to serviced apartments.

Officers updated the Committee on the application and reported further consultation responses which had been received but not previously reported to Members (attached at end of these Minutes).

Mr Lee Vincent, Agent for the applicant, spoke in favour of the application.

It was moved and seconded that the application be approved and it was therefore:

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

Reason: (i) The proposals would result in conversion of the first, second and third floors and a roof level extension to create 17 no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and

basement to 31 George Hudson Street to form amenity space for the serviced apartments.

- (ii) The proposed works to the Listed Buildings are, within the context of the development as whole; which included non-listed buildings, relatively minor in their nature. The works consist of new partitioning of the internal space and the closing up of a non-historic opening. Overall it is considered that these works do not give rise to significant levels of harm being caused to the overall character, setting and amenity of the Listed Building. It is therefore recommended that Listed Building Consent be granted.

**28. Club Salvation George Hudson Street York YO1 6JL  
[19/00836/FULM]**

Members considered a full application from Mr Brown for a conversion of first, second floor and third floors and roof level extension to create 17 serviced apartments (C1 use), change of use of 23 and 25 Tanner Row ground floor and basement to restaurant (class A3) with ancillary accommodation along with ground floor and basement to 31 George Hudson Street to amenity space for serviced apartments above (c1 use) (revised scheme).

Officers updated the Committee on the application and reported further consultation responses which had been received but not previously reported to Members (attached at end of these Minutes).

Mr Lee Vincent, Agent for the applicant, spoke in favour of the application.

A few Member expressed concern at the loss of another music venue in the City and requested that there is a policy on this in future.

It was moved and seconded that the application be approved and it was therefore:

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

- Reason: (i) The proposals would result in conversion of the first, second and third floors and a roof level extension to create 17 no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and basement to 31 George Hudson Street to form amenity space for the serviced apartments.
- (ii) The proposed works to the Listed Buildings are, within the context of the development as whole; which included non-listed buildings, relatively minor in their nature. The works consist of new partitioning of the internal space and the closing up of a non-historic opening. Overall it is considered that these works do not give rise to significant levels of harm being caused to the overall character, setting and amenity of the Listed Building. It is therefore recommended that Listed Building Consent be granted.

## **29. Planning Enforcement Cases - Update**

Resolved: That this item be deferred to the next Committee meeting.

Reason: Due to it being very late in the evening and In order to allow adequate time to consider this item.

Councillor Hollyer, Chair

[The meeting started at 5:30pm and finished at 8:22pm].

DRAFT