

Meeting	Planning Committee B
Date	1 September 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Fisher, Orrell, Perrett and Looker (Substitute for Cllr Crawshaw)
Apologies	Councillors Crawshaw and Galvin
Officers Present	Gareth Arnold, Development Manager Mark Baldry, Development Officer Cathryn Moore, Corporate Business Partner (Legal) - Remote

13. Declarations of Interest (4.31 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 Looker and Cllr Craghill noted a non-prejudicial interest in items 4c, d, e and f, as local Ward Councillors.

14. Minutes (4.33 pm)

Resolved: That the minutes of the last meeting held on 11 August 2022 were approved and signed by the Chair as a correct record, subject to the amendment of the voting record for item 4a which was four in favour, two against and one abstention. Also for item 4a, the final sentence for the public speaker, Peter Rollings, was amended to 'The village needed houses that people with young families could afford to buy.'

15. Public Participation (4.34 pm)

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

16. Plans List (4.34 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.

17. Former Storage Facility Site, Derwent Valley Industrial Estate, Dunnington, York [21/02601/FULM] (4.34 pm)

Members considered a major full application from Joanne MacLean for the erection of storage and distribution warehouse (Use Class B8) and office building including associated car parking, perimeter security fencing and new vehicular access from Chessingham Park at the Former Storage Facility Site, Derwent Valley Industrial Estate, Dunnington.

The Development Manager gave a presentation on the application and provided an update which amended 1.1 of the report to thirty three car parking spaces rather than fifty. Condition 14 had been removed as the issue was covered by condition 12.

In response to questions from Members, officers clarified that:

- The number of electric vehicle (EV) charging points was in line with the guidance provided to developers. If Members wished to increase the number in the guidance, the Supplementary Planning Document (SPD) would need to be changed.
- It was agreed to re-examine the wording of condition 3, as this appeared to exclude hybrid vehicles from using the EV points.
- Officers would request an explanation for the low emissions strategy which had been written by Public Protection (PP).
- The solar panels and air source heat pumps were shown on the plans and were therefore integral to the application.
- A highway construction management plan was not considered necessary due to the location and lack of requirement for road closures.

There were no public speakers for the application. Cllr Fenton moved to approve the officer recommendation. This was seconded by Cllr Fisher. On being put to the vote, with Members voting unanimously in favour, it was;

Resolved:

- i. That the application be approved subject to the recommended S106 agreement and the amendment and conditions contained within the update, as outlined above.

- ii. The Development Manager would seek clarification for Condition 3, whether it was correct that it excluded the charging of hybrid vehicles, and amend accordingly.

Reason: The development would accord with the NPPF, the Draft Local Plan (2005) and the Draft Local Plan (2018). On balance, the proposal complied with the thrust of national and local planning policy.

18. Northminster Business Park, Harwood Road, Upper Poppleton, York [22/00794/FUL] (4.47 pm)

Members considered a full application from Alastair Gill for the installation of timber clad container for use as security cabin and the construction of gravel path.

The Development Manager gave a presentation on the application detailing the site plan and access roads. There were no updates for the Committee and the officer responded to further questions from Members as follows:

- The container was to be placed within the business park which was a developed area within the Green Belt.
- The number of businesses on the park that operated with delivery restrictions was not to hand, officers had not come across any records of enforcement.
- To condition the hours of use of the cabin would negate the applicant's intention for the cabin.

Public Speakers

The Chair read out a statement on behalf of local residents who objected to the application. This outlined a number of their concerns including increased traffic levels and HGV's parking overnight in the entrance and running their engines. They requested deferment of the item until a site visit could be arranged for Members.

Alastair Gill, the applicant, spoke in support of the application. He highlighted the benefit for both the site and neighbours of having a constant security presence on site. He also explained the current operation of the site and how access to the site would be improved. In response to questions, he confirmed that the management company enforces the delivery restrictions imposed on some businesses and that there had been no enforcement notices issued. There was no expected difference in the timing or frequency of deliveries.

Cllr Looker moved to approve the officer recommendation, this was seconded by Cllr Fenton. On being put to the vote, with seven Members in favour and one abstention, it was;

Resolved: That the application be approved.

Reason: The application site lies within the general extent of the Green Belt but due to the scale and location of the proposal it was not considered to constitute inappropriate development. The proposed gatehouse was not considered likely to harm neighbour amenity. Subject to conditions for precaution methods to protect nesting birds the proposal complies with the Neighbourhood Plan, the National Planning Policy Framework, and the Publication Draft Local Plan 2018.

19. Minster Stoneyard, 4 Deangate, York, YO1 7JA [22/00788/FUL] (5.12 pm)

Members considered a full application from Alexander McCallion for the redevelopment of the Stoneyard, including demolition of mason's workshop, erection of roof structure and mezzanine floor and reordering of existing buildings and uses to provide internal and external workshops, storage and offices at Minster Stoneyard, 4 Deangate, York.

The Development Manager gave a presentation on the application, detailing the site plan, proposed elevations and access. Officers provided Members with an update that included a letter of support from the York Conservation Trust and the following additional conditions:

Additional Conditions

An additional condition to secure the submission of large scale details relating to a new window opening within the rear of 4 Deangate is recommended.

Further details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details;

- (a) The replacement window to be inserted into the first floor rear elevation of 4 Deangate. The details shall be large scale (1:10) joinery details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the building and the wider Conservation Area.

An additional condition is also recommended to require large scale details of the standing seam roof shall be submitted.

Prior to the commencement of development large scale construction details (1:20 scale) of the new roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in the interests of preserving the character and appearance of the Conservation Area.

Officers responded to further questions from Members as follows:

- The height of the proposed roof was detailed in paragraph 5.44 of the report. The height increase starts further back due to the flat roof inset around the perimeter of the arched roof.
- The National Planning Policy Framework (NPPF) was the national policy on design and should be weighted accordingly.

Public Speaker

Alexander McCallion, Director of Works at York Minster, spoke in support of the application. He explained the plans for the Technology Hub and Centre of Excellence, the sustainable nature of the development and noted the co-dependent nature of the application with item 4e. Following Member questions, he confirmed that the roof height was dictated by the machinery in the workshop below as well as by the solar panels.

Following debate, Cllr Looker proposed the officer recommendation to approve the application. This was seconded by Cllr Craghill. On being put to a vote, with Members voting unanimously in favour, it was;

Resolved:

- i. That the application be approved subject to the addition of a construction environmental management plan (CEMP) and

the additional conditions contained in the update.

- ii. Authority be delegated to officers to amend the wording of detailed design conditions

Reason:

Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give special regard and considerable importance and weight to the desirability of preserving listed buildings and their settings or features of special architectural or historic interest, and paying special attention to the character and appearance of the conservation area. The applicant's public benefits are summarised in the earlier sections of this report above. Whilst it is acknowledged the proposed development will give rise to a degree of less than substantial harm to the setting of the Listed Buildings and the Conservation Area, by virtue of introducing a new form of development. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits; namely the fostering of vital skills important to the upkeep of heritage buildings in the city and the opportunity for these skills to be shared and showcased to the public. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

20. Minster Stoneyard, 4 Deangate, York, YO1 7JA [22/00789/LBC] (5.12 pm)

Members also considered the application for Listed Building Consent at Minster Stoneyard, 4 Deangate, York alongside item 4c. During his presentation on that item, the Development Manager gave an update to Members with the following additional conditions:

Additional conditions

An additional condition requiring details of the materials to be used raising of the existing wall between the application site and Goodramgate is recommended including details of the mortar specification.

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used in increasing the height of the wall between the application and the properties on Goodramgate including a specification of the mortar to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance

A condition requiring the submission of large scale details showing how the wall capping is to be attached to the boundary wall is recommended.

Notwithstanding any details shown on the approved drawings or stated within the application form. Prior to its use in the development large scale details (1:20 scale) of the metal wall capping shown in drawing 547-TL-S-0300 including details of the material and exterior finishes and how it will be affixed to the wall shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials and specifications.

Reason: In interests of safeguarding adjacent Listed Buildings.

A condition requiring the submission of large scale construction details showing how the new structure will interact and connect with the existing boundary wall with the properties along Goodramgate is also recommended.

Notwithstanding the details submitted, prior to the commencement of development large scale construction details (1:20 scale) showing the detail of each junction including any new foundations for each neighbouring property shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and specifications.

Reason: In interests and preserving and safeguarding the character and setting of adjacent listed buildings.

Cllr Looker moved to approve the officer recommendation and this was seconded by Cllr Craghill. On being put to the vote, Members voted unanimously in favour and it was;

Resolved:

- i. That the application be approved subject to the additional conditions contained in the update (below).
- ii. Authority be delegated to officers to amend the wording of detailed design conditions.

Reason:

- i. The proposals were not considered to cause harm to the character, setting or significance of the listed building. The proposals would therefore accord with the provisions of Policy D5 of the DLP and Section 16 of the NPPF. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.
- ii. It was therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However, it should be noted that a number of matters relating to the eventual operation of the site, the implementation of any development and relevant protection measures to mitigate the impacts of development are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

21. The Deanery, Minster Yard, York, YO1 7JQ [22/00803/FUL] (5.41 pm)

Members considered a full application from Alexander McCallion for the conversion of existing garages and erection of new building to apprentice's accommodation, stone workshop and ancillary storage after demolition of greenhouse, potting shed and garden structures at The Deanery, Minster Yard, York YO1 7JQ.

The Development Manager gave a presentation on the application and the Development Management officers provided an update noting the additional letter of support from York Conservation Trust and the following additional conditions:

Additional conditions

The following additional condition is recommended following the comments received from the Flood Risk Management Team:

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

An additional condition requiring details of the design of the foundations to be used in the Breakout Pavilion is also recommended:

Prior to the construction of the Breakout Pavilion commencing details of the design of the foundations to be used in the building including a statement of working methods in relation to the adjacent tree (T26) shall be submitted to and approved in writing by the Local Planning Authority. The construction of the Breakout Pavilion shall then be implemented in accordance with the approved details.

Reason: The development would be located within the root protection area of the tree identified as T26 and the design of the foundations needs safeguard this tree.

Changes to conditions

Within the published report Condition 2 (Exterior Materials) reads as: Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including the PV roof covering shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance

It is now recommended to amend the condition to read as:

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including surfacing materials of roadways and the PV roof covering of the scaffold store shall be submitted to and approved in writing by the Local Planning Authority prior to their use

in the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance

Within the published report Condition 17 (Occupancy Condition) reads as:

The apprentice accommodation hereby approved shall be occupied only as apprentice housing accommodation. No person other than an apprentice registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course or conference within the City of York administrative boundary shall occupy the residential accommodation at any time.

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the accommodation together with course(s) or conference(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant.

It is now recommended that this condition be amended to read as:

The apprentice accommodation hereby approved shall be occupied only as apprentice housing accommodation. No person other than an apprentice registered with, and engaged in, a course of full time further or higher education and enrolled or employed by York Minster as an apprentice shall occupy the residential accommodation at any time.

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the accommodation together with course(s) or conference(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant.

Officers responded to questions from Members and clarified the plans for existing trees. They also explained that condition 20 varied the plan to provide sufficient space for 14 cycles.

Public Speaker

Alexander McCallion, Director of Works for York Minster, spoke in support of the application. He explained the proposed plan and spoke about the ambitions for the project. He highlighted the roof design which had featured in the Royal Academy of Arts Summer Exhibition. He responded to questions from Members and stated that, subject to funding, they expected to expand the apprenticeship programme. He noted that condition 17 conflicted with the current apprenticeship plans. He also explained the plans for a green roof and rainwater capture

In response to Member questions, officers agreed to examine the wording of condition 17, in relation to who could stay in the apprentice accommodation.

Following debate, Cllr Fenton moved to approve the officer recommendation, this was seconded by Cllr Melly. Members voted unanimously in favour and it was;

Resolved:

- i. That the application be approved subject to the additional conditions and amendments to conditions contained in the update (below).
- ii. Authority be delegated to officers to amend the wording of detailed design conditions.
- iii. To explore the wording of condition 17 with the applicant to avoid excluding visiting workers.

Reason:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with development plan. The Minster NHP forms part of the statutory development plan for the City of York; and as is set out above the proposed development is considered to accord

with the provisions of the Minster NHP. Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to the harm to listed buildings and conservation area. The public benefits are summarised in the earlier sections of this report above. The proposed development will give rise to varying degrees of harm to various designated heritage assets and the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

22. The Deanery, Minster Yard, York, YO1 7JQ [22/00804/LBC] (5.41 pm)

Members also considered the application for Listed Building Consent at Minster Stoneyard, 4 Deangate, York alongside item 4e. During his presentation on that item, the Development Manager gave an update to Members with the following additional conditions:

Additional conditions

A sample panel (measuring 1sq metre) of the brickwork to be used for the new wall between the Deanery Garden and the application site and for the new garden wall attached to the bedroom wing shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

Prior to their use in the development details of any fence, means of enclosure or boundary treatment to enclose the lapidarium shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

Prior to works commencing a methodology for the demolition and rebuilding of the stone wall to the side of the Deanery adjacent to the access drive of the development shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall detail measures to ensure the existing stone is not damaged and then when rebuilt the construction and exterior finish is of the same character. The methodology shall also include details of the mortar mix to be used in the works.

Reason: In interests of ensuring a satisfactory external appearance and to preserve the character and appearance of the existing wall.

Prior works commencing large scale construction details shall be submitted to and approved in writing by the Local Planning Authority showing how the existing boundary wall shall be incorporated into the wall of the bedroom wing. The details shall include details of any new structures and foundations, any insulation, capping, installation of new lintols over new openings and any repointing. The works shall be carried out in accordance with the approved details.

Reasons: In the interests of safeguarding the character and appearance of the existing boundary wall and ensuring it can be suitably incorporated into the development.

Cllr Fenton moved to approve the officer recommendation, this was seconded by Cllr Melly. Members voted unanimously in favour and it was;

Resolved:

- i. That the application be approved subject to the additional conditions contained in the update (below).
- ii. Authority be delegated to officers to amend the wording of detailed design conditions.

Reason :

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance

with development plan. The Minster NHP forms part of the statutory development plan for the City of York; and as is set out above the proposed development is considered to accord with the provisions of the Minster NHP. Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset's conservation (and the more important the asset, the greater the weight should be) and to the statutory duty to give considerable importance and weight to the harm to listed buildings and conservation area. The public benefits are summarised in the earlier sections of this report above. Whilst it is acknowledged the proposed development will give rise to varying degrees of harm various designated heritage assets and therefore the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

It was therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However, it should be noted that a number of matters relating to the eventual operation of the site, the implementation of any development and relevant protection measures to mitigate the impacts of development are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

Cllr A. Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.17 pm].