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Meeting	Area Planning Sub-Committee
Date	28 April 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Galvin, Melly, Orrell, Waudby, Perrett and Looker (Substitute for Cllr Webb)
Apologies	Councillor Webb

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### **69. 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.

For item 4b, Cllr Fisher noted a prejudicial interest in that a close relative lived close to the site of the application. He therefore withdrew from the meeting for the duration of the item.

Prior to the start of item 4b, Cllr Waudby noted a personal, non-prejudicial interest in the item as she knew the applicant.

### **70. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 14 April 2022 be approved and signed by the Chair as a correct record.

### **71. 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.

### **72. Plans List**

Members considered a schedule of reports of the Development Manager, relating to the following planning applications,

outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**73. Former B and M Stores Site, Stirling Road  
[21\_02220\_FULM]**

Members considered an application to construct 5 units in employment use and a drive through coffee shop with associated parking on the former B and M Stores site at Stirling Road York YO30 4WZ.

The Development Manager gave a presentation on the application and provided an update to Members regarding the following amendment to condition 21 (which specified the required highway works):

- Tactile paving to link the internal/external footpaths
- Give way markings where the access road meets Stirling Road.

The Development Manager and Development Case Officer responded to questions from Members and confirmed that the security fencing marked the boundary of the site which was marked in red on the plans.

The agents were present to respond to Members questions and confirmed that the proposed landscaping scheme was in addition to the highways verge outside of the security fence line. They also confirmed that the café would accommodate walk in customers in addition to the drive through arrangements.

Members were advised by Officers that during the application process, the plans had been revised to take into account the Arboricultural Method Statement and that Condition 3 remained in place to protect the existing trees.

Following debate, the Officers recommendation for approval was accepted and proposed by Cllr Crawshaw. This was seconded by Cllr Fisher. Cllr Craghill missed the presentation and therefore did not vote. Members voted unanimously in favour of the proposal and it was therefore:

Resolved: That the application be approved subject to the conditions in the report and the updated amendment to condition 21 which specified the required highway works.

Reason: The National Planning Policy Framework (NPPF) makes it clear that substantial weight should be given to the value of using suitable brownfield land within settlements for development needs. While the site is a windfall, there is an identified need for employment land within the city and the site sits within the urban area in proximity to similar uses and other facilities. Issues related to the impact on the Tree Preservation Order (TPO) trees on site have been resolved and other matters related to landscaping, ecology, amenity and highways can be secured via condition.

#### **74. Land Comprising Field At 463582 452080 Murton Way [21/00415/FULM]**

Members considered a full application from Louise Pink the change of use of field from rough grazing to green burial area with landscaping at 463582 452080 Murton Way, York.

The Development Manager gave a presentation on the application. He then updated Members with the revised plan and an additional submission by the applicant.

The Development Manager and the Case Officer clarified that:

- Most of the field was located in flood zone 1, zones 2 &3 were near the houses.
- Groundwater had been found at 1.4m below ground level and the Internal Drainage Board (IDB) identified a high water table.
- The Environment Agency had five minimum requirements that must be met before permission would be given for human burials.
- Bodies may contaminate waterways, this depended on how the water from the principal aquifer was used.

#### Public Speakers

The Chair and a Councillor from Osbaldwick Parish Council, Cllr Mark Warters and Cllr Rebecca Russell, spoke on behalf of the applicant in support.

In response to questions from Members they reported that:

- It was a complex ownership situation. The Parish Council needed to secure planning permission before being able to get access to the land for a Tier 2 survey.
- The width of the access lane was 14' 7".

Following questions from members the senior solicitor clarified that:

- Imposing a negatively worded 'Grampian' condition was at the discretion of Members. These types of conditions should not be used where there was no prospect at all of the action in question being performed within the time limit imposed by the permission. She advised that this was a material consideration for the Committee.

Planning officers clarified that:

- The Environment Agency (EA) regulate burial grounds and provide licenses. They require a minimum of 1m above and 1 m below the coffin or shroud, totalling 2.5 m. The EA would grant the final go ahead to carry out burials on the site.
- The use of the land as a burial ground was the decision of the Local Planning Authority (LPA).
- A low risk ground water area did not require a permit for fewer than 10 burials per year. However, the five minimum groundwater protection requirements needed to be met regardless of the number of burials.
- Officers believed, based on their existing knowledge of the ground water levels in the area that two of the EA requirements could not be met. They felt that there was insufficient evidence that a Tier 2 survey could be implemented.

Following debate, Cllr Galvin moved to approve the application subject to appropriate conditions as raised during the debate. The motion was seconded by Cllr Orrell.

Members voted 9 in favour of the motion and 1 against, it was therefore:

Resolved: That the application be approved subject to the conditions, including a 'Grampian' condition regarding groundwater testing, with the final wording delegated to officers in consultation with the Chair and Vice-Chair.

Reason: The site is appropriate development within the Green Belt with no identified harm to openness and permanence, fulfilling Green Belt aims. There is a need for additional burial ground in the Parish, and with landscape, ecological and amenity benefits, and appropriate access, the principle of the site for the intended use is acceptable. Other issues including flood risk and drainage mitigation and the need for groundwater testing and approval before any development can commence can be dealt by planning condition.

**75. Church House, 10 - 14 Ogleforth, York YO1 7JG  
[21/00601/FULM]**

Members considered an application to convert Church House, formerly used as an office, to 11 apartments with associated external works and landscaping, including 2 additional windows, new roof lights, new ramped access and refuse/bicycle store.

The Development Manager gave a presentation on the application.

Public Speakers

Johnny Hayes, a local resident, spoke in support of the application and welcomed the affordable housing. He raised some general concerns regarding Section 106 agreements and highlighted Financial Viability Assessments as a particular area for concern, he requested that these were examined more widely by a Scrutiny Committee or the Audit and Governance Committee.

Alexander McCallion, the applicant, spoke in support of the application. He explained that the Church House development was part of the emerging plan to provide income for the Minster to help offset the day to day running costs. He highlighted the affordable housing element of the plans and that there would be no holiday lets in the development.

Following Members questions, it was noted that:

- Tenancy agreements would last for 3 years.

- That there were plans for a future development that would include holiday lets.
- The rent set for the affordable units would be controlled by City of York Council (CYC), there would be no service charge on these units.

The Development Manager provided an update to Members outlining the additional consultation responses relating to education and lifelong learning and leisure. Two additional representations had also been received, one requesting a condition that would prevent holiday letting of the apartments and the other regarding the lack of an affordable housing contribution as per the original report of January 2022. Open space contributions were considered reasonable and necessary and could be secured through a Section 106 planning obligation totalling £11,124.

Following debate, Cllr Crawshaw moved approval of the application. This was seconded by Cllr Daubeney. Members voted unanimously in favour of the motion and it was therefore:

Resolved: To APPROVE the application subject to the completion of a Section 106 agreement and the conditions as set out in the Officer's report.

Reason: The proposal was for the change of use of Church House from offices to 11no. flats with external alterations in the form of replacement windows, new ramped access, car park suitable for two electric vehicles and bin and cycle store. The revised proposals were found to be in accordance with the Submission Draft Neighbourhood Plan which identified Church House for residential use. The design was appropriate and picked up on the character of the building and the part of The Minster Precinct and secured a good level of amenity for future residents both in terms of the conversion and external space. No harm had been identified to any designated heritage asset. Affordable housing was provided in accordance with the NPPF and policy H10. The proposals were thus found to be in accordance with sections 5, 12 and 16 in the NPPF 2021. The scheme was also in accordance with D2 Landscape and setting, D4 Conservation Areas, D5 Listed

Buildings and D11 on alterations to existing buildings in the Publication Draft Local Plan 2018. Finally it was also found to be in accordance with the Draft York Minster Precinct Neighbourhood Plan (April 2021).

Cllr A Hollyer , Chair

[The meeting started at 4.30 pm and finished at 6.08 pm].