

Meeting	Planning Committee B
Date	8 June 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin and Perrett
Apologies	Councillor Orrell
Officers Present	Gareth Arnold – Development Manager Alison Stockdale – Development Officer Claire MacRae – City Archaeologist Sandra Branigan – Senior Solicitor

The Chair noted the change to the name of the Committee and thanked Cllrs Waudby and Webb for their service. He welcomed Cllr Melly as the new Vice-Chair and thanked the previous Vice-Chair, Cllr Crawshaw, for his service.

The Chair outlined the new meeting procedures which were contained in Appendix 17 of the new constitution.

1. Declarations of Interest (4:36 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 Daubeney noted an personal, non-prejudicial interest in item 4a, as a communicant of All Saints Church, which was situated close to the site.

No other interests were declared.

2. Minutes (4:36 pm)

Resolved: That the minutes of the last meeting held on 28 April 2022 were approved and signed by the Chair as a correct record.

3. 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.

4. Plans List (4:36 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.

5. Land To The Rear Of Mill House, North Street, York [20/02421/FULM] (4:37 pm)

Members considered an application for the erection of hotel, associated works and infrastructure on land to the rear of Mill House, North Street, York.

The Development Manager gave a presentation on the application and Officers confirmed that the parking on the plan was associated with Mill House, the scheme was entirely car free and there was no disabled access parking for the hotel.

Members were provided with an update by the Development Officer:

The latest consultation responses from the Flood Risk Management Team were shared and responses to the submission of an indicative foundation plan from Design, Conservation and Sustainable Development (Archaeology) and Historic England were outlined.

The following additional conditions were noted:

29 The building shall not be occupied until the waste store has been provided within the site in accordance with the approved plans, and this area shall not be used for any purpose other than the storage of waste.

Reason: In the interests of amenity.

30 Prior to first occupation a Flood Evacuation Plan, based on the submitted Flood Evacuation Plan (dated February 2022) Ref REP02 (A), shall be submitted and approved in writing by the Local Planning Authority. The measures detailed within the approved flood evacuation plan shall be adhered to thereafter throughout the lifetime of the development.

Reason: To ensure the development is safe for its users in accordance with NPPF paragraph 167.

The following minor change was proposed to condition 21:
No construction shall commence until a foundation design and statement of working methods for identifying and dealing with obstructions to piles has been approved in writing by the Local Planning Authority. The design must not cut off waterlogged deposits from the river. No intrusions other than pile caps **and beams**, lift pit and piles themselves will be permitted below 8.75m AOD. The foundation design will preserve at least 95% of the most significant archaeological deposits below the level of 8.75m AOD.

This condition was imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy D6.

Members were invited to put questions to the City Archaeologist and it was confirmed that:

- They had been unable to characterise the whole site as the 19th and 20th century layers needed to be removed first. Below the water table, the Anglo Scandinavian water logged deposits were of higher significance should be intact.
- It was accepted that the piling mat work had to be done and condition 21 was sufficiently robust to preserve at least 95% of the most significant archaeological deposits below the level of 8.75 metres. It had been conditioned that CYC could monitor the site up to five years post build.

Public Speaker

Killian Gallagher, the agent for the application, described the merits of the proposal and highlighted the sustainable credentials of the plans. He also explained that residents of the hotel would contribute to the local economy by eating out in the city as a bar or restaurant was not included within the plans.

In response to questions from Members, the agent and the architect confirmed the following:

- There was no parking on site, including for disabled access.
- An operator had not been identified for the hotel.
- It was expected that the user group would be made from businesses during the week and leisure couples at the weekend.
- The site was expected to exceed the Climate Change policies CC1 and CC2 within the local plan. To achieve a net zero build, the UK Green Building Council framework had been followed, this set out the method to calculate carbon emissions of both operational and embodied energy.
- Electric Vehicle (EV) charging points were within the red line boundary on the plan.

Officers responded to further questions from Members as follows:

- The City Archaeologist would monitor the site to ensure that condition 21 was achieved.
- The number of EV charging points were indicated on the plan, there was not a policy to collect a contribution toward EV points elsewhere. Condition 7 could be reworded to ensure that the EV charging spaces were accessible.

During the debate, the Senior Solicitor addressed the Committee to clarify the planning balance. She advised that the planning application must be considered on its own planning merits and, in the absence of an adopted development plan, the National Planning Policy Framework (NPPF) identified a 'tilted balance' which meant the presumption in favour of a sustainable development unless any adverse impacts had been considered to significantly outweigh the benefits. If there were any heritage concerns which had not been addressed by the public benefits test the planning balance would be different.

Following further debate, the Officer recommendation for approval was moved by Cllr Galvin and seconded by Cllr Fisher. A vote was taken and due to the Chair's casting vote it was:

Resolved: That the application be approved subject to an amendment to condition 7, to require details to demonstrate that the positioning of the EVCP (Electric Vehicle Charging Point) will not obstruct the use of the disabled parking bays.

Reason: The proposed redevelopment of the application site for a hotel was considered to be acceptable in principle given the city centre use. The proposal was acknowledged to be in highly sensitive location with a number of designated heritage assets in close proximity, and also being within the conservation area. The proposal, as a result of its design and scale, preserves the character and appearance of the conservation area and the setting of the listed buildings. Furthermore, the scheme provides a sustainable car free development and will help to meet the Council's ambitious climate change targets set out in Policies CC1 and CC2 of the 2018 Draft Plan. The proposal was considered to be a distinctive and positive design solution for the location and acceptable on amenity grounds.

Paragraph 11(d) of the NPPF states where there are no relevant development plan policies, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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. This assessment concluded that, while the proposal will result in less than substantial harm to below ground heritage. Paragraph 202 of the NPPF requires that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance it was considered that the less than substantial harm was outweighed by economic and regeneration benefits. The proposed conditions would ensure acceptable mitigation.

6. Planning Appeal Performance and Decisions (4:37 pm)

The Development Manager presented a report which provided information on the planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2022.

In response to questions from Members, Officers clarified that the Planning Inspectorate considered applications under the prevailing circumstances at the time of the appeal and did not therefore consider circumstances at the time of the application.

Resolved: That the report be noted.

Reason: To keep Members informed of the current position of planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr A Hollyer, Chair

[The meeting started at 4.32 pm and finished at 6.01 pm].