

Meeting	Planning Committee B
Date	30 January 2025
Present	Councillors Cullwick (Vice-Chair), Baxter, Melly, Nelson, Orrell, Vassie, Warters, Waudby (Substitute) and Whitcroft (Substitute)
Apologies	Councillors B Burton and Fenton
Officers Present	Becky Eades, Head of Planning and Development Lindsay Jenkins, Senior Planning Officer Sophie Prendergast, Planning Officer Sharon Jackson, Planning Officer Helene Vergereau, Head of Highway Access and Development (remotely) Ian Stokes, Principal Development Control Engineer (Planning), Transport Sandra Branigan, Senior Lawyer Jodi Ingram, Lawyer

52. Apologies for Absence (4:31 pm)

Apologies were received from the Chair Cllr B Burton, who was substituted by Cllr Whitcroft, and from Cllr Fenton, who was substituted by Cllr Waudby.

In the absence of Cllr Burton, Vice-Chair Cllr Cullwick took the Chair. Cllr Vassie proposed that Cllr Melly be appointed as Vice-Chair for the duration of the meeting. This was seconded by Cllr Nelson, and with the agreement of the committee, Cllr Melly took over as Vice-Chair for the meeting.

53. 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.

Cllr Whitcroft noted that he had an interest in agenda item 5a, Land to the Rear of 128 Fulford Road, he therefore withdrew from the meeting at the start of that item and took no part in the debate or decision making thereon.

In the interests of transparency, Cllrs Waudby, Orrell, Cullwick and Vassie noted that they knew Nick Love, one of the public speakers for agenda item 5b, The Jubilee, Balfour Street.

54. Minutes (4:35 pm)

Resolved: That the minutes of the last meeting held on 16 December 2024 were approved as a correct record.

55. Public Participation (4:36 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

56. Plans List (4:36 pm)

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

57. Land To The Rear Of 128 Fulford Road, York [24/01403/FUL] (4:36 pm)

Members considered a full application for the erection of 3no. dwellings with associated access and landscaping following demolition of a garage.

[Members were given time at the start of this item to read the written submissions from five residents who had requested to speak at the meeting.]

The Head of Planning and Development gave a presentation on the plans for the development and the Planning Officer provided an update to the report and noted amendments to the report at paragraphs 2.5 and 5.37 and amendments to conditions 3 and 15. An informative in relation to the process for a Traffic Regulation Order (TRO) was also added. The officer also clarified the plans and confirmed that the houses were two storeys and noted a further objection from a neighbour had been received.

In response to questions on the plans, officers confirmed the location of the proposed development and that they considered that the housing had planned sufficient outside space. It was proposed not to allow residents to have access to resident parking permit due to the development's sustainable location. The size and use of the garages outside the redline plans was explained and the location of obscured glazing was clarified. The plans for cycle storage were also explained. Change of use at the property was granted in 2022 and the plans for the Theatre Royal arches were clarified. The biodiversity value had been assessed to be acceptable by the CYC ecologist. In relation to concerns from Highways, planning officers had considered all of the evidence before coming to a judgement.

Public Speakers

Helen Cozens, a resident, spoke in objection to the application. She raised concerns relating to the scale of the development, describing it as overbearing, leading to a loss of sunlight. She also stated that the development would be seen visible from the conservation area. Finally, she highlighted vehicle access and questioned the parking provision.

Christopher Rainger, a resident, spoke in objection in the application. He expressed surprise at the officer recommendation and went on to highlight the scale and style of the houses, which he described as out of keeping for the suburban area. He was concerned that the houses would overlook neighbouring properties and concerned about the provision for parking.

Paul McGrath, a resident, also spoke in objection to the application noting the many resident objections, stating that parking and access issues would be increased, and emergency service vehicles would face access difficulties. He questioned the planning process and stated that the development would not impact on the lack of social housing.

Graeme Holbeck, agent for the applicant, spoke in support of the application. He noted the officer's clear advice on separation differences and confirmed that it had informed the revised scheme. He highlighted that the redundant car park was an underused brownfield site in an urban area in a sustainable location and the planning officer has found no harm in the development of the site. He noted the difficulties of the site shape and explained that the developer had offered to restore footpath to make it useable. The design was now policy compliant and will assist the city in meeting its housing targets.

In response to Member questions the agent confirmed that the pallet of materials matched those used in the local area and the buildings were designed to be similar to the surrounding terraced housing. The existing

garages had a right of easement in order to access the garages, but the land was owned by the applicant and a management plan would be put in place to ensure that there was parking was not allowed in front of the garages. Developers had reconfigured house three, moving it further away from the boundary meaning it was not necessary to reduce the size of the property. He also clarified the size of the garden for house two.

[5.58 – 6.08 pm, the meeting was adjourned for a comfort break]

In response to questions to officers, it was reported that:

- Highways were satisfied with the garage sizes, garage two met the requirements for cycle storage.
- The development is on private land and was therefore not subject to highways control. The only parking on the development is provided by the garages, one space per house has been agreed due to the sustainable location. The changes made to the proposal mean that highways are now satisfied that vehicles can get in and out satisfactorily.
- There was a condition to ensure that the garages are used solely for parking.
- Vehicle tracking information has been provided and vehicles can drive in and out in forward gear.
- The resident parking zone in which the development sits is oversubscribed, it was therefore not desirable to make this development eligible for resident parking. The impact outside resident parking zone hours was likely to be minimal due to the number of houses involved.
- The biodiversity net gain condition could not be secured for 30 years as they are private gardens, the landscaping condition cannot reasonably be conditioned for longer than 10 years. There was a six-week gap in place from plan submission to allow sufficient time for implementation.
- The landscaping was in private gardens and therefore 10 years was considered reasonable. The biodiversity net gain requirements had been met through the informative.
- The SPD guidance provided for separation distances between houses of 18m and gardens of 7m, there was one location where the distance was 16m and 6.7m.
- The development was situated North of the development and had been moved back by 7m from the boundary, a sunlight survey was therefore not considered necessary.
- Building regulations would cover the appropriate method of ventilation.

Following debate, Cllr Vassie moved the officer recommendation, and this was seconded by Cllr Baxter. Members voted four in favour and three against the motion with one abstention, and it was therefore:

Resolved: That the application be approved, subject to the conditions in the report, the amendments contained in the update. The wording of condition 17 to be revised by the Head of Planning and Development to ensure that the biodiversity plan was implemented prior to first occupation.

Reason: The proposal is for the erection of three two-storey four-bedroom dwellings on the former Priory Hotel car park, at the rear of No.128 Fulford Road in Fishergate. The site is in a very sustainable location, involves the redevelopment of a redundant brownfield site, in an established residential neighbourhood. The final scheme is considered to be of good, appropriate design for its context with no significant harm to neighbour amenity, with suitable access and parking provision for vehicles and bicycles. As such the proposals are found to be in accordance with relevant sections of the NPPF 2024 including 2, 5, 9, 11 and 12 and draft policies DP2, DP3, D1, D2, CC2, ENV3, ENV4 and T1 in the Publication Draft Local Plan 2018 as modified 2023.

[The meeting adjourned 6:54 pm to 7:02pm, during which Cllr Waudby left the meeting].

58. The Jubilee, Balfour Street, York, YO26 4YU [23/02148/FUL] (7:02 pm)

Members considered a full application for the conversion of a former public house to form 6no. apartments with associated access, parking and bike stores and external alterations including dormer and the insertion of rooflights following demolition of outbuildings, canopy and external staircase.

The Head of Planning and Development gave a presentation on the plans for the development and the Senior Planning Officer presented the update to the report which detailed additional plans, two additional representations (from Highways and York Civic Trust), and an amendment to paragraph 3.4 of the report. The additional information had been assessed and the

planning balance and officer recommendation remained the same as the published report.

There were no questions from Members on the plans.

Public Speakers

Nick Love, spoke on behalf of York CAMRA in objection to the application, noting that the building had originally been listed as an asset of community value (ACV) in 2016. He raised concerns around the building being allowed to fall into disrepair, flawed marketing for the sale of the pub and the loss of community facility.

In response to questions, he stated that he was aware of a builder who had approached the agent for a viewing and been told that proof of funds was required for this. He also stated that following a planning appeal, the burden was on the building owners to make good the building before first occupancy. He explained the pub protection policy, contained in the draft local plan, related to the marketing and viability of the pub. He described the ACV status as having substantial weight in the planning balance.

Paul Crossman, a local publican, also spoke in objection to the application. He described successful pubs in York which had previously been considered unviable where the buildings had been put up for redevelopment. He questioned the developer's intent and asked the committee to reject the application on the grounds of loss of amenity, heritage asset and failure to follow previous conditions imposed by the planning inspector.

In response to questions, he explained that he had made an offer, but the conditions placed on them by the agent which meant it was not possible to progress further, he believed that there was no genuine attempt to market the pub as a viable venture. He stated it was not usual to be prevented from seeing the property prior to evidencing funds. He noted that Compulsory Purchase orders were rare but he viewed this site a good prospect for a CPO.

Cllr Lucy Steels-Walshaw, Ward Councillor, spoke in objection to the application. She described the pub as having previously made a positive contribution to the community in Holgate. She noted that residents were in support of the community facility being retained and restored. She also raised concerns about the marketing as noted in the comments of York Civic Trust and urged the committee to refuse the application.

In response to questions, she noted the difference between city centre pubs and a local one. She highlighted the distance into the city centre of at least a mile. She confirmed that suggestions had been made by residents for the building to act as a hub to provide additional services to residents.

Andrew Windress, agent for the applicant, spoke in support of the application, highlighting the need for new homes and noting that the development was situated on a brownfield site in a sustainable location. He stated that there had been no credible interest in the property following extensive marketing. He explained the plans in relation to the existing building and reiterated the findings of the officer report.

In response to questions, he referred to the marketing expert reports who found that the marketing had been appropriate and shown the pub to be unviable. He confirmed that internal work had been started on the flats with planning permission.

Dominic Woodward, the applicant, spoke to support the application. He described the history of the site, and the process that had been followed to arrive at the current application.

In response to questions, he explained that the advice on the rental rate and lease agreement had been provided by Christies. He confirmed the amount of work that had been undertaken to date on the upper floor flats. He also explained how he had tried to work with the Friends of Jubilee group in 2021 and he confirmed that Christie and Co, as the specialist agent, had vetted prospective buyers.

In response to questions to officers, it was reported that:

- The work conditioned in the inspector's report did not need to be completed until the first occupation of the flats, this would be monitored by the local planning authority.
- Policy HW1 had limited weight, due to outstanding objections to the wording of the policy and given that the local plan was not yet adopted.
- Barry Crux had visited the site prior to writing his report.
- The fact that the building was an asset of community value was material to the planning balance.
- Three agents had been contacted to carry out an independent assessment of the marketing. There was a limited pool to choose from and the other two had a conflict of interest and were unable to provide an independent assessment.
- Two parking spaces were provided for each flat.

- The developer was not in breach of any planning permission as the conditions would come into effect on first occupation of the flats which had not yet happened.
- It was the Council that assessed assets of community value.

[The meeting adjourned from 8:18 pm to 8:28 pm].

Following debate, Cllr Cullwick moved the officer recommendation, and this was seconded by Cllr Whitcroft. Members voted none in favour and six against the motion, with two abstentions, and it was therefore:

Resolved: That the officer recommendation to approve the application be rejected.

Reason: There was insufficient evidence that a pub operation from the building would be unviable and that a community use could no longer be sustained from the building.

Cllr Vassie moved a motion that the application be refused due to an unnecessary loss of an asset of amenity value, that insufficient robust marketing that had been undertaken, and the loss also undermined the significance of the building as a non-designated heritage asset with the final wording to be delegated to the Head of Planning and Development in agreement with the Chair and Vice-Chair. This was seconded by Cllr Melly. On being put to a vote, Members voted unanimously in favour of the motion, and it was therefore:

Resolved: That the application be refused.

Reason: The change of use would result in an unnecessary loss of an asset of amenity value, that insufficient robust marketing that had been undertaken, and the loss also undermined the significance of the building as a non-designated heritage asset.

59. Fulford School, Fulfordgate, York, YO10 4FY [23/02384/FUL] (8:54 pm)

Members considered a full application for the construction of a 3G artificial Grass Pitch with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights, an access footpath, and modular changing room building.

The Head of Planning and Development gave a presentation on the plans for the development and confirmed there was no further update to the report.

In response to questions on the plans, officers confirmed the location of Germany Beck to the site, explained the landscaping plan and the detail of the plan for lighting which was covered in condition four and fourteen. It was not possible to require energy efficiency measures due to the size of the development and the modular nature of the buildings. The total number of cars on the site at any one time had been calculated to be less than the total number of parking spaces available on site. The material used for the pitch was not a planning consideration.

Public Speakers

Cllr Kate Ravilious, ward councillor, was unable to attend the meeting and therefore submitted a written request asking the committee to commit to the monitoring of traffic pre and post development and a budget put aside for Traffic Regulation Orders.

[Cllr Warters left the meeting at 9:08 pm].

In response to further questions from Members, officers reported that condition 13 that required a community use scheme to be submitted and approved prior to the first use of the development, this covered pricing, hours of use and access by non-school users. The condition could be amended to ensure that a plan was in place to avoid conflicts of school events, such as parents' evenings, against community use. They also confirmed that there was no vehicular access from Germany Beck, other than for school coaches exiting Fulford School.

Following a brief debate, Cllr Baxter proposed the officer recommendation, and this was seconded by Cllr Whitcroft. Members voted five in favour and one against the motion, with one abstention, and it was therefore:

Resolved: That the application be approved, subject to a revision to condition 13 to ensure that there was no conflict between community use and school events, this revision being delegated to the Head of Planning and Development.

Reason: The application for the construction of a multi-use artificial grass pitch with the introduction of floodlights and fencing on what is currently a grassed playing field associated with Fulford secondary school would result in the loss of an existing grassed playing pitch. However, the scheme offers a significant benefit

to the provision of the curriculum at the school as well as providing a sporting facility for the wider community outside of school use. In consideration of neighbour amenity, the nature of the proposal has potential for some noise intensification and light pollution, however the time of operation is acceptable and would be conditioned for the school to ensure neighbours are not subject to unwanted noise after 9pm. Additionally the proposed floodlights are designed to comply with the requirements of the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

Fulford School is area of Archaeological Importance, and a phased condition is required for post-determination of archaeological mitigation. Other technical matters for flood risk, biodiversity and public protection can be secured by conditions.

The information provided on to the proposal regarding car parking arrangements is satisfactory. A Section 106 agreement to secure a contribution of £15,000 towards Traffic Regulation Orders (TRO) and associated works to restrict on street parking and to prevent footway parking with any unspent money to be repaid back within 5 years of the start of the occupation if highway measures are not required.

Therefore, approval is recommended subject to a s106 agreement and detailed conditions on the basis the scheme complies with the revised National Planning Policy Framework (2024) and Draft Local Plan 2018, policies ED1, ENV2, T1 and D1.

Cllr C Cullwick, Vice-Chair

[The meeting started at 4.31 pm and finished at 9.14 pm].