

Meeting	Planning Committee B
Date	28 November 2024
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Coles, Melly, Orrell, Vassie and Warters
Officers Present	Becky Eades, Head of Planning and Development Services David Johnson, Planning Officer Sharon Jackson, Planning Officer Sandra Branigan, Senior Lawyer Jodi Ingram, Lawyer

34. Apologies for Absence

Apologies were received and noted for Cllr Fenton.

35. Declarations of Interest

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.

None were declared.

36. Minutes

Resolved: That the minutes of the last meeting held on 17 October 2024 were approved as a correct record.

37. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

38. Plans List

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.

39. 3 - 7 Coney Street, York [23/00420/FUL]

Members considered a full application by Helmsley Securities Limited, for external works to include extensions to the roofs to create an additional storey, partial demolition of no.5 Coney Street to form a walkway connection to the rear and new shopfronts in association with the creation of commercial, business and service floorspace (Class E), 7 no. residential units (Class C3).

The Head of Planning and Development Services gave a presentation on the plans and provided an update to the officer recommendation, as further clarity was required for the wording of conditions relating to investigation works and a further condition was needed with regard to waste management. The recommendation had been amended to read 'Approve, subject to the final wording of the conditions being delegated to the Head of Planning and Development Services.'

In response to questions on the plans, officers confirmed the arrangements for the bin store and collections and clarified the location of the cycle parking. References to 'snickleway' and 'ramp walkway' in the report were confirmed to refer to the same route, it was also confirmed that the proposed Juliet balconies had been removed from the scheme.

Public Speaker

Max Reeves, the Development Director for the applicant, spoke in support of the application. He highlighted the intention to bring underused upper floors of city centre buildings into residential use and the subsequent economic benefits. He also noted the level of public consultation that contributed to the development and explained that the planned snickleway broadly followed historic access to the riverside.

The applicant, along with the architect and planning consultant, responded to questions from Members and confirmed that the details relating to the sustainability of the development would form part of the BREEAM specification, the majority of the development was redevelopment rather than new build. A management plan would cover the waste management from the commercial restaurants and there was sufficient space planned to be able to manage future government targets for recycling. The application was not part of the previous application due to different owners and timescales.

Officers responded to questions from Members and reported that they were satisfied that there was sufficient provision for the recycling and waste collection; The floor space of the retail units provided as part of the whole

scheme was commensurate with the current offering; There was a phased requirement for the works in relation to the fabric of the buildings and the city's archaeologist had a watching brief on the development; The application was received prior to when the biodiversity net gain requirements came into effect. The river sat outside the red line boundary and would not form part of the biodiversity enhancement plan.

Following a brief debate, Cllr Warters proposed the officer recommendation to approve the application, this was seconded by Cllr Cullwick. On being to put a vote, members voted unanimously in favour, and it was:

Resolved: That the application be approved,

Reason: Officers have considered the desirability of sustaining and enhancing the significance of the listed buildings and putting them to a viable use consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 203 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 205 of the NPPF, and have judged that there will be less than substantial harm. However, as it is considered there will be harm, there is a need to weigh the proposal against the public benefits as outlined in Paragraph 208 of the NPPF. In this respect there are the benefits of bringing the upper floors back into residential use, there are works that will improve the external appearance of the buildings and thereby the contribution that they make to the townscape, there will be an economic benefits of new restaurant uses and there is also improved access to the riverside that will make a contribution to the amenities of the conservation area. In this respect it is considered that the public benefits clearly outweigh the identified harm.

All other planning considerations as set out in the report are considered to be acceptable or can be mitigated by appropriate planning conditions. The proposals accord with policy and legislation concerning heritage assets. They comply with national planning guidance, as contained in the National Planning Policy Framework December 2023, and policies in the Publication Draft York Local Plan 2018.

40. 3 - 7 Coney Street, York [23/00421/LBC]

Members considered an application for Listed Building Consent, alongside the application at item 5a. The officer recommendation for this application was also amended in the update to:

‘Approve, subject to the final wording of the conditions being delegated to the Head of Planning and Development Services.’

Cllr Warters moved the officer recommendation as outlined above and this was seconded by Cllr Baxter. Members voted unanimously in favour and it was therefore:

Resolved: That the application be approved, as per the amendment contained in the update.

Reason: In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of the listed buildings and putting them to a viable use consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 203 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 205 of the NPPF, and have judged that there will be less than substantial harm. Great weight has been given to the asset’s conservation. As it is considered there will be harm, there is a need to weigh the proposal against the public benefits as outlined in Paragraph 208 of the NPPF. In this respect there are the benefits of bringing the upper floors back into residential use, there are works that will improve the external appearance of the buildings and thereby the contribution that they make to the townscape, there will be the economic benefits of new restaurant uses in an attractive location that the public can enjoy and there is also improved access to the riverside and improvements to the public realm that will make a significant contribution to the amenities of the conservation area. In this respect it is considered that the public benefits clearly outweigh the identified harm.

The proposals accord with policy and legislation concerning heritage assets. They comply with national planning guidance, as contained in the National Planning Policy Framework December 2023, and policies in the Publication Draft York Local Plan 2018.

[5.08 – 5.13 pm, the meeting adjourned.]

41. Model Farm House, The Green, Upper Poppleton, York, YO26 6DP [23/01704/FUL]

Members considered a full application by Robin Garland for the construction of 1 no. dwelling on land to the rear of Model Farm following demolition of Nissen huts and barn with associated access, landscaping and parking and restoration of existing pole barn.

The Head of Planning and Development Services gave a presentation on the plans, there was no update to the Officer's report.

Public Speakers

John Davies spoke in objection to the application raising concerns over harm to the conservation area and the setting of the listed buildings, stating that there was no significant public benefit to the application. He also challenged the assessment of the number of dwellings on the site.

In response to questions from Members he stated that the church hall was used by a number of community groups, as well as the nursery. He did not expect the proposed house to provide affordable housing.

Edie Jones, Chair of the Neighbourhood Plan, also spoke in objection to the application. She stated that during the development of the plan, the Nissan huts were not considered to be suitable for refurbishment or development and the proposed building would have a negative impact on the church hall.

In response to questions from Members, she stated that the proposal would not add to the ambience and was not suitable for the site. She reported that the neighbourhood plan had taken around three and a half years to be ratified.

Jamie Pyper, the agent for the applicant, spoke in support of the application, noting that the application sat outside the green belt and could not be seen from the village green. He highlighted the applicant's

willingness to work with conservation groups and officers and his ambition to complete the once derelict site.

He responded to questions from Members and advised that the scale of the application had been reduced to one dwelling and the replacement for the Nissan hut had also been reduced in height.

Officers reported, in response to questions from Members, that there were four dwellings on the site, with one of the buildings being treated as an annex to the main house. The annex would require planning permission should it be sold in the future. The Neighbourhood plan should be allocated full weight in the planning process. The height differential between the proposed building and the existing Nissan huts was minimal and there was no longer any agricultural use of the buildings.

The Senior Lawyer addressed comments by one of the public speakers, noting that the officer's report identified less than substantial harm to the heritage assets which meant that the test set out in paragraph 208 of the National Planning Policy Framework (NPPF) applied, meaning the public benefit of the scheme had to be balanced against the harm.

Following a brief debate, the Chair proposed the Officer recommendation to approve the application, this was seconded by Cllr Baxter. On being put to a vote, with Members voting five in favour, two against and with one abstention it was:

Resolved: That the application be approved, subject to the conditions contained within the report.

Reason: The application is in a sustainable and accessible location and in a predominantly residential area. The development is judged to lead to less than substantial harm to the character and appearance of the Conservation Area and the setting of listed buildings in accordance with paragraph 208 of the NPPF, however this harm is considered to be outweighed by public benefits for its contribution to the housing supply in a sustainable location. In addition, the proposal is compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of outlook and privacy will be retained.

The proposal, therefore subject to conditions is considered to comply to sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, polices PNP4 and PNP6a of the Upper Poppleton

and Nether Poppleton Neighbourhood Plan, the provisions of the National Planning Policy Framework and Policies D4 and D1 of the 2018 Draft Local Plan.

[5.52 – 5.58 pm, the meeting adjourned.]

**42. Land To The West Of 1 To 8 Garthway, New Earswick, York
[22/00440/FULM]**

Members considered a major full application by Joseph Rowntree Housing Trust for the erection of 14no. dwellings with associated infrastructure following the demolition of 2 no. garage courts.

The Head of Planning and Development Services gave a presentation on the plans and outlined the officer's recommendation for approval subject to a Section 106 agreement.

In response to questions from Members on the plans, the Senior Lawyer advised on the legal position in relation to the treatment of hedges and the Head of Planning advised it would not be reasonable to include a condition on the management of the hedge by future residents. Officers further clarified that the hedge was owned by CYC, sat outside the red line boundary of the application and was currently leased and maintained by a third party.

Public Speaker

Kathryn Jukes, the agent for the applicant, spoke in favour of the application, noting that they had agreed a management plan for the hedge with CYC officers which would protect the hedge in its entirety. The ability to add solar panels through permitted development rights was also mentioned.

In response to questions from Members, the agent further clarified the position relating to the hedge confirming there were no plans to touch it. She also restated that solar panels were being considered by the Trust's management, but she was unable to confirm that they would be included.

Following debate, Cllr Orrell proposed an additional condition for the inclusion of solar panels on the housing, with the final wording to be agreed with the Chair and Vice-Chair. This was seconded by Cllr Warters. This was put to a vote and with Members voting three in favour, four against and one abstention, the motion fell.

Cllr Coles proposed the officer recommendation to approve the application, and this was seconded by Cllr Melly. With Members voting six in favour, one against and one abstention it was therefore:

Resolved: That the application be approved, subject to a Section 106 agreement.

Reason: The proposal would provide 14 new houses all of which would be affordable housing provided by a Registered Social Housing Provider, this complies with the NPPF and draft local plan policy H10 and its aim of encouraging higher rates of affordable provision. This has very significant weight in the planning balance. The proposed design and layout are appropriate to its surroundings and will have a neutral impact on the setting of the conservation area. The demolition of the garages would be an inconvenience to the users but would not have an unacceptable impact on highway safety; due regard has been given to the requirements of the Public Sector Equality Duty. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. Planning conditions can address or mitigate all other material planning considerations. Subject to conditions and the completion of a legal agreement to secure affordable housing, the provision of housing is considered to outweigh any identified harms and the development would accord with the NPPF, and the draft Local Plan 2018.

Cllr B Burton, Chair

[The meeting started at 4.33 pm and finished at 6.35 pm].