City of York Council	Committee Minutes
Meeting	Planning Committee B
Date	17 October 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Crawshaw, Daubeney, Fisher, Orrell, Perrett and D'Agorne (Substitute for Cllr Craghill)
Apologies	Councillors Craghill and Galvin
Officers Present	Gareth Arnold, Development Manager Erik Matthews, Development Officer Sophie Prendergast, Development Officer Rachel Tyas, Development Officer Heidi Lehane, Senior Solicitor

23. Declarations of Interest (4.34 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda if they had not already done so in advance on the Register of Interests.

Councillors Orrell and Fisher declared a personal, non-prejudicial interest relating to item 4a, Central Library Gardens, Museum Street, York, as they knew one of the public speakers, Barry Ferguson. The personal, non-prejudicial interest was subsequently withdrawn at the start of item 4a, as the speaker had left the meeting.

Cllr D'Agorne declared a personal, non-prejudicial interest for item 4b, Clifton Without County Junior School, Rawcliffe Drive, York, as he knew one of the registered speakers, Andy Dearden, personally. He also declared, for reasons of transparency, that his partner was the Executive Member for Housing and Safer Neighbourhoods.

24. Minutes (4:36 pm)

The Chair noted the record of apologies from Cllr Daubeney and the attendance of his substitute, Cllr Fenton, had been omitted from the minutes of the last meeting, held on 1 September 2022.

Resolved: Subject to the amendment identified above, the minutes of the last meeting held on 01 September 2022 were approved as a correct record.

25. Public Participation (4.36 pm)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme, in relation to Agenda Item 4d, 36 Farndale Avenue, York, YO10 3NH.

Cllr Warters, Ward Member for Osbaldwick and Derwent Ward, objected to the application due to concerns regarding a lack of parking provision. He urged the committee to decide to defer consideration of the application, to allow for Highway Development Control comments to be received. He also raised concerns regarding condition 4 and stated that it was not possible to ensure that the bin and bike storage would be used by the tenants.

26. Plans List (4.40 pm)

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.

27. Central Library Gardens, Museum Street, York [21/02758/FUL] (6.37 pm)

Members considered a full application for change of use of land at Central Library Gardens, Museum Street, York, to form a 12-hole mini-golf course for a period of 7 years.

The Development Manger gave a presentation on the application and the Development Officer provided an update that outlined an additional representation from York Civic Trust which maintained their objection.

<u>Public Speakers</u>

Alison Cammiss, a CYC officer, spoke in a private capacity in favour of the application. She explained how the applicant's volunteer work linked with the social aims of the project.

Susan Brook, Chief Finance Officer, Explore York, spoke in favour of the application. She informed Members that the expected benefits of the venture would increase revenue and visitor numbers to Explore and would meet the wider aims for visitors to explore, learn and understand. In response to questions from Members she stated that the resurfaced path would remain at the end of the tenancy, and they had projected a 20-30,000 increase in visitor numbers annually. She also confirmed that other events took place in the space.

David Finch and Helen Burkitt, spoke in favour of the application as the applicants. They highlighted their aim to manage the space positively and to broaden the appeal to a wider audience. They detailed the design of the site and emphasised that it would be fully accessible.

In response to Members questions, they explained that the application was for 7 years which included a 12-month leeway for set up and to reinstate the site at the end of the lease. They also clarified the build materials and business hours which would be used.

Officers also explained that the permanent nature of the build meant that it could not be considered a temporary application. Any required lighting fixtures were manageable through conditions.

Following debate, Cllr Daubeney moved the officer recommendation to refuse the application. This was seconded by Cllr Orrell. A vote was taken and with seven votes in favour and one against it was;

Resolved: That the application be refused.

Reason: The proposal for a mini-golf course on Library Lawn in the city centre was not supported. There is moderate level of harm within the less than substantial category to the setting of designated heritage assets of the highest significance individually and for their group value in Mint Yard, with monuments spanning York's 2000-year history. This harm is caused by the removal of the neutral green foil of the lawn and replacement with a busy mini-golf course constructed of artificial materials, including miniature buildings and structures from coloured concrete, with rubber mulch, resin flexi-pave and imprinted concrete surfacing. The statutory duty in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would be harmful to the significance of the Conservation Area and neither its

character nor appearance would be preserved or enhanced and would have an adverse effect on the significance of designated heritage assets. These harms would be less than substantial within the meaning of the NPPF. Any such harm nevertheless is given great weight in accordance with paragraph 199 of the NPPF and fails to be outweighed in the heritage balance with the public benefits of the development. The harm is not clearly and convincingly justified and is not outweighed by sufficient public benefits. Therefore, in accordance with paragraphs 199 and 202 of the NPPF, the public benefits do not outweigh the great weight to be given to the less than substantial harm identified. It is therefore contrary to Section 16 of the NPPF and emerging policies D4, D5, D8 and D10 of the eLP. Further to this the design is inappropriate for the historic Page 40 Application Reference Number: 21/02758/FUL Item No: 4a context and is thus not in accordance with Section 12 of the NPPF and D1 Placemaking.
There is also harm caused by the commercialisation and therefore loss of public open space, which is unique in character, is not surplus to requirements and cannot be replaced with space of equivalent value. As such it is contrary to section 8 of the NPPF and emerging policies DP3 and G15 of the eLP.

28. Clifton Without County Junior School, Rawcliffe Drive, York [22-00685-OUTM] (4.41 pm)

Members considered a Major Outline Application at Clifton Without County Junior School, Rawcliffe Drive, York, for the part demolition of former school buildings and erection of two storey block and single storey extension for new library and associated uses, external works including car park, terrace, play areas and pedestrian and cycle access to adjacent school. Outline proposals for a residential development were also included within the application.

Cllr Crawshaw asked to formally record that he believed that Cllr D'Agorne, the Executive Member for Transport, should not take part in the decision-making process for the item. He felt this as Cllr D'Agorne's partner was the Executive Member for Housing and Safer Neighbourhoods, and the application had been submitted by CYC. In addition, council policy was to expand Explore libraries. This was noted by the Chair and entered into the minutes as a formal comment.

The Development Manager gave a presentation on the application and the Development Officer provided a further update to the report that covered the following amendments and new conditions:

Amended conditions

Delegated Authority to officers to amend Conditions 5, 16 – 19, 25, 26 to clarify the trigger points for the condition.

Condition 6 should be amended to read "prior to the commencement of the library phase of the development" with the reference to replacement of planting for a period of ten years from substantial completion of development deleted.

Condition 7 should be amended to read "All trees identified within the application site identified in the Rosetta Landscape Design Tree Survey Dated March 2022 as being Category A or Category B except the Japanese Cherry (Kanzan specimens) shall be retained as part and parcel of the finished layout.

Condition 12 should be amended to read "A strategy for Electric Vehicles (EVs) covering the site as a whole….."

Condition 24 should be amended to read "parallel crossing for cycles and pedestrians…."

Condition 23 references to Rawcliffe Drive should be amended to read Rawcliffe Lane.

Condition 28 should be amended to read: "The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with these approved details.

Details shall include –

- Surface water discharge from the whole site via storage with a restricted discharge of 29 (twenty nine) litres per second. This includes 24 (twenty four) litres per second from the new library and 5 (five) litres per second from the new housing site…
- Evidence of existing positive drainage to public sewer, the points of connection and proposed outfall. "

New Conditions:

31 The library element of the development hereby authorised shall be begun by 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.

32 Prior to the commencement of development a detailed management plan to secure the retention of the hedge bounding the site adjoining the Fairway outside of the approved pedestrian/cycle access to Vale of York

Academy shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include measures to secure the hedge including appropriate fencing and measures for the replacement of any hedging which dies or is removed without the permission of the local planning authority.
No part of the hedge shall be removed unless permission is granted either by details approved under this condition or pursuant to the reserved matters for the routing of service runs or access points.
Reason: To safeguard a hedge of townscape importance and to secure compliance with Policy G14 of the 2018 Publication Draft Local Plan.
32 The drawing accompanying the “Layout” reserved matter application for the Housing phase shall include the full extent of the canopy and root protection area of any tree identified as being category A or B in the Rosetta Landscape Design Tree Survey Dated March 2022.
Reason: To safeguard a hedge of townscape importance and to secure compliance with Policy G14 of the 2018 Publication Draft Local Plan.
33 Prior to the housing phase of the development commencing details of the cycle parking areas for residential occupiers, including means of enclosure, shall be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall follow the guidance in respect of cycle parking for residential dwellings outlined in the City of York Cycle Parking Guidance dated June 2016.The buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.
Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.
34 To manage and maintain the ecological value of the site a landscape and ecological management plan(s) (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.
The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable
of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

Public Speakers

Andy Dearden, a local resident, spoke in objection to the application. He highlighted residents' concerns regarding the loss of the hedge and requested that a condition was included to protect the hedge and manage access from the Fairway.

Caroline Dearden submitted a written statement in objection, which the Chair read out in full. She stated that the hedge is species rich and part of a continuous wildlife corridor from Clifton Ings to Clifton Backies which is regularly used by hedgehogs.

Helen Sweeting, a local resident, spoke in objection to the plans although she welcomed the new library/community hub. She highlighted the existing natural environment currently enjoyed by the community but also identified the need for supported housing as well as accommodation for the elderly.

Anne Leonard, a local resident, suggested the housing scheme should develop purpose-built housing for older people, to free up housing for younger people and support adult social care services. She identified benefits of developing links with the Vale of York Academy, to integrate older people within the community and reduce isolation.

Richard Ginn, a local resident, spoke in support of the application but he believed that there were some inaccuracies in the report concerning the biodiversity of the hedgerow. He raised concerns regarding traffic flows and suggested vehicle access off Rawcliffe was preferable than Fairway. In response to questions from Members he highlighted the importance of retaining existing green space.

Sarah Garbacz, Chief Operating Officer, York Explore, spoke in support of the application, highlighting the planned work within communities developing digital access and working with partner organisations. In

response to questions from Members, she explained that users were expected to come from across the city hence the need for on-site car parking. She confirmed that access to the library would be secured, this would allow access to the housing development.

Tom Stoneham, Treasurer of the Snappy Trust, spoke in support of the application and explained the Trust's role in the development process as a partner organisation to York Explore.

Project officers from City of York Council (CYC), Andy Laslett and Mark Wilson and the project architect, Alan Thomas were in attendance to respond to questions. They explained that the housing application was for outline permission only and a commitment to retain the majority of the hedge had been agreed by the Executive. The development of the library required the capital receipt from the housing project, for which there were no specific plans.

Officers responded to further questions from Members and confirmed the following:

- All matters were reserved on the outline planning permission for the housing development. It was not possible to stipulate the use of the site beyond its use for housing.
- It was not possible to have a section 106 agreement as CYC are the applicant but a scheme for education, offsite play, and affordable housing as per the draft Local Plan could be conditioned via a Grampian condition.
- Access to the school site could be conditioned for school times only, if required.
- All category A and B trees were to be retained.

Following debate, the Chair moved the officer recommendation, subject to the amended and additional conditions contained in the update, and further additional conditions in consultation with the Chair and Vice-Chair on affordable housing; education; open space/sport/play and hours of use of the school gate. Condition 32 would be amended to encourage vehicle access to housing site from Rawcliffe Drive, not to preclude access from Fairway. The exact wording to be delegated to the Chair and Vice-Chair. The motion was seconded by Cllr Fisher.

A vote was taken and with seven votes in favour and one vote, from Cllr D'Agorne, against the motion it was therefore;

Resolved:

i. That the application be approved subject to the additional conditions contained in the update.
ii. The wording of additional conditions, as outlined above, agreed in consultation with the Chair and Vice-Chair.

Reason: The former Clifton Without CJ School site Rawcliffe Drive comprises a medium sized brick-built structure set within a large site last used as a school in Page 68 Application Reference Number: 22/00685/OUTM Item No: 4b 2011. Outline planning permission is sought for partial demolition of the building and construction of a replacement Clifton 'Explore' (Library) with all detailed matters within this application and the remainder of the site to the south adjoining The Fairway for residential development. It is felt that the replacement library subject to appropriate conditions restricting on-street parking and surface water drainage together with biodiversity enhancements would be acceptable in planning terms and approval is recommended. In terms of the proposed residential development at the southern edge of the site, the land includes a mature boundary hedge adjoining the Fairway with a grouping of trees of significant townscape importance to the rear. Residential development of this land in principle accords with policy. All matters are reserved. As such, consideration of details of access, appearance, layout and scale will be subject to reserved matters applications. A condition is proposed requiring retention of category A and B trees as part of this scheme.

[6.30 pm – 6.36 pm, meeting adjourned]

29. Bootham and Monk Ward Conservative Club, 77-79 Clarence Street, York [22/00599/FULM] (7.22 pm)

Members considered a major full application for the erection of two and three story 34 room student accommodation building following demolition of existing buildings at 75-79 Clarence Street, York.

The Development Manager gave a presentation on the application and the Development Officer outlined two additional conditions, firstly for the windows on north-eastern elevation that served a corridor to be of

obscured glass, the second specified the boundary treatments on the northwest and south-eastern boundaries.

The architect, Nick Watson, and his colleagues explained the layout of the studios and apartments. A representative from the University of York, who was in attendance, also explained the management of the site once operational. They confirmed that the Construction Management Plan (CMP) would be handled by the contractor, who was yet to be appointed.

Officers responded to further questions from Members and confirmed existing conditions would limit hours of operation and noise. An additional condition could be added to include an Highway Method of Works (HMW) which would cover the direction of deliveries.

Following debate, Cllr Orrell proposed the officer recommendation to approve the application subject to the section 106 agreement, the further two conditions contained within the update and an additional condition to include an HMW.

This was seconded by Cllr Daubeney. On being put to a vote, with Members voting unanimously in favour, it was;

Resolved: That the application be approved subject to the section 106 agreement, the additional conditions contained within the update and an Highway method of works including direction of deliveries from Clarence Street.

Reason: The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. 6.2 There would be no significant adverse effect, in terms of the loss of the current use of the site, that would outweigh the benefits of the proposed use. Historic houses would be demolished but as they are outside of a conservation area and do not merit consideration as non-designated heritage assets. Their loss would not be a justifiable reason for refusal on heritage grounds. The scheme allows a more efficient use of the site and would meet current environmental standards. It is therefore consistent with the environmental objectives of the NPPF. The design of the replacement building has been amended to reflect design advice, its massing, scale, and articulation

now considered to be generally respectful of both the Clarence Street and Page 110 Application Reference Number: 22/00599/FULM Item No: Page 19 of 32 Union Terrace context. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site. 6.3 The scheme has been designed to the extent that there would be no undue effect on neighbours' amenity and provides adequate amenities for its future occupants. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

[8.00 pm – 8.05 pm the meeting adjourned for a comfort break. Cllr Fisher left the meeting.]

30. 36 Farndale Avenue, York, YO10 3NH [22/00611/FUL] (8.06 pm)

Members considered a full application for a two-storey side and single storey rear extensions, dormer to rear, bin and bicycle storage structure to side including demolition of garage at 36 Farndale Avenue, York.

The Development Manager gave a presentation on the application and provided an update to the report which amended condition 4 to add "Waste and recycling shall not be stored otherwise than within the approved bin store". He also highlighted the recent planning appeal decision for Deramore Drive, York, which ruled that car parking spaces should be large enough to ensure independent use.

In response to Members questions it was confirmed that:

- There was a preference for 3 parking spaces.
- There was no requirement to apply for change of use permission unless the lounge became an additional bedroom.
- The property was listed on the HMO database.

Following debate, Cllr Melly moved the Officer recommendation to approve the application. This was seconded by Cllr D'Agorne. On being put to the vote, with four Members in favour and three against, it was;

Resolved: That the application be approved.

Reason: Having assessed the proposed development, all material considerations and all representations received, the proposed extensions to the dwelling are deemed to represent an appropriate form of development that will not result in significant harm to the amenity of nearby residents and that includes an acceptable design.

Cllr A Hollyer, Chair
[The meeting started at 4.31 pm and finished at 8.23 pm].