City of York Council	Committee Minutes
Meeting	Planning Committee
Date	7 January 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher, Widdowson (Substitute for Cllr Ayre) [until 20:20], Craghill (Substitute for Cllr D'Agorne) and Wann (Substitute for Cllr Barker)
Apologies	Councillors Ayre, Barker and D'Agorne

7. 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. There were no further declarations of interest.

Cllr Kilbane noted that as a point of order, Cllr Widdowson (as a member of the Executive) may have an interest in agenda item 4a [St Georges Field Car Park, Tower Street, York [19/02063/FULM]. The Senior Solicitor advised that being on the Executive was not a conflict of interest. Cllr Warters pointed to the Executive making a commitment to the scheme to which the Senior Solicitor advised that this in itself was not a conflict of interest and it was for members of the Executive themselves to decide whether this was a conflict of interest.

8. Minutes

Resolved: That the minutes of the meeting held on 12 November 2020 be approved subject to;

- the addition of 'objected' in the second sentence of Cllr Doughty's public speaking,
- The Chair being amended to Cllr Cullwick at the end of the minutes,

and then signed by the chair as a correct record at a later date.

9. 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.

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.

10a St Georges Field Car Park, Tower Street, York [19/02063/FULM]

Members considered a Major Full Application from Andy Kerr (City of York Council) for the erection of 5 level multi-storey car park with canopy to roof to provide 372 no. car parking spaces, demolition of public toilet, revised highway access and associated landscaping works at St Georges Field Car Park, Tower Street, York. This application was deferred from the committee meeting held on 19 November 2020.

As a point of clarification, Members were advised that the applicant's response to the justification of parking need as detailed in the second paragraph under section 1 of the committee report should not have been underlined and was done so in error and was not as a point of emphasis. With regarding to the implied 1% council tax rise within that paragraph, Members were advised that this was not a planning consideration and should not be taken into account in their determination of the application. A number of Members expressed concern about this, as well as the comments submitted by York Civic Trust concerning the demand for parking provision and asked whether the application should be deferred for those reasons. They were advised that these should be disregarded and should not be given weight during debate.

The Head of Development Services provided an update to the Committee noting the amendment to text of Condition 34 (security condition), and additional comments further to review of proposed security Condition 34 from North Yorkshire Police

(NYP) - Secured by Design Officer. The police expressed concern about the lack of physical protection for the structure, and considered that 24/7 staffing would be required. They also recognised that periodic flooding was a constraint in needing the ground floor to be left open sided and external stairway to a viewing platform, and they did not support this due to concerns about potential antisocial and criminal behaviour.

York Civic Trust had also provided further comments further to the justification for parking provision provided by the applicant on 18 December 2020 in which it supported ambitions of the masterplan, and commented on the parking need and access and design. It suggested that a review of supply and demand for parking provision should be carried out as part of the Local Transport Plan.

It was confirmed that the additional information has been assessed and the planning balance and recommendation are unchanged from the published report.

The Head of Development Services gave a presentation on the application detailing the site location plan, proposed elevations, proposed sections, proposed solar canopy, vehicular access plan, tree constraints plan and visualisations. Following the presentation, officers were asked and clarified:

- The comments of the Design and Sustainability Manager
- How pedestrians route to the super crossing to Skeldergate Bridge (which was conditioned under Condition 16)
- The comments of the North Yorkshire Police (NYP) - Secured by Design Officer regarding the car park being unsafe in the planning balance. There was a need to take into account the mitigation measures (for example the condition regarding security) in the planning balance. [At this point the Senior Solicitor undertook to seek further legal advice on the liability of the council to potential victims of crime at the car park]
- The views of the Conservation Architect as one of the consultees. The Conservation Architect noted his main concern in relation to the solar array.

[The meeting adjourned from 17:17 to 17:33]

<u>Public Speakers</u>
Gwen Swinburn expressed concern over a number of administrative matters concerning the omission of the meeting

minutes at which the item was deferred, the reason for the absence of Executive Members, the absence of the parking needs appraisal, and reference to the 1% council tax rise and due diligence on reports from Corporate Directors.

Lynette Mills spoke in objection to the application. Citing the council's declaration of a climate emergency, she suggested that the multi storey car park (MSCP) was contradictory to outcome 5 regarding sustainable transport. She noted that more cars into the city centre would increase congestion and reduce air quality as not every driver would drive an electric car. The noted that it was a short term approach.

Johnny Hayes spoke in objection to the application. He expressed concern that the reason for the deferral of the application had not been addressed or included. He cited research which provided information on occupation analysis and impact of the closure of the car park. He suggested that the car park would be underused and noted that his main objection was the harm to heritage assets. In answer to questions from Members he confirmed that he was still the Chair of Indy York and that the work they had done on car usage showed that it was low at peak periods and people did not like using MSCP.

John Hey (Economics Professor and resident living opposite the proposed car park) spoke in objection to the application. He noted that it would take several years for the trees to grow around the car park. He asked whether a proper cost benefit had been undertaken and expressed concern that the car park would be demolished in 20 years. He was asked and noted that the car park could operate at a loss.

Peter Mills spoke in objection to the application. He suggested that there was a north – south divide in the city and he could not see how building a MSCP would address dereliction at that side of York. He expressed concern regarding crime and how this may contribute to the dereliction of the area.

Juliette James (York Cycle Campaign - YCC) spoke in objection to the application. She cited paragraphs 108a and 108c of the NPPF and asked what the level of footfall and number of cyclists would be on the shared path and asked who had been consulted on this. She advised that YCC was in favour of a separate cycle and pedestrian path and she highlighted principle 6 of the government 'gear change' for inclusion in council policies. She urged deferral of the application for more work on the walk/cycle aspects of the scheme to be undertake

Andrew Lowson (York BID) spoke in support of the application. He explained that York BID had engaged with My Castle Gateway consultation and supported the application on the basis of the benefits it brought to the city, including the quality of public realm and car parking it provided. He explained that to not provide parking at that location would be damaging. He was asked for his opinion on why Piccadilly car park was underused and he noted that a better quality of occupancy was needed, adding that the car parking strategy took a strategic look at this. He added caution to generalising the use of car parks without the data.

Paul Lambert (York Museums Trust – YMT) spoke in support of the application. He noted that YMT had worked closely with the council on the Castle Gateway masterplan, particularly in relation to the new public realm. He noted that the car park was seen as an essential part of that redevelopment to the Castle Museum. He was asked and confirmed that alternative uses of transport were encouraged to visitors and he recognised that visitors had a choice in their method of transport.

Andy Kerr (Applicant, City of York Council) spoke in support of the application. He explained that the creation of the new public realm relocated the car park and would create a new public space. He noted that key stakeholders would only support the closure of the castle car park with the installation of the car park at St George's Field. He outlined the benefits of the new car park including the creation a new cycle route, which he acknowledged had constraints and he added that the council would work with cycle groups on this. Addressing security concerns he noted the condition on security and he noted that the car park was key to the realisation of the Castle Gateway masterplan.

In response to Member questions he clarified that:

- The car park would be monitored 24 hours a day and would be patrolled with incidents responded to.
- The external staircase copied those in other locations and should there be problems at a night time, this could look to be closed.
- The car park could be accessed 24 hours a day.
- The applicant had been clear on the drivers for the scheme in terms of strategic and business need, both of which were not necessarily a planning consideration.

Cllr Fenton then moved and Cllr Fisher seconded approval of the application subject to the conditions outlined in the report and additional information. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllr Craghill abstained
- Cllrs Daubeney, Doughty, Fenton, Fisher, Hollyer, Wann, Widdowson and Cullwick voted for the motion;
- Cllrs Douglas, Kilbane, Lomas, Myers, Pavlovic and Warters voted against the motion.

The motion was therefore carried and it was:

Resolved: That the application be approved subject to the conditions listed in the report, and the amendment to the Condition 34:

<u>Amendment to text of Condition 34 (security condition)</u>
Notwithstanding the details submitted, before the development is brought into use, a scheme for security at the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the use hereby permitted comes into operation. 6 months after the development is brought into use, a review of the implemented security measures to include an assessment of the adequacy of these measures and recommendations to improve the security of the site, if deemed required, shall be submitted to and agreed in writing by the Local Planning Authority. The approved review and any agreed recommendations to improve security, shall be implemented within 3 months of the date the review is agreed in writing with the Local Planning Authority. The approved security measures shall be retained and maintained for the lifetime of the development.

Reason; In the interests of security at the site and in accordance with Section 8 of the NPPF and Policy D1 of the 2018 Draft Plan which advises that developments should be designed to reduce crime and the fear of crime and promote public safety throughout the day and night.

Reasons

i. The proposed development forms a key component of the York Castle Gateway Masterplan development proposals,

which are addressed in Policy SS5 of the 2018 Draft Plan and offers the opportunity for alternative car parking arrangements to replace the existing parking at Castle car park. The site falls within Flood Risk 3 and lies in a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and in the Area of Archaeological Importance. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the NPPF apply. The proposal, by virtue of its scale and massing, would result in harm to the setting of a number of designated and non-designated (archaeology) heritage assets.

ii. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to result is considered to be less than substantial and is outweighed by the environmental and social benefits associated with the closure of the Castle car park and improvements to pedestrian and cycle connectivity within the wider neighbourhood. Whilst the harm is assessed as being less than substantial, such harm has been afforded considerable importance and weight in the overall planning balance.

iii. As set out in section 5, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

10b Whitehall Grange, Wigginton Road, York [20/01479/FUL]

Members considered a Full Application from Autohorn Fleet Services for the erection of a temporary office for a period of five years and re-cladding of existing barn at Whitehall Grange, Wigginton Road, York, YO32 2RJ.

The Head of Development Services gave an update. She noted that the public consultation period did not expire until 14 January 2021 and there had been no responses received at that time. As a result the recommendation was unchanged from the

published report. With the consultation date closing after the meeting date it was proposed that final approval be delegated to officers subject to there being no material considerations included in the consultation responses.

She then gave a presentation on the application detailing the site location plan, block plan, the site at present, and proposed buildings and elevations.

Public Speakers

Paul Butler (Agent for the Applicant) spoke in support of the application. He noted that the application site already benefitted from planning permission and that the application was for a temporary building, very special circumstances (VSC) existed, and as York Central progressed, Autohorn needed to relocate. He outlined the reasons for the need for the temporary building, including reasons due to the pandemic.

He was asked and explained that the company employed up to 400 people and that the approval of the application would allow the facilitation of the long term plan. He was asked and confirmed that the company's present location was on Leeman Road.

Cllr Warters then moved and Cllr Daubeney seconded that final approval be delegated to officers subject to there being no material considerations included in the consultation responses. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Craghill, Daubeney, Douglas, Doughty, Fenton, Fisher, Hollyer, Kilbane, Lomas, Myers, Pavlovic, Wann, Warters, Widdowson and Cullwick voted for the motion;

The motion was therefore unanimously carried and it was

Resolved: That final approval of the application be delegated to officers subject to no new material planning issues being raised before the consultation period expires on 14 January 2021.

Reason:

i. The proposals is considered to be inappropriate development within the Green Belt and would, therefore, by definition be harmful to the Green Belt.

Substantial weight is to be given to any harm to the Green Belt. In accordance with the NPPF, inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. There is limited harm on the openness of the Green Belt and limited harm to the green belt purposes.

ii. The very special circumstances are considered cumulatively to be afforded significant weight in the decision making process. The temporary nature of the proposal has also been considered in terms of the proposals impact. The proposal is also considered to be acceptable on the other relevant matters including design, drainage and highway safety. Moderate weight is considered to be applied to these matters. Weighing up the planning balance, it is considered that with regard to this proposal, the very special circumstances set out do outweigh the identified harm to the Green Belt.

iii. The application is recommended for approval for a period of five years and subject to no new planning issues being raised before the consultation period expires on 14 January 2021.

[The meeting adjourned from 20:20 to 20:25 at which point Cllr Widdowson left the meeting.]

10c North Selby Mine, New Road, Deighton, York [20/01546/FUL]

Members considered a Full Application from Peter Massie for the variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year at North Selby Mine, New Road, Deighton, York.

The Head of Development Services updated the Committee advising of amended wording for Condition 1 (time) and of further correspondence from Liam Toland (Agent for the Applicant) in response to comments from Councillor Vassie concerning the use of renewable energy at the site. It was confirmed that the additional information had been assessed and the planning balance and recommendation remained unchanged from the published report. A presentation on the site location plan, site parameters plan, and indicative master plan from the approved application was given to Members.

In response to questions from Members, officers clarified that:

- The application differed from the previous application as it was on previous developed land.
- The 28 day period was a rolling 28 days and would not fit with the model for the site which was the reason for the submission of the application.
- The site was different to other sites in York as it was on a larger scale.
- Appeals for the 28 day period would be made to the Planning Inspectorate.
- No supplementary information was submitted with the previous application. However, the agent had confirmed that it the site would be a holiday park as the market was moving towards sites similar to those at Hollicars and Allerthorpe Lake.
- The details of the Escrick Parish Council objection.
- The application was made under the Town and Planning Act and the options available to the Committee
- The detail of Condition 4.
- The national planning guidance on the recommended conditions in terms that the application was for holiday purposes and not as a main place of residence. This would include keeping records of occupants on the site. It was noted that the coxwold policy regarding the length of stay referred to the length of stay, and this was the adopted policy.
- Hollicars was not in the York boundary and a condition had been added to that site in 2016 regarding the use of the site for holidays.

<u>Public Speakers</u>

Cllr Coulson (Escrick Parish Council) spoke on behalf of Escrick and Deighton Parish Councils in objection to the application. She explained that they wanted to ensure that the site was used

for holiday and not for permanent residences. She noted that they had submitted an alternative condition which stated that t the intended use was for holiday use only, and not permanent as residential accommodation. She further suggested that the leasehold was approved by the council's solicitor. She stated that Escrick and Deighton Parish Councils suggested deferral of the application.

Cllr Vassie (Ward Member) spoke on the application, requesting that if the application was approved he would like a condition committing the applicant to work with the council to enable the potential for renewable energy from the old mine workings to be properly evaluated and, if viable, to be exploited in order to provide district heating to homes in the surrounding villages. He cited the council's aim to deliver a zero carbon future and an example of a similar site in Neerlen in the Netherlands.

In answer to questions from Members, Cllr Vassie confirmed that:

- The uses for the site were not incompatible.
- In terms of some of the mine shafts being capped, there was a project in Tynemouth whereupon new boreholes had created.
- The University of Leeds would like to look at the renewable energy potential of the site. The University of Newcastle had also expressed an interest.
- His concerns over the continuing presence of residents in winter were around children going to school, and impact on roads.

Liam Toland (Agent for the Applicant), spoke in support of the application. He acknowledged the concerns regarding the site being used for permanent accommodation and he confirmed that this was not the intention. He explained that the condition concerning this was restrictive and that the current condition made the units unsalable. He explained the difference between the site and the Hollicars park.

In response to questions from Members he explained that:

- The variation to condition 4 was a condition adopted in national planning guidance.
- The 28 night limit did not the site viable.
- The business model being proposed had never changed as the condition was suggested at the Planning Committee at which the previous application was considered.

- His responses to the points raised by Cllr Vassie

Members then asked further questions to officer to which they responded that:

- The additional condition was added late under additional information at the Planning Committee at which the previous application was considered.
- There would need to be clear reasons for deferral.
- There were no time restrictions on other York sites.
- The authority was not bound by other authorities' determinations but could take them into consideration.

Cllr Lomas then moved deferral of the application on the basis of the need to better explore a condition to meet the applicant's need to develop the site to ensure that the pitches would not be used for permanent occupation. Cllr Warters seconded deferral of the application and asked whether there could be an informative on the geothermal use of the site. He also suggested that the condition put forward by Escrick Parish Council be used a starting point for the condition. The Head of Development Services clarified that there could be an informative on the geothermal use of the site. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Craghill, Daubeney, Douglas, Doughty, Fenton, Fisher, Hollyer, Kilbane, Lomas, Myers, Pavlovic, Wann, Warters and Cullwick voted for the motion;

The motion was therefore unanimously carried and it was

Resolved: That the application be deferred.

Reason: To meet the applicant's need to develop the site to ensure that the pitches would not be used for permanent occupation.

Members confirmed to the Chair that they had been present and could hear all of the meeting.

Cllr C Cullwick, Chair
[The meeting started at 4.30 pm and finished at 9.46 pm].