
Meeting	Area Planning Sub-Committee
Date	8 July 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Galvin, Craghill, Orrell, Waudby, Webb, Perrett, Daubeney and Lomas (Substitute)
Apologies	Councillor Melly

7. 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 non prejudicial non pecuniary interest in agenda item as he was a school governor at a school in the South Bank Academy Trust, who were in advanced discussions with Fulford School regarding joining the Trust. Cllr Craghill also declared a non prejudicial interest in that item as a former governor at Fulford School over 10 years ago.

[Cllr Perrett joined the meeting at 16:34].

8. Minutes

Resolved:

- i. That the minutes of the Area Planning Sub-Committee meeting held on 25 May be approved and then signed by the Chair as a correct record.
- ii. That the minutes of the Area Planning Sub-Committee meeting held 10 June 2021 be approved subject to the addition of the below text after the final bullet point under the minute for 37 Mitchell Way, York, YO30 4SW [20/01662/FUL] and then signed by the Chair as a correct record: *After debate it was moved by Cllr Fisher and seconded by Cllr Daubeney that the application be refused on the grounds of inadequate car parking spaces, which would*

be detrimental to highway safety and the amenity of neighbours. On being put to the vote, the motion was not carried.

9. 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.

10. 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.

11. Fulford School, Fulfordgate, York, YO10 4FY [21/00737/FULM]

Members considered a major full application by Jenny Scholes for the erection of a two storey teaching block following partial demolition of Hawking Building and removal of temporary buildings, erection of temporary buildings, installation of external lift to Bronte Building and the creation of a vehicle access to the southern boundary of the site at Fulford School, Fulfordgate, York, YO10 4FY.

The Development Manager gave a presentation on the application. This was followed by an update during which Members were advised of additional comments that had been received and of updated conditions. The planning balance and recommendation remained unchanged. Members asked officers a number of questions to which they answered that:

- On site management of access roads was the responsibility of the school and this was covered by condition 27.
- Students using buses would be sent around the southern side of the tennis courts and cyclists would dismount before entering the school site.
- Detail was provided on the number of trees being removed. There was a planning balance on the removal of trees.

- The rationale for the modelling of buses and additional car parking along the northern boundary and their impacts was given.
- There was a condition for a travel plan.
- The Germany Beck planning decision was made by the Secretary of State. It was clarified that there was a road being built up to the edge of the Germany Beck site.

Public Speakers

John Heawood, a local resident, spoke in objection to the application on the grounds of the transport proposals and he asked for more consultation on this. He asked for all school buses to be removed and expressed concern regarding condition 27.

Dominique Healey a local resident, spoke in objection to the application. She opposed the travel plan, suggesting that it increased all traffic and cycle numbers. She objected to condition 27.

Vivienne Clare a local resident, spoke in objection to the application. She expressed concern regarding the residential amenity on Eastwood Avenue because of the impact on noise, air and light pollution and she made a number of requests concerning car parking on the site, protection of trees and shrubs. She was asked and clarified that she would like to limit car parking outside the school day.

Steve Lewis (Head Teacher of Fulford School and CEO of South York Multi Academy Trust) spoke in support of the application. He explained that the school provided outstanding education for thousands of families providing a vital link to the local community, He explained that the school was oversubscribed and the school would have no capacity to expand without the approval of the application.

In attendance at the meeting to aid Mr Lewis in answering questions was Alison Kelly (CYC Project Manager, Education). In response to questions from the Committee they clarified that:

- The development would be due for completion in September 2022.
- The one way system for traffic.
- The number of car parking spaces had been calculated by the officers leading the project.
- The school was oversubscribed by 30 children every year and the forecasts showed that there were deficit places at the school.

- The school tennis courts were for community use. The open green space next to the site could not be used for safeguarding reasons.
- The questionnaire was sent to all stakeholders and it was found that there was support for the expansion of the school. There were also diametrically opposing views regarding the traffic flow to and from the school.
- Sixth Formers could use the buses.

Alan Simpson, Architect, spoke in support of the application. He explained the complex nature of the site and advised that a strategy had been developed to improve student movement around the site. In answer to Member questions he noted:

- The rationale for car parking was explained.
- The BREAMM rating was a holistic approach and there may be the possibility of increasing the number of solar panels in the future.

Cllr Mary Urmston (on behalf of Fulford Parish Council) spoke on support of the application. She explained that whilst the Parish Council supported the expansion, they had concerns about the felling of twenty trees which would result in harm to the public amenity. She asked why the number of car parking spaces had increased and noted that the access road was never intended as a parking area. She noted concerns about parking on the northern boundary. She was asked and explained the history of the turning circle and previous assurance that had been made about the access to the site.

Cllr Keith Aspden (Ward Councillor) spoke on the application. He explained that Fulford School was an outstanding school and he noted that traffic and access around the school had been an ongoing issue. He acknowledged the competing needs of stakeholders and expressed support for residents and the Parish Council and made a number of suggested conditions. In response to Member questions he confirmed that:

- He was a member of Fulford Parish Council.
- He believed more conditions needed to be considered. These were outlined to the Committee.

[The meeting adjourned from 18:19 to 18:26].

Members then asked further questions to officers who noted that:

- The traffic data was pre pandemic.

- Detail on lighting being turned off was included in condition 12.
- A potential condition concerning traffic from the south could be delegated to officers in consultation with the Chair and Vice Chair.
- Allowing two way traffic would be difficult because of the school buses stacking.
- Condition 27 was explained and it was confirmed that it could be reworded to give an element of flexibility.

After debate it was moved by Cllr Fisher and seconded by Cllr Daubeney that the application be approved subject to amended conditions, and condition 19 to be amended so that any removed trees be replanted in the next planting season with those of a substantial size. Further debate ensued and the motion was amended such that condition 12 be amended so that lighting be turned off outside school hours, condition 27 be amended to look at alternatives to current proposal for traffic flow, and an amendment to the travel plan condition to include a bi-annual review. On being put to the vote, the motion was carried and it was:

Resolved: That the application be approved subject to the conditions in the report, additional and reworded conditions in the update and subject to amendments to conditions 27, 19 and 12. Condition 27 to be amended to look at alternatives to the current proposal for traffic flow, such wording delegated to officers in consultation with Chair and Vice Chair. Condition 19 be amended so that any removed trees are replanted with trees of a substantial size. Amendment to the travel plan condition to look at how the access road is working, to include a 2 yearly review to be carried out. Condition 12 be amended so that lighting on the northern boundary is turned off between the hours 7pm -7am.

Reason: The scheme overall would be compliant with the overarching sustainability principles and the policies of the NPPF and 2018 Draft Local Plan policies. In terms of decision-making, paragraph 11d ii of the NPPF is engaged; the presumption in favour of sustainable development applies and the proposal should be approved 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. On balance it is considered that the loss of trees and the minor harm to visual amenity and character are outweighed by the benefits of the improved educational facilities and additional access. The proposed development is not considered to have a significant impact on the surrounding road network.

[Cllr Orrell joined the meeting at 19:04]

12. Proposed Telecommunications Equipment, Millfield Lane, Nether Poppleton, York [21/01067/TCMAS]

Members considered an application for a Telecommunication Mast Notice from Hutchison UK Ltd for the erection of a new 15m high telecommunications mast with wrap around cabinet at base and associated ancillary works at Millfield Lane, Nether Poppleton, York.

The Development Manager outlined the application. He was asked and confirmed that:

- The height of the mast could be considered to a material planning consideration.
- The nearest property was 82 Millfield Lane which was 40m away from the mast and on the southern edge of the village.

Public Speakers

Edie Jones spoke in objection to the application on behalf of Nether Poppleton Parish Council. She noted that the height of the mast was excessive and was intrusive. She referred to the 2017 Neighbourhood Plan and suggested that the mast did not merit very special circumstances.

Cllr Hook (Ward Councillor and Parish Councillor for Upper and Nether Poppleton Parish Councils) spoke in objection to the mast. She expressed concern regarding the height of the mast and asked whether there would be another application for a mast in Upper Poppleton.

Following debate Cllr Fisher moved approved, seconded by Cllr Galvin. A vote was taken and it was

Resolved: That the application be approved.

Reasons:

- i. Prior approval is required for siting and appearance of the mast and equipment. The new telecommunications mast and cabinets to facilitate 5G technology is considered to be of an appropriate scale and design, due to its slimline design and finish, and would not detrimentally harm the visual amenity of the area or the special historic character of York.
- ii. It is considered that the requirements of the NPPF paragraph 112 which supports the expansion of electronic communication networks is met, along with 2018 draft plan policy C1 and policy GP20 of the Development Control Local Plan.

**13. Access Way Between 4 And 6 Howard Street, York
[21/01085/FUL]**

Members considered a major full application from Michael Hammill for the erection of one bedroom dwelling above access way between No. 4 and No.6 Howard Street.

The Development Manager outlined the application noting that a number of additional comments had been received. This did not change the planning balance and the recommendation remained unchanged.

Public Speakers

Nick Pears spoke in objection to the application on behalf of a number of residents on Howard Street and Gardeners Cottage. He explained that Howard Street was a non-designated Heritage Asset and expressed concern about heritage asset preservation. He explained that the infill breaks the symmetry on Howard Street and he noted concerns about highway convenience and safety, and the privacy of neighbouring residents.

Gaby Higgs, the Architect for the Applicant, spoke in support of the application. She emphasized that they had been working on the site since 2017 and the application was part of a wider site on Fulford Road. She explained the amendments made to the application to address the objections and comments made and added that the proposals met planning policy. In response to Member questions she noted that:

- The building would be freestanding and there would be acoustic linings for sound attenuations.
- There would not be a maintenance issue for neighbouring properties.
- The door at the front of the building led to a cycle/bin store.
- Construction would be managed on the land within the site.
- The brick used would be different to that of other buildings on the street.

The Applicant, Michael Hammill, then spoke in support of the application. He explained that application was for a one bedroom started home on a sustainable city centre site. He noted that they had complied with every request from the planning officer, and he noted the comments of the conservation officer.

Members asked further questions to officers. Officers confirmed that:

- The appeal officer did not consider the houses on Howard Street to be non-designated heritage assets.
- The loss of access to the neighbours gable ends was not considered to be a loss of amenity.

Gllr Galvin moved approval, seconded by Cllr Fisher. This was subject to the inclusion of a CEMP. A vote was taken and it was:

Resolved: That the application be approved subject to the inclusion of a CEMP.

Reason: In applying NPPF policy there is a presumption in favour of the proposed development. A very similar scheme has been considered at appeal by a Planning Inspector. The Inspector determined there were no highway or safety related issues with the scheme. In principle the Inspector was supportive of the scheme. He had issue with architectural detail,

which has been addressed in this amended scheme. There would be no unacceptable residential amenity issues. The scheme is recommended for approval, because it is NPPF compliant; there are no adverse impacts, which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 8.00 pm].

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