

Meeting	Planning Committee B
Date	15 November 2023
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Clarke, Fenton, Melly, Orrell, Vassie, Warters and Crawshaw (Substitute for Cllr Baxter)
Apologies	Councillor Baxter
Officers Present	Gareth Arnold, Development Manager Steve Wragg, Flood Risk Manager Sandra Branigan, Senior Solicitor  <u>Development Management Officers</u> Jonathan Kenyon, Principal Officer Natalie Ramadhin Erik Matthews Rachel Tyas

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### **38. Declarations of Interest (4.33 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.

In relation to item 4g (OS field 0040 Stamford Bridge Road, Dunnington), Cllr Warters noted that whilst he had called the item in, he did not consider himself to be predetermined.

Cllrs Melly and Clarke noted, in relation to items 4a and 4b (St Georges Field Car Park, York) that they were pre-determined and had registered to speak on the items in their capacity as Ward Councillors. They subsequently left the meeting after they had addressed the committee and took no part in the debate or decision making for those items.

Cllr Vassie noted that, in relation to items 4c and 4d (St Pauls Nursery School) a family member was employed by the nursery. He therefore left the meeting before the start of the items and took no part in the debate or decision making for those items.

### **39. Minutes (4.34 pm)**

Resolved: That the minutes of the last meeting held on 10 October 2023 were approved as a correct record.

### **40. 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.

At the discretion of the Chair, Cllr K Ravillious, Ward Councillor for Fulford and Heslington Ward, spoke via Zoom on items 4a and 4b (St Georges Field Car Park), where she noted her concerns regarding the level of engagement between residents of Peckitt Street and the Environment Agency. She also questioned some inconsistencies in the assessment of existing flood protection measures.

Cllr Ravillious also spoke in objection to item 4f (47 Heslington Lane), and raised concerns relating to the impact on the conservation area, the impact on neighbour amenity and questioned whether the development met the sustainable development objectives of the National Planning Policy Framework.

### **41. Plans List (4.39 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.

### **42. St Georges Field Car Park, Tower Street, York [22/02613/FUL] (4.39 pm)**

[Cllrs Melly and Clarke stepped off the Committee for the consideration of Items 4a and 4b.]

Members considered a full application by the Environment Agency for flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge, the raising and strengthening of existing walls attached to the pumping

station, the raising of the access ramp into the car park and the installation of support post to bridge masonry wall to enable deployment of temporary flood barrier across Tower Street.

The Principal Officer Development Management gave a presentation on the plans and the Development Management Officer provided an update to Members which summarised four further representations received in objection to the application and changes to conditions 9 and 13. These did not affect the officer recommendation contained within the report.

In response to Members' questions on the plans, officers clarified the pedestrian access and confirmed that the pavement was to be retained and there were no plans to improve the pedestrian route from the car park.

### Public Access

Tim Mudd, a resident, spoke in objection to the application. He raised concerns regarding the listed buildings that could be affected and the lack of consultation from the Environment Agency (EA). He requested deferral of the application to allow for further modelling.

He confirmed, in response to questions from Members, that on the wet side of the barrier, approximately forty properties could be affected.

John Dench, a resident, spoke in objection to the application. He raised concerns regarding a lack of information from the EA on water levels in the Peckitt Street area.

Cllrs Melly and Clarke, Guildhall Ward Cllrs spoke in objection to the application. They questioned the location of the proposed barrier and highlighted that around fifty homes were on the wet side of the barrier, many of which were listed. They felt that properties were less likely to be protected in the future with water levels expected to be deeper and to last longer.

In response to questions from Members they reported that the height of the barrier would be reduced, improvements to the wall would not be undertaken, public meetings had been held at short notice and ground water levels had not been considered.

Mark Fuller represented the Environment Agency and spoke in support of the application. He explained that the scheme would reduce the flood risk for 1600 homes and would not increase river levels, the barrier at Tower Street was more robust, and quicker and safer to deploy than the current

arrangement. Modelling showed it would have no impact on drainage or ground water.

He responded to questions from Members and reported that their modelling showed no increase in the risk of flooding to properties. There was not a viable cost benefit scheme for an accessible pedestrian ramp to exit the car park, due to the build costs, loss of parking spaces and the loss of flood storage. On the demountable barrier, he confirmed that sandbags had been deployed in 2000 but had not been used in 2015 or 2018.

The council's Flood Risk Manager responded to further questions from Members. He reported that the wet side was a complex area in terms of how it flooded. The EA had modelled fluvial flow and not ground/surface water levels. The officer agreed with the EA, that the modelling showed the new scheme did not worsen the existing flood risk.

Officers also reported that they had examined why betterment of the pedestrian access could not be achieved but these were not considered grounds for refusal. The senior solicitor advised that under the council's equality duty, due regard was required but not duty to outcome.

Following debate, Cllr Fenton proposed the officer recommendation to approve the application. This was seconded by Cllr Burton. With Members voting 2 in favour and 5 against, this motion fell and was not approved.

Cllr Vassie proposed a motion to defer the item, so that the committee could receive more data modelling on the level of flood risk and to assess if an accessible ramp from the car park could be achieved. This was seconded by Cllr Warters and on being put to a vote, there were six votes in favour and one abstention, it was therefore:

Resolved: That the application be deferred.

Reason: To ensure that the following information be provided:

- i. Further modelling work to satisfaction of LPA and LLFA on the flood impact of the Tower Street barrier on Peckitt Street and surrounding properties
- ii. Clearer drawings of the proposals
- iii. More information on how the St Georges Field access ramp could be made accessible

**43. St Georges Field Car Park, Tower Street, York  
[22/02491/LBC] (4.39 pm)**

Due to the outcome of the application for item 4a, Officers requested a deferral of item 4b, the application for Listed Building Consent at St Georges Field Car Park.

Cllr Vassie therefore proposed that the item be deferred and this was seconded by Cllr Crawshaw. Following a unanimous vote in favour it was:

Resolved: That the application be deferred.

Reason: The benefits brought by the application at item 4a no longer applied.

**44. St Pauls Nursery School, 12 St Pauls Square, York, YO24  
4BD [23/01114/GRG3] (6.23 pm)**

[Cllr Vassie left the meeting prior to the start of this item and took no part in the debate or decision for items 4c or 4d.]

Members considered a general regulations (Reg3) application by City of York Council for the erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.

The Development Manager gave a presentation on the plans and clarified the plans in relation to the listed building consent application and the access for construction traffic. An update was provided by the Development Management Officer which outlined additional representations received from York Civic Trust and Cllr Jenny Kent. These did not change the officer recommendation as per the report.

In response to questions from Members, it was reported that it was not considered reasonable to condition construction traffic.

Public Speaker

Maxine Squire, the Assistant Director for Education and Skills, spoke in support of the application on behalf of the applicant. She explained the role of Local Authority maintained nursery school and stated that the annex was no longer fit for purpose.

In response to questions from Members, she stated that the proposed annex would look better, and would deliver a cost effective alternative while minimising delay and disruption to the nursery.

Officers noted that condition 9 was no longer required due to changes in building regulations. As the building was listed, all proposals required consent.

Following a brief debate, Cllr Crawshaw proposed the officer recommendation to approve the application, subject to the deletion of condition 9, for the reasons stated above. This was seconded by Cllr Fenton. On being put to a vote, with six voting in favour and with one abstention it was:

Resolved: That the application be approved, subject to the deletion of condition 9.

Reason: The proposal seeks permission for the erection of a replacement extension to provide a specialist teaching facility for younger children with autism when there is a significant lack of such specialist provision within the City as a whole. Considerable importance and weight are given to the identified harms to the designated heritage assets. However, there are significant public benefits arising from the proposal including the demolition of the existing building which is a notable detractor to the visual appearance of the wider area and more notably the provision of up-to-date provision for pupils with autism not available elsewhere. It is considered that the less than substantial harm to the character and appearance of the Conservation Area and to the setting of the host Listed Building caused by the proposal are outweighed by the public benefits. At the same time, it is felt that the short-term harms caused by the construction process may be effectively managed. In the planning balance the proposal is felt to be acceptable, and approval is recommended.

In conjunction with Item 4c, above, Members considered a general a listed building consent application by City of York Council for the erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.

Cllr Crawshaw proposed the officer recommendation to approve the application and this was seconded by Cllr Fenton. On being put to a vote, Members voted six in favour and one abstention, it was therefore:

Resolved: That the application be approved.

Reason: The proposal envisages the replacement of the existing side extension with a purpose-built extension using a more modern idiom to provide purpose-built provision for pupils with autism. The design has been amended since submission to address Conservation concerns. At the same time, it is proposed to construct fire escape provision from the upper floor kitchen and pupil dining area into the rear play area to enable the site to comply with modern safety standards. It is felt that the proposal would give rise to less than substantial harm to the significance of the Listed Building but that that harm would be balanced by the public benefit of the provision of purpose-built provision for younger children with autism otherwise no available in the wider City together with the removal of the existing detractor building. 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 proposal would have an acceptable effect on this designated heritage asset. Approval is therefore recommended.

[7.08 pm Cllr Vassie rejoined the meeting.]

**46. 69 Kirkcroft, Wigginton, York, YO32 2GH [23/01501/FUL]  
(7.09 pm)**

Members considered a full application by Tony Speck for the conversion of double garage to habitable space, garage to side elevation and gate to front (resubmission).

The Development Manager provided and a presentation on the plans and in response to questions from Members reported the following:

- A householder application was not required to achieve a biodiversity net gain.
- There were no plans to change the dropped kerb.
- The planning permission for the boundary wall was granted at the same time as the garage extension.
- The applicant could appeal a condition.

Public Speaker

Cllr Cuthbertson, Ward Councillor spoke in support of the application. He stated that the ability to extend the property was limited due to the electricity substation at the rear of the property. He clarified the proximity to neighbouring properties and stated that there were a number of nearby houses that contributed to an incoherent street scene. He noted that there had been no objections from the parish council or neighbours.

In response to questions from Members, he stated that questions regarding landscaping would be best referred to the applicant.

Following debate, Cllr Crawshaw proposed the officer recommendation to refuse the application. This was seconded by the Chair. On being put to a vote and with two votes in favour, six against and one abstention, the motion fell.

After further debate, Cllr Warters proposed approval of the application, subject to standard conditions and landscaping to the front of the property to include a tree for the lifetime of the development. Authority to be delegated to officers to approve the subsequent plans. This was seconded by Cllr Orrell. Members voted unanimously in favour of the motion and it was:

Resolved: That the application be approved subject to the following conditions:

- TIME1
- Approved drawings and building materials

- Landscaping to frontage including a tree.

Reason: The proposed extension to the side of the dwelling is not felt to be contrary to draft Local Plan policy H11 and the council's householder design guide and is not considered detrimental on the street-scene.

#### **47. 47 Heslington Lane, York, YO10 4HN [22/02108/FUL] (8.05 pm)**

Members considered a full application by Susi Clark for the erection of two storey detached dwelling after demolition of existing bungalow and outbuildings, at the above location.

The Development Manager gave a presentation on the plans.

#### Public Speakers

Martin O'Neill, a close neighbour, spoke in objection to the application. He described the proposed building as visually overbearing and raised concerns regarding the increase to the original building's footprint, the loss of trees, lack of screening and car parking close to the boundary.

In response to questions from Members, he confirmed the location of the tree with a Tree Preservation Order (TPO) and also confirmed concerns regarding the impact of the proposed driveway on the tree roots of said tree roots.

Parish Cllr Mary Urmston spoke on behalf of Fulford Parish Council. She raised concerns regarding the impact on heritage trees and loss of amenity. She noted that the building was not subservient to the surroundings and would cause damage to the conservation area. She requested that permitted development rights be removed should the application be approved.

Officers responded to a number of questions from Members and it was reported that the plot was considered large enough to accommodate the scale of the development, further clarification of the boundaries was provided and condition 5.31 covered the like for like replacement of any trees that were to be removed.

Following debate, Cllr Fenton proposed the officer recommendation, subject to the removal of permitted development rights, a biodiversity

informative and for condition 5 to explicitly cover the tree with the TPO. This was seconded by Cllr Hollyer. On being put to a vote, with four Members voting in favour and five voting against, the motion fell.

Following further debate, Cllr Crawshaw proposed refusal of the application due to harm to the conservation area, in relation to the scale and massing of the building not subordinate, inappropriate materials. Loss of trees and erosion of the garden area, with the exact wording of refusal delegated to officers. This was seconded by Cllr Orrell. This motion was put to a vote and with five votes in favour, three against and one abstention, it was:

Resolved: That the application be refused.

Reason: Due to the harm to the Conservation Area as outlined above.

#### **48. OS Field 0040 Stamford Bridge Road Dunnington York [22/01683/FUL] (9.12 pm)**

Members considered a full application by Mr John Hooton for the erection of a general purpose agricultural building.

The Development Manager gave a presentation of the plans and in response to questions from Members noted that there had been no objections received from Dunnington Parish Council.

#### Public Speaker

John Pollitt spoke in support of the application on behalf of the applicant and explained that the intention was use the land for a smallholding.

In response to questions from Members, it was confirmed that the building would be used to secure farm machinery.

During the debate, Members requested an amendment to condition 3 to include the development, rather than the building.

Cllr Crawshaw proposed the officer recommendation to approve the application subject to the proposed amendment outlined above. This was seconded by Cllr Orrell. On being put to a vote, with eight in favour and one abstention, it was:

Resolved: That the application be approved, subject to the amendment of condition 3 to refer to the 'development' not the 'building'.

Reason: The application site is located within the general extent of the York Green Belt and serves a Green Belt purpose. The proposal is not considered to further impact on openness and the purpose of including land in the Green Belt and proposed development is considered to fall within exception at NPPF paragraph 149 (a) and 150 (b).

Subject to conditions the development would accord with the NPPF and the Draft Local Plan 2018. It is considered that the proposal complies with the overall objectives of national and local planning policy.

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 9.32 pm].