

Meeting	Planning Committee
Date	4 February 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher and Baker (Substitute for Cllr D'Agorne)
Apologies	Councillor D'Agorne

11. 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 Doughty declared personal non prejudicial interest in items 4a and b [York Station Frontage] as a railway employee and noted that he had no part in the application process. Cllr Kilbane declared personal non prejudicial interest in items 4a and b as owners of cycle heaven is the landlord of a business property and Cllr Kilbane was part of a group that rented that property for another business. There were no further declarations of interest.

Cllr Kilbane noted that as a point of order, a member of the Executive sitting on the committee may have an interest in agenda items 4a and 4b [York Station Frontage]. Cllr Ayre noted that this had been addressed at previous meetings.

12. Minutes

Resolved:

- i. That the minutes of Planning Committee meetings held, 3 December 2020 and 7 January 2021 be approved and then signed by the chair as a correct record and signed at a later date.
- ii. That the minutes of the Planning Committee meeting held on 19 November 2020 be approved subject to the second reason for the deferral of the application

for St Georges Field Car Park, Tower Street, York [19/02063/FULM] being amended to:
‘Full parking review to take place to take account of the city centre as a whole’

13. 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.

14. 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.

14a York Station Frontage, Station Road, York [19/00535/FULM]

Members considered a major full application from City of York Council for the demolition of Queen Street Bridge and construction of new highway; reinstatement and construction of earth ramparts and retaining walls to part of the City Wall. Demolition of pedestrian bridge and works to the York Railway Institute elevation; demolition of Band Room, demolition of extensions to rear of RI Gymnasium. Construction of multi-storey car park. Part demolition station building (Parcel Square) and construction of a new facade, roof and canopy and associated works to retained elevations. Relocation of electricity sub-station. Public realm and highway improvements along Queen Street and Station Road. Relocation of cycle store associated with George Stephenson House. Demolition of Unipart Rail Service Centre building and construction of temporary surface car park, alterations to existing car park and taxi drop-off arrangements at York Station Frontage, Station Road, York.

Members were advised of the two separate applications for the station frontage, the one before them and the following application for Listed Building Consent (LBC). The Development

Manager gave a presentation on the application noting the layout, areas included in the LBC application, removal of bridge in Queen Street, Queen Street access general arrangement, multi storey car park (MSCP) site plan including the artist's impression and aerial view.

For the LBC application Members were shown the station yard ground floor existing layout, proposed demolition and alterations, proposed layout, parcel square south shed elevations, external elevation, proposed elevation of the internal south shed and north shed and proposed portico plan (for which no there was no detail at that point). A number of photographs for different views of the station frontage were also shown to Members.

Members raised a number of questions to which officers responded that:

- There was a condition requiring a safety audit to be in place for the cycle path past the MSCP. The detail of the condition was to be agreed and priority would be given to cyclists.
- The green infrastructure was limited to the extension to the cholera burial ground and the trees to create a green line between the highway and taxi rank. There were also grassed areas behind the bus shelters and where the car park was extended.
- The wording of the proposed condition regarding the surface materials for the paving were intended to segregate the cycle path.
- Planting in perpetuity and street furniture were covered by a condition. The plans were indicative of street furniture and would be developed in conjunction with the prevention of crime.
- The proposals for the MSCP were to re-provide what was there already and this was a requirement of Network Rail and LNER. The council had no highway or planning powers to compel private landowners to relinquish what they have.
- A two deck car park would cover a larger footprint than that of a four deck.
- The policy for electric vehicle (EV) charging was explained.
- Condition 26 stated that the band room could not be demolished until a replacement had been agreed

Members were then provided with an update advising them of consultation responses from owner occupiers in Queen Street, the confirmation of the LNER objection, and two amended and

additional conditions. It was noted that the recommendations remained unchanged from the published report.

[The meeting adjourned from 17:24 to 17:55]

Public Speakers

Ian Anderson spoke in objection to the application. He suggested that the canopy over the taxi rank provided inadequate protection against the elements for taxi passengers. He proposed that a full length canopy should be a condition of the application.

Alan Robinson on behalf of York Bus Forum spoke in objection to the application on the grounds that a bus interchange was needed. In response to Member questions he explained the need for an additional lane for buses and he suggested that the central crossing should be re-examined. He added that it was not good for buses to go around the back of the Railway Institute (RI) and there was a need to ensure the termination of bus services at the station, included Park and Ride buses.

Dave Merrett on behalf of York Environment Forum spoke in objection to the application due to the inadequate bus interchange facilities and multi storey car park (MSCP). He noted that there needed to be better public transport provision and that the application failed to meet the councils own climate change policies.

Andrew Morrison on behalf of York Civic Trust noted that whilst the Trust was supportive of the scheme overall they objected on the grounds that the proposals did not include provision for park and ride services to go to the station, there was a lack of provision for bus turning and the long stay car park was excessive. He was asked and explained that the Trust was hoping for a more modern design for the parcel square replacement building to benefit the heritage asset.

Tom Franklin, Chair of York Green Party spoke on the application. He explained that the party supported aspects of the application, however, the MSCP was inappropriate as there was a need to reduce car parking and there was a lack of electric vehicle (EV) charging points and reduction in cycle parking. He was asked and noted he would need to consider

whether a reduction in the number of floors for the MSCP was favourable.

Cllr Webb spoke on the application behalf of Cllr Melly (who was unable to attend the meeting). He explained that the MSCP was unfair to residents on Cambridge Street, as well as dominating the heritage asset. He noted that the proposals did not future proof the site as not all buses stopped there and he suggested that there be an increased number of EV charging points and cycle parking. He questioned if the application achieved the points in section 9 of the NPPF.

Michael Howard, on behalf of the applicant, City of York Council (CYC) spoke in support of the application. He explained how the proposals addressed the challenges presented to the city and provided a high quality gateway to the city. He detailed the benefits of the changes to the station frontage. He was joined by a number of colleagues from ARUP to answer questions from the Committee to which they responded that:

- Concerning the impact on businesses at the top of Micklegate there may be a need to put a small wall at the bottom of the ramparts and there would be piling. It was noted that there was a condition regarding vibration and this would be monitored by the CYC environmental health officer. The council would work with business and neighbours during construction works.
- The council had been working closely with bus operators, who would like a number of bus stops for passengers. There were four extra bus stops that would allow buses to operate more efficiently.
- The aspiration for Parcel Square was to be low key and recessive. This was explained in the context of the historical design of the station.
- The council had worked with the landowner to secure the land and was not party to the commercial considerations of LNER and Network Rail. In order to secure the space, parking needed to be secured in the footprint.
- In relation to consultation with Cambridge Street residents, the application had been advertised.

Richard Bickers (ARUP) spoke in support of the application. He explained that the design simplified vehicle movements and allowed more pedestrian movement. He outlined the benefits of the design to pedestrians and bus users and added that the rationalisation of car parking would help reduce the proportion of

passengers that drove to the station. In response to Member questions he noted:

- That York Central allowed expansion of the platforms at the station.
- The rationale for the taxi canopy and how this would be set out and provide protection for passengers.
- That the scheme allowed capacity for growth in bus usage.

Thomas Pearson (ARUP) spoke in support of the application. He noted that the scheme provided an opportunity to reintroduce symmetry to the design of the station frontage. He explained that the two railway arches would take centre stage and the MSCP would fit discretely behind the RI and had been supported by the conservation officer.

Mike Stancliffe, on behalf of Network Rail, spoke in support of the application. He advised that Network Rail was the owner of the station which was leased to LNER and he explained how they had been involved in the design of the applications (including Listed Building Consent application). He noted that the focus of the scheme was to make it easier for users to access and leave the station. He outlined the constraints of the current layout and how the MSCP consolidated parking. He was asked and answered questions from Members noting:

- Options for the band room were being examined and the commercial arrangements with the RI would be taken forward. The replacement for the band room was conditioned.
- Concerning the MSCP, travellers may not want to travel by rail if there was no parking and the scheme was looking to protect capacity that users of the station required.

Niall Melvin spoke in support of the application on behalf of LNER. He explained that as the operator of the station, LNER had worked with the council to deliver a scheme that customers would want and expect. He noted the improved pedestrian flow, cycle provision, and sustainable transport for the mass transition of people. He was asked and:

- Recognised the concern regarding the model shift to shorter journeys. He noted the need for railway companies to look at model shifts for all journeys.
- Explained that the scheme provided availability for commuters to get to work and could achieve the national objectives for carbon reduction.

- Advised that LNER would be working on proposals regarding e-scooters with the council
- Explained the why car parking was needed.

Andrew McGuinness on behalf of York Quality Bus Partnership (QBP) spoke in support of the application. He explained the role of the QBP and their support in bus services being given prominence. He noted that the proposed layout provided great connectivity and he noted the benefits of the new loop road. He added that the layout provided high quality waiting areas and service information and that York had many bus interchange points. He was asked and confirmed that the scheme proposed wold future proof capacity for growth in York.

The Democracy Officer read out a statement from Andrew Digwood (York & North Yorkshire Chamber of Commerce) who was unable to attend the meeting at short notice. He supported the application for a number of reasons, namely that the station frontage was in need of modernisation, was part of a number of projects (York Central, Hudson Quarter, Roman Quarter) presenting an opportunity to showcase that part of York, integrated the city's bus network and provided car parking for commuters travelling at all times of the day.

[The meeting adjourned from 19:31 to 19:44]

Members then asked further questions to officers. The Conservation Architect was asked and explained that the views of the shed roof were important and the temporary structure detracted from this. Officers were asked and clarified that:

- Site notices were placed in the locality and letters were sent to local residents. The location of the notices was listed.
- Condition 18 could be amended to include planting in perpetuity
- Regarding conditioning of retail units within the portico, anything more than temporary structure would require Listed Building Consent approval.

Members then debated the application in detail including the detail of conditions concerning landscaping (condition 18), cycle parking (condition 37) and cycle path materials (condition 38).

[At 19:59 Cllr Lomas confirmed she had left the screen briefly but had heard all of the discussion].

Cllr Fenton then moved and Cllr Hollyer seconded approval of the application subject to the amended conditions 18, 37 and 38 below, conditions outlined in the report and in the additional information. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Daubeney, Doughty, Fenton, Fisher, Hollyer, Warters and Cullwick voted for the motion;
- Cllrs Baker, Douglas, Kilbane, Lomas, Myers and Pavlovic voted against the motion.

The motion was therefore carried and it was

Resolved: That the application be approved subject to the amendments to conditions 18 and 38 and delegation of wording to officers in consultation with the Chair and Vice Chair to amend conditions 18, 37 and 38 below, conditions outlined in the report and in the officer update.

- Amendment to text of Condition 18 to remove the 5 year limit and revise the wording regarding the ground conditions
- Amendment to text of Condition 37 to increase the number of cycle spaces
- Amendment to text of Condition 38 to revise the wording regarding the material to be used for the cycle path in terms of safety

Reasons:

- i. The proposed scheme is primarily focused on the reorganisation of existing transport infrastructure in the areas surrounding York Railway Station and the Railway Institute. The key principles of the scheme are to rationalise pedestrian, cycle, and vehicle movements, improve the transport interchange, connectivity and allow for more efficient use of space and improvements to the public realm including substantially enhancing the setting of highly significant heritage assets, namely the City Walls (Scheduled Monument and Grade I) and York Station (Grade II*) and other listed building within the site. It is considered that the aims of the scheme comply with Policy

DP2 ‘Sustainable Development’ of the Draft Plan 2018 which seeks to provide efficient and affordable transport links by prioritising and improving strategic public transport, cycle and pedestrian networks as well as conserving and enhancing those elements that contribute to the special character and setting of the historic city.

- ii. The ability to achieve the highway improvements is principally through the removal of Queen Street Bridge and construction of new highway at grade level including loop around Railway Institute gymnasium and Water Tower. In addition, the creation of a new taxi rank, relocation of the bus interchange and the rationalisation of short and long stay car parking is critical to the ability to deliver the public transport improvements for those who live in, work in or visit York. These public interchange improvements are set out in the Local Transport Plan (LTP) 3 2011-2031 and draft local plan Policy T3 ‘York Railway Station and associated operational facilities’.
- iii. A key focus of the scheme has been the ability to enhance the significance of the setting of listed buildings and other non-designated heritage assets that sit within the site, as well as the character and appearance of the York Central Historic Core Conservation Area. The YCHCCA management strategy identifies the Station Approach and Memorial Gardens as a priority for improvement, describing it as a disappointing way to arrive into the City. The application has assessed the effect of the proposal on the significance of the non-designated heritage assets, which have been identified as 22 Queen Street and the RI Gymnasium building, in line with paragraph 197 of the Framework. The direct impact of the proposal on the scale of harm to the significances of these NDHA is considered to be low. In terms of the assessment of the application to the designated heritage assets, the assessment concludes that there will be less than substantial harm to these. The archaeological features and deposits are located within the Central Area of Archaeological Importance (AAI) and as per paragraph 194 (b) and footnote 63, these are subject to the policies for designated heritage assets. The harm to the assets of archaeological interest is also assessed as less than substantial harm. Regard is had to advice in paragraphs 193 and 194 of the NPPF that when considering the

impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Regard is also had to the legislative requirements to give considerable importance and weight to harm to a listed building. The public benefits of the proposal are summarised at paragraphs 5.210 to 5.218 above and are considered to be collectively sufficient to outweigh the less than substantial harm to these heritage assets even when giving great weight to the conservation of these assets. In general terms, there will be the creation of public spaces and improved setting to the City Walls and ramparts and Railway Station, enhancing the features that make this City so unique.

- iv. The creation of an attractive public realm and quality and character of the green infrastructure, particularly landscape is critical to the success of the scheme as a mechanism to enhance the feature of the historic environment. Consideration has been given to the requirements for highway adoption and counter terrorism mitigation measures, and details shall be scoured via appropriate conditions.
- v. The loss of the band room as a community facility is on balance acceptable given the commitment of the applicants to secure appropriate replacement facilities which is secured by appropriate conditions.
- vi. The application, subject to appropriate conditions satisfies other aspects in terms of crime and design, environmental quality, air quality and climate change. It is considered that there are no protective polices within the NPPF which provide a clear reason for refusal and that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the polices in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour.

14b Station Building, Railway Station, Station Road, York YO24 1AY [19/00542/LBC]

Members considered an application for Listed Building Consent from City of York Council for Internal and external alterations including the demolition of Parcel Square buildings and the construction of a new façade and associated works to retained elevations, new roof and canopy and associated internal rearranged accommodation at the Station Building, Railway Station, Station Road, York. The officer update on the application had been included in the previous item.

Cllr Cullwick then moved and Cllr Hollyer 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:

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

Resolved: That the application be approved subject to confirmation from the Secretary of State that the application will not be 'called in', following the referral of the application in accordance with Arrangements for Handling Heritage Applications Direction 2015.

Reasons:

- i. It is outlined in the main body of the report that the impact of the proposals at individual areas of the station, such as the Portico, North and South Train Sheds and the Parcel Square area, is assessed as resulting in less than substantial harm to the significance of this designated heritage asset. In the case of the freestanding buildings and pods in the

north and south train sheds, this harm is assessed at being at the upper level of less than substantial harm. Regard is had to paragraphs 193 and 194 of the NPPF which state that great weight should be given to the conservation of listed buildings (and the more important the asset, the greater the weight should be) and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

- ii. It is demonstrated that the wider York Station Frontage scheme and also the individual parts of the proposal that would impact upon the railway station would deliver economic, social and environmental objectives. The objectives demonstrate that public benefits would be derived from the proposed development. The public benefits outlined in paragraphs 5.65 to 5.75 above are considered to collectively outweigh the less than substantial harm identified to this Grade II* railway station. The application therefore complies with paragraph 196 of the NPPF. Having special regard to the desirability of preserving listed buildings and their setting in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and giving considerable importance and weight to the identified harm, it is considered that the proposals would have an acceptable effect on this designated heritage asset.

[Cllr Baker left the meeting at 20:37]

[The meeting adjourned from 20:37 to 20:48]

14c Former Carpetright, Layerthorpe, York, YO31 7UP

Members considered a major full application from CBRE UK Property PAIF LTD and Premier Inn Hotels LTD for the erection of hotel with bar/restaurant, relocation of access and associated landscaping and car park following demolition of existing building at the Former Carpetright, Layerthorpe, York.

The Head of Development Services outlined gave a presentation on the application detailing the site location plan

and proposed elevations, landscape plan and visualisations. An officer update was given, detailing amendments to conditions 12 and 22.

[At 20:57 Cllr Kilbane confirmed he had dropped out of the webcast briefly. The Head of Development Services then repeated the second slide of the presentation to ensure that he had seen it].

In response to Member questions concerning the application, officers confirmed that:

The applicant had submitted a travel plan detailing alternative modes of transport to the hotel and there were three car parks close to the hotel offering overnight parking.

The car park would be accessed by servicing vehicles.

Public Speaker

Chris Argent – Agent for Applicant spoke in support for the application. He outlined the pre application meetings, the benefit that the application in terms of regeneration, high quality architecture and landscaping. He noted that the building had appropriate parking, servicing, motorcycle parking, six EV bays, photovoltaic roof, and flood plain storage. He added that there was a contractor ready to proceed and that there were no third party objections. He was asked and clarified that:

- The applicant had engaged with York Civic Trust and had worked with Historic England and council officers on the application.
- The trees were there to break up the hard landscape
- The conditions had been modified to improve energy efficiency
- The application was DDA compliant

Cllr Warters then moved and Cllr Daubeney seconded approval of the application subject to the conditions outlined in the report, additional information and amendment to Condition 20.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Fisher, Hollyer, Kilbane, Lomas, Myers, Pavlovic, Warters and Cullwick voted for the motion.

Resolved: subject to the conditions outlined in the report, the officer update and amendment to Condition 20 for

the landscaping to be for the lifetime for the development.

Reasons

- i. The proposed redevelopment of the application site for a hotel with associated bar/restaurant is considered to be acceptable in principle given the city centre use and fits with the aspirations for economic growth in the NPPF and the local plan, 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. Furthermore, there would be considered to be no harm to heritage assets.
- ii. The proposal would not comply with 2018 Draft Plan Policy C2 insofar as the scheme would not achieve BREEAM Excellent but in the context of the weight that can be afforded to the policies of the 2018 Draft Plan, Officers consider that a refusal for this reason alone would be difficult to defend, particularly given that the building would achieve a reduction in carbon emissions of 44% (exceeding the requirements set out in the 2018 Draft Plan Policy CC1).
- iii. 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 by way of conditions.
- iv. 6.4 The presumption in favour of sustainable development in paragraph 11(d) of the NPPF applies to this application. This tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 9.20 pm].