
Meeting	Planning Committee
Date	13 August 2020
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Fenton, Fitzpatrick, Hollyer, Kilbane, Lomas, Fisher and Rowley
Apologies	Councillors Douglas and Warters

61. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Rowley declared a personal non prejudicial interest in Agenda Item 3b (York City Football Club 19/00246/FULM) as the firm he owned was a sponsor of the club. The Chair, Cllr Cullwick also declared a personal non prejudicial interest on the same item as the former Chaplain to the club. Noting the link between the arrangements between the sale of the land and the Community Stadium, Cllr Ayre in his capacity as Executive Member for Finance and Performance declared an interest as did Cllr D'Agorne, as Executive Member for Transport declared an interest and both undertook to not take part in debate on the application. Concerning Agenda Item 3c (23 Piccadilly 9/02563/FULM) Cllr Fitzpatrick declared a non prejudicial interest as Ward Councillor and resident of Walmgate.

62. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

63. 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.

64. Land South of The Residence, Bishopthorpe Road, York [18/02582/FULM]

Members considered a major full application from Mr D Coppack for the erection of 85 apartments in two blocks with seven town houses with associated parking, cycle storage and landscaping (revised scheme) at Land South Of The Residence Bishopthorpe Road York.

An officer update was given and Members were informed that due to the need for the applicant to undertake a bat survey, it was recommended that the application be deferred.

Cllr Hollyer moved, and Cllr Pavlovic seconded, that the application be deferred. In accordance with the revised Standing Orders, a named vote was taken. Cllrs Ayre, Barker, D'Agorne, Daubeney, Fenton, Fisher, Fitzpatrick, Hollyer, Kilbane, Lomas, Rowley, Pavlovic and Cullwick (Chair) all voted in favour of this proposal, and it was:

Resolved: That the application be deferred.

Reason: In order to allow the applicant is to undertake a further bat survey in early September. It would not be appropriate to determine the application until the survey has been carried out and the results collated and submitted to the LPA for the consideration of the Ecologist.

The meeting adjourned at 16:50 and resumed at 17:05.

65. York City Football Club, Bootham Crescent, York [19/00246/FULM]

Cllr Ayre and Cllr D'Agorne withdrew from the meeting for the consideration of this application.

Members considered a major full application from Persimmon Homes Limited And York City Football Club for the Erection of 93 dwellings with associated access, infrastructure, landscaping, public open space and parking at York City Football Club, Bootham Crescent, York YO30 7AQ.

The Development Manager gave a presentation on the application detailing the site layout, street scene and house types. In response to questions from the Committee, Officers clarified that:

- The condition regarding materials was a standard and the houses on the site would be red brick in keeping with the area.
- There were some records of where ashes were interred and there would be an archaeological scheme of investigation.
- There would be a degree of service charges for the affordable housing and in order to help minimise this the affordable housing had been located in one block.
- The location of the affordable houses, social rent houses and houses for sale had not yet been identified.
- The strategic housing assessment identified that most housing in need was for one and two bedroom properties.
- Concerning affordable housing, there were four one-bedroom properties, eight two-bedroomed, and six three-bedroomed.
- There was no extra strain on drainage on the site.

Public speakers

The following spoke in support:

Applicant

York City FC's Stadium Development Director Steven Taylor addressed the Committee, and responded to Members' questions as follows:

- Persimmon Homes Limited was working with York City Football Club and Historic England to agree protocols on the on instructions for ashes.
- The geophysical survey undertaken by Bradford University found no evidence of metal caskets and it was noted that there may be leather caskets. Fans had been consulted and it was not believed that there were any ashes remaining on site. It was believed that away from the pitch, ashes may have been interred in Shipton Street in from of the Longhurst stand.

- The club was aware that it would need to seek permission from the Ministry of Justice for the removal of ashes.

Paul Butler, Agent for the Applicants, then addressed the Committee, and in answer Members' confirmed that the service charges would need to be discussed with the Applicants.

Members then debated the proposals, after which Cllr Pavlovic Taylor moved, and Cllr Hollyer seconded, that delegated authority be given to the Assistant Director of Planning and Public Protection to APPROVE the application, subject to the conditions listed in the report. During debate Officers clarified the NPPF condition and S106 contribution. In accordance with the revised Standing Orders, a named vote was taken. Cllrs Daubeney, Fenton, Fisher, Fitzpatrick, Hollyer, Kilbane, Lomas, Rowley, Pavlovic and Cullwick (Chair) all voted in favour of this proposal, and Cllr Barker voted against the proposal. Therefore it was:

Resolved: That delegated authority be given to the Assistant Director of Planning and Public Protection to APPROVE the application subject to conditions and completion of a s106 agreement to secure following obligations as set out in the report.

Reasons:

- i. A presumption in favour of development applies at this site. The policy for decision making in the NPPF applies which states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- ii. The amount and type of development proposed for the site is acceptable and broadly compliant with the 2018 DLP allocation. Planning conditions and a s106 agreement can be used to secure reasonable compliance with national and local policies with regard to housing need, promoting sustainable transport, design and the impact on the environment.

The meeting adjourned at 18:10 and reconvened at 18:25

66. 23 Piccadilly, York [19/02563/FULM]

Cllr Ayre and Cllr D'Agorne returned to the meeting for the consideration of this application.

Members considered a major full application from Mr Gareth Jackson for the Erection of no.132 bed hotel with bar/ restaurant, after demolition of existing office building at 23 Piccadilly York YO1 9PG.

The Development Manager gave a presentation on the application outlining the street scene, floor plan, and Piccadilly and St Denys Road elevations. Members raised a number of questions to which officers confirmed:

- The view of Historic England
- The view from Walmgate Bar
- Possible structural harm to the Grade 1 listed St Denys church was a matter between the developer and the Church.
- The visibility of the proposed building from different viewpoints
- That when looking at the Conservation Area in Piccadilly, the existing building (proposed for demolition) was not deemed of merit.

An officer update was then given which outlined the Consultation responses from the Conservation Area Advisory Panel and Environment Agency. Further information from applicants on the Sustainable Design and Construction, local workforce / skills. Members were also provided with amendments concerning conditions 5 and 22.

In response to questions from Members, Officers confirmed that:

- The poplar tree was not within the site
- The quality of the existing building, which had not been identified as a building of merit in the conservation area appraisal.
- The views of the site (using google earth).
- The government had brought in permitted development rights to turn offices into housing stock.
- The loss of an existing building was a consideration in a conservation area and its importance would be set against the importance of what was being put in its place.

- The façade of the Banana Warehouse in Piccadilly was a building of merit.
- Permits would be needed to demolish the existing building as it was in a conservation area

[Cllr Pavlovic left the meeting at 19:35]

During questions a number of Members suggested that it would be useful to resume site visits to application sites.

Public speakers

The following spoke in **objection** to the application, raising issues in relation to the impact on amenity, structure of the church, access to the church hall and access to the visual setting of the church and viability of the existing building.

- Jerry Scott, a local resident
- Dr Charles Kightly, Churchwarden and Chair of the PCC, St Denys Walmgate. In answer to questions raised by Members he explained that:
 - Access to the church hall could not be maintained
 - There had been a meeting with the application and his objections stood
 - The developers said that the existing building could not be reused
 - He did not object to the existing building being used as a hotel

Applicant

Tim Ross (Agent for the Applicant) and Jay Ahluwalia (Dominvs Group) addressed the Committee, detailing the positive impact on local employment, the sustainable design of the building and the reasons why the existing building was not feasible. Along with a number of colleagues available to answer questions, in response to Member questions they explained that:

- The contractor would be using a piling technique using the lowest piling method
- Why the existing building could not be repurposed
- They were committed to ongoing liaison with the church
- 95% of the archaeology would be protected
- The existing basement would be reused
- Access to the church hall and toilets would not be prohibited

- The contractors would be using an office on the opposite side of the road as their temporary site office

Members then debated the proposals, after which Cllr Kilbane moved, and Cllr D'Agorne seconded, that the application be refused on the grounds of the scheme having less than substantial harm on the setting of St Denys Church, the impact of key views and the wider context of the church, the 6th floor block on the front section of the proposed building competing with the height of the tower of St Denys' Church when viewed from Clifford's Tower and the view of the church would still be partly obscured and the loss of the building in the conservation area. In accordance with the revised Standing Orders, a named vote was taken. Cllrs D'Agorne, Fitzpatrick, Kilbane, Lomas and Rowley voted in favour of this proposal. Cllrs Ayre, Barker, Daubeney, Fenton, Fisher, Hollyer and Cullwick (Chair) against the proposal and the motion fell.

[Cllr Rowley left the meeting at 20:36]

Cllr Ayre moved, and Cllr Hollyer seconded, that the application be approved with additional and amended conditions for which the wording would be delegated to the Chair, Vice Chair and Officers for agreement:

- Amended Condition 4 Construction management (timings of working hours)

[Cllr Barker left at 21:00]

- The method of piling to use the lowest piling method
- Monitoring of the listed building
- Amended Condition 25 Noise - waste
- Informative relating to the applicant working with the church
- Investigation into protecting the poplar tree

In accordance with the revised Standing Orders, a named vote was taken. Cllrs Ayre, Daubeney, Fenton, Fisher, Hollyer and Cullwick (Chair) in favour of the proposal. Cllrs D'Agorne, Fitzpatrick, Kilbane, and Lomas voted in against the proposal.

Resolved: That the application be approved, subject to:

- (i) Conditions 1-3, 5-21, 23, 24, and 26 as set out in the report;

(ii) Amendments to Conditions 4, and 25 to reflect the following requirements, with the wording of the amended conditions to be delegated to officers in consultation with the Chair and Vice Chair of the meeting:

- Amended Condition 4 Construction management (timings of working hours)
- Amended Condition 25 Noise - waste

(iii) Amended Conditions 5 and 22 as set out in the officer update:

Condition 5

Variation to permitted working hours

The temporary extension to working hours is in accordance with new national guidance.

5 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

To facilitate safe working in relation to the Covid-19 situation extended working hours are permitted between 0700 and 1930 Monday to Saturday for a temporary period until 1st April 2021. Works within these permitted extended hours should adhere to the following:

- The noise associated with any works should not be audible beyond the perimeter of the site.
- There should be no piling undertaken outside of permitted hours.
- There should be no heavy plant movements during these extended hours.
- The extended hours should only allow trades working on and within plots.
- There should be no excessive noise, dust or vibration caused during this period

Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority. (It is asked that any

requests to work outside of the permitted hours contains justification and details of practical measures to avoid noise disturbance).

Reason: To protect the amenities of adjacent residents and in line with MHCLG guidance (22 July 2020).

INFORMATIVE

The City of York Council requests that that any changes to the original working hours are communicated to neighbouring properties in a proportionate manner.

Condition 22

Drainage

Details to be approved as follows -

22 Prior to construction of the building hereby permitted details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The information shall include site-specific details of:

- The flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 8.7 (eight point seven) litres per second.
- The attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- The full storage volume calculations for the surface water attenuation above.

The development shall be carried out in accordance with the approved details.

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF paragraph 163.

The final wording of the conditions to be delegated to officers along with Chair and Vice Chair of the meeting.

Reasons:

- i. The proposed hotel use is acceptable in principle at this city centre site and fits with the aspirations for economic growth in the NPPF and the 2018 DLP, by facilitating a sector where there is growth and evidentially demand. The scheme is appropriate for the site; the design is acceptable and relates to the context.
- ii. There would be a very low level of harm to designated Heritage Assets, which is considered to be outweighed by the public benefits of the scheme. The benefits are predominantly economic but are also environmental and social given the public realm enhancements involved.
- iii. With regards demolition, given the acceptable impact on Heritage Assets, there are no policy grounds to oppose this; in accordance with NPPF advice the re-development makes more efficient use of the site (providing additional floor-space) and the new build will comply with Local Plan policies on Sustainable Design and Construction. A condition will prevent any premature demolition, before there is a contract in place for the construction project.
- iv. There would be no unacceptable impact on amenity, which cannot be reasonably controlled through the use of planning conditions. Other technical matters can also be dealt with, to the extent the scheme would be NPPF compliant by way of conditions.

Cllr C Cullwick, Chair

[The meeting started at 4.40 pm and finished at 9.17 pm].