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Meeting	Area Planning Sub-Committee
Date	5 April 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Flinders, Hunter, Mercer and Orrell
Apologies	Councillor Gillies

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### Site Visits

Site	Visited by	Reason
Fishergate School, Fishergate	Cllrs Galvin, Craghill, Dew, Flinders, Mercer	To enable Members to see the listed building.
Village Green, Osbaldwick Village	Cllrs Galvin, Dew, Flinders, Mercer, Shepherd	To enable Members to see the context of the planning application.
Plot 1B White Rose Close, Nether Poppleton	Cllrs Galvin, Dew, Flinders, Mercer, Shepherd	The application is recommended for approval and objections had been received.

#### 40. Declarations of Interest

Members were asked 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 Shepherd declared a personal interest in relation to the agenda items 4a and 4b (Fishergate Primary School, Fishergate) due to her friend working at the school's Early Years Unit. She chose to leave the room for consideration of the aforementioned items.

#### **41. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 08 March 2018 be approved and then signed by the Chair as a correct record.

#### **42. 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.

#### **43. Plans List**

Members considered a schedule of reports of the Assistant Director for Planning & Public Protection in relation to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

#### **43a. Fishergate Primary School, Fishergate [18/00051/GRG3]**

*[Cllr Shepherd left the room for consideration of this item]*

Members considered a general regulations (Reg3) application by Mrs L Calvert for the erection of a two-storey extension with a single-storey link to existing building, together with formation of new openings at ground floor providing play area and first floor nursery accommodation.

In response to Members' questions, the Officer clarified that the amendments to the development associated with the proposed building had been considered and that the extension proposed in the application would be situated within a car park (not within the playground).

Katie Hatfield, an employee of the *Funfishers Out of School Club and Playgroup*, spoke to urge Members to approve the application. She highlighted the benefits of the proposed development in relation to providing additional service for pupils and families, for example a better and flexible quality childcare,

new kitchen area for lunchtime and breakfast club, increased ability to organise the holiday and revision sessions, increased staff efficiency, ability to prepare children better for the secondary school transition, and a possibility of organising intervention for particular pupils. She emphasised that the club had problems with accommodating children of all ages, some of whom had been put on a waiting list for the use of services.

Cllr D Taylor also spoke in favour of the application, expressing his disappointment with the objections stated in the report due to the fact that the proposed extension did not come close to the school building and, therefore, there was no harm to the appearance and special interest of the listed building itself. He added that he would prefer to see the application being approved subject to conditions rather than the application being refused in its entirety.

Michelle Finn, a parent of a child attending Fishergate School and a school employee, spoke in support of the application and included a support letter signed by 33 parents. She reiterated that the new provision would provide a charity-based working resource with long operating hours that was essential for pupils' development and success. She highlighted that the development would make a difference to their learning environment (such as more daylight available inside) and expressed her concerns with the fact that the Officers proposed to refuse the application of the school development on grounds of the design's aesthetics.

Stephanie Leeman, the architect, then spoke in support of the application, emphasising that the school provided additional provision for parents from St George's Primary School and was involved in a government pilot study on childcare (*30 hours free childcare*). She added that York was the only Local Authority allowing parents to use the out-of-school clubs for such provision and queried why the public benefit of the development was deemed low in the report, particularly in view of the club being next to the school itself. She highlighted that the design (with minor amendments such as the window at the front) was supported by the Conservation Area Advisory Panel and York Civic Trust and that a letter of support from one MP had also been received.

As a response to the speakers' arguments, the Officer clarified that, while making a recommendation to refuse the application, he was referring to the government and Historic England guidance. He added that the only essential alterations that he had suggested were to the elevation onto the car park and to the roof form. It was confirmed that those suggestions were not difficult or costly to achieve and, if the amendments were incorporated, his recommendation would be to approve the application.

During debate, it was highlighted by some Members that the benefits of the initiative outweighed the harm to the building given that details outlined in the report were not significant due to the fact that the development related to the annex and not to the building itself. Some Members, however, disagreed and noted the importance of impact of the application on the current visual aspects of the listed building.

Cllr Craghill moved and Cllr Dew seconded a motion to approve the application whereas Cllr Flinders moved and Cllr Galvin seconded a motion to refuse the application. On being put to vote, it was

Resolved: That the application be refused.

Reason: The design, form and mass of the proposed development fail to adopt the architectural detail of the host building, in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The design of the double ridge with intervening flat roof is uncomfortable and doesn't reflect the elegant roof forms of the school. The proportions and composition of the windows do not reflect those of the listed building. As such it would appear at odds with the architectural character of adjoining listed building and Fishergate School building and would lead to less than substantial harm to the setting of the designated heritage assets. It is not considered that the public benefits of this new building identified would outweigh this harm. Thus, the proposals conflict

with the requirements of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 132 and 134) and Policy D4(Conservation Areas) and D5 (Listed Buildings) of the Publication Draft York Local Plan 2018 as well as Policy HE2 (Development in Historic Locations) and HE3 (Conservation Areas) of the City of York Development Control Local Plan.

**43b. Fishergate Primary School, Fishergate [18/00052/LBC]**

*[Cllr Shepherd left the room for consideration of this item]*

Members considered a listed building consent application by Mrs L Calvert in relation to the erection of a two-storey extension with a single-storey link to existing building, together with formation of new openings at ground floor providing play area and first floor nursery accommodation. This report linked directly to the item that had already been discussed during the meeting (4a). Cllr Flinders moved and Cllr Galvin seconded a motion to refuse the application and it was

Resolved: That the application be refused.

Reason: The design, form and mass of the proposed development fail to adopt the architectural detail of the host building, in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The design of the double ridge with intervening flat roof is uncomfortable and doesn't reflect the elegant roof forms of the school. The proportions and composition of the windows do not reflect those of the listed building. As such, it would appear at odds with the architectural character of adjoining listed building and Fishergate School building. Therefore, it is

considered that the proposals would lead to less than substantial harm to the significance of the designated heritage asset and the public benefits identified would not outweigh this harm. Thus the proposals conflict with the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework (paragraphs 129-134), Policy D5 (Listed Buildings) of the Publication Draft York Local Plan 2018 and Policy HE4 (Listed Buildings) of the City of York Development Control Draft Local Plan 2005.

**43c. Manor Farm, Elvington Lane [18/00041/FULM]**

The major full application by Mr Paul Hopwood in relation to the erection of replacement agricultural building for storage of grain, fertiliser and machinery was considered by Members.

The Officer clarified that the Yorkshire timber boarding would be used as external material for the walls available to the public view.

Cllr Mercer moved and Cllr Shepherd seconded a motion to support the application and it was then

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: The proposal involves the erection of an agricultural storage building to replace a collection of three attached buildings situated on an established arable and livestock farm holding. The application explains that the existing buildings are dated and inefficient for modern agricultural use. The replacement agricultural building is appropriate in

Green Belt policy terms and would preserve the setting of the Grade II listed farm house. The building would be viewed in the context of the farm holding and against the backdrop of the other farm buildings. There would be no harm to protected species, though a condition is requested relating to breeding birds. No unrelated residential properties would be adversely affected by the replacement building, nor would there be harm to land contamination. Further details are required of surface water drainage. The proposal would utilise the existing access arrangements and would not hinder safe access and egress from the site. In light of the above, the proposal is considered to be acceptable and is recommended for approval, subject to conditions.

**43d. Village Green, Osbaldwick Village [17/02562/FUL]**

Members considered a full application by Osbaldwick Parish Council in relation to replacement of 2no. bridges over Osbaldwick Beck.

There was no Officer update in respect of that item.

It was clarified that the current brickwork was in a poor state and, therefore, not re-useable.

Cllr Mercer moved and Cllr Cannon seconded a motion to approve the application and it was

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: It is considered that the proposed replacement bridges would give rise to less than substantial harm to the significance of the Conservation Area in terms of the prominent east/west views

along the alignment of the village Green and the Osbaldwick Beck. It is, however, felt that the harm is outweighed by the public benefit of being able to provide safe access to properties on the south side of the village Green without the two bridges having to be closed regularly for maintenance purposes. The proposed work is felt to be acceptable in flood risk terms and whilst the surroundings of the western bridge are felt to be archaeologically sensitive, any harm can be satisfactorily mitigated by a requirement for an archaeological evaluation in advance of work being undertaken.

**43e. Plot 1B White Rose Close, Nether Poppleton  
[18/00021/FULM]**

Members considered a major full application by Mr Duncan Chapman in relation to erection of a two-storey vehicle dealership building comprising of showroom, workshop facilities and associated car parking.

The Officer provided an update, highlighting that no objection to the proposal had been received from Highway Network Management. It was clarified that:

- a commuted site payment of £5,000 was requested to cover the cost of a Traffic Regulation Order in order to allow safe access and egress for car transporters from the site;
- the levels of car and cycle parking within the site were felt to be sufficient and could be conditioned as part of the permission;
- the traffic generation would not be greater than that from the existing dealership a short distance away within the Business Park.

Additional conditions were also proposed for consideration. Mr John White, project architect, and Mr Doug Chapman, the applicant, were in attendance to answer potential questions.



It was clarified that there was a typo in Paragraph 1.3 where the site was, in fact, not designated as green infrastructure.

Cllr Orrell moved and Cllr Shepherd seconded a motion to approve the application and it was

Resolved: That the application be approved, subject to a section 106 agreement to secure a contribution of £5,000 towards a Traffic Regulation Order and works to address parking issues on surrounding streets.

Reason: The application site comprises a large vacant plot within the York Business Park bounded by the East Coast Main Line to the east which has previously been given planning permission for a call centre in 2006 and, more recently, for the construction of a motor vehicle dealership (16/00179/FULM) which remains extant. The site has been marketed unsuccessfully for the previously permitted employment use for a significant length of time and the proposed development would be an appropriate use of the site providing some employment opportunities. The proposal would not materially harm local biodiversity and is acceptable in terms of its impact upon the local surface water drainage network and local public drainage infrastructure subject to the provision of a scheme of attenuation of flows to a water course. The proposal is also felt to be acceptable in highway terms subject to a requirement for a contribution of £5,000 to secure a Traffic Regulation Order and works in relation to parking in surrounding side streets that may be secured by a Section 106 Agreement. This is compliant with Regulations 122 and 123 of the 2014 CIL Regulations as relating to an on-street parking issue which without the

measures could be significantly exacerbated.

Cllr Galvin, Chair

[The meeting started at 4.30pm and finished at 5.20pm].