

Meeting	Planning Committee
Date	11 June 2020
Present	Councillors Pavlovic (Vice-Chair, in the Chair), Ayre, Fenton, Hollyer, Melly (Substitute for Cllr Kilbane), Perrett and D Taylor (Substitute for Cllr D'Agorne)

**Note: at two points in the meeting, from 12:06 -12:11 and at 12:25, Cllr Taylor was not visible on screen; however, he confirmed that he was able to follow the proceedings throughout.*

Apologies	Councillors Cullwick, D'Agorne and Kilbane
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Chair's Remarks / Election of Vice Chair

The Chair explained the format of the remote meeting and invited Members to elect a Vice Chair to take over his role should technical difficulties interrupt his access to the meeting.

Resolved: That Cllr Hollyer be appointed to act as Vice Chair for the meeting.

50. 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, that they might have in the business on the agenda. No interests were declared.

51. Minutes

Resolved: That the minutes of the meeting held on 21 May 2020 be approved as a correct record, to be signed by the Chair at a later date.

52. Public Participation

It was confirmed that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on matters not relating to the application under consideration.

53. Planning Application - Land Between Clementhorpe Beck and Butcher Terrace [19/00570/FUL]

Members considered a full application by the Environment Agency (EA) for Clementhorpe and South Bank flood alleviation scheme works on land between Clementhorpe Beck and Butcher Terrace, comprising: flood gate at the junction of Clementhorpe and Terry Avenue; flood defence wall at Lower Ebor Street; site compound on land to the east of Butcher Terrace and temporary access road between Butcher Terrace and Terry Avenue.

Officers gave a presentation based upon the slides at pages 4-68 of the agenda and provided an update, reporting:

- corrections to paragraphs 5.32, 6.1 and 6.2 of the report;
- the receipt of 7 further letters in objection to the application, and 3 further letters in support;
- an updated response from the Micklegate Planning Panel;
- Government guidance on cycling and Covid-19;
- that the 5 March proposed diversion route drawing was to be finalised in the Construction Traffic Management Plan condition, no as an approved plan in Condition 2.
- amendments to Condition 9 (additional wording).

It was noted that none of the above affected the Planning balance or the recommendations in the report.

In response to questions from Members, Officers confirmed that:

- The flood gate would be of a similar design to those used in flood defence schemes across the country
- It was not considered necessary to widen the path along the East river bank to accommodate a cycle/pedestrian diversion
- The diversion routes were suggestions, not fixed routes
- Officers would continue to work with the EA on a travel plan; the matter could be brought back to Members if a consensus was not reached
- Condition 4 could be amended to include protection for wildlife habitats in the CEMP if Members so wished

- The applicant could not reasonably be required to return the site compound to a state better than its current condition.

[At 11:20, the meeting was adjourned to enable the registered public speakers for the item to be brought in. It was re-convened at 11:54]

Public speakers

The following spoke in **objection** to the application, raising issues in relation to accessibility, safety, the accuracy of flood level predictions and the location of the construction site:

- Rebecca Lack, a local resident
- Maeve Pearson, of York Cycle Campaign (YCC)
- Daniel Salisbury, a local resident
- Andrew Burnard, a local resident and retired construction professional
- Christopher Rainger, a local resident and retired civil engineer
- Prof Tony May, Chair of York Civic Trust (YCT) Transport Advisory Group

The following spoke in **support**, on the grounds of the benefits the scheme would bring in terms of flood protection:

- Gwen Swinburn, a local resident
- Daniel Rust, a local resident

Micklegate Ward Members

Cllr Baker spoke in support of the application, subject to conditions to address safety issues, as suggested by Micklegate Planning Panel, the YCC and the YCT.

Cllr Kilbane spoke in support of the application, subject to agreement of a robust traffic management plan to address residents' concerns.

A written statement submitted by Cllr Crawshaw, supporting the scheme but with concerns as to whether adequate steps had been taken to mitigate safety issues, was read out at the meeting.

Applicant

Steven Taylor of the EA addressed the Committee, and responded to Members' questions along with the three additional EA officers in attendance at the meeting. It was confirmed that:

- Road safety audits and testing of cycle routes had been carried out in conjunction with council officers;
- The EA was open to further discussions on alternative cycle routes if these did not delay the scheme disproportionately;
- Defra funding could only be spent on flood defences; the EA had no budget for substantial improvements to cycle routes.
- Repairs to the Blue Bridge were due for completion before work on the scheme began in October;
- The EA was engaging with residents of Waterfront House on noise mitigation measures and potential re-location;
- The closure of Terry Avenue was essential for safety reasons and was planned to last 12 months, during installation of the grout curtain;
- River transport had been ruled out due to the issues of offloading locations and the use of cranes;
- Despite a technical discrepancy pointed out by one of the public speakers, the EA was satisfied with the accuracy of its models.

[The meeting was adjourned at 13:45 for a short break and reconvened at 14:00]

Members then debated the proposals, after which Cllr Taylor moved, and Cllr Hollyer seconded, that the application be approved, subject to the conditions listed in the report, with the amendments to conditions identified in the officer update and/or discussed at the meeting. In accordance with the revised Standing Orders, a named vote was taken. Cllrs Ayre, Fenton, Hollyer, Melly, Perrett, Taylor and Pavlovic all voted in favour of this proposal, and it was

Resolved: That the application be approved, subject to:

- (i) Conditions 1-3, 5-8, 10, 11, 13 and 15-22 as set out in the report;

- (ii) Amendments to Conditions 4, 9, 12 and 14 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:

Condition 4 (Construction Environment Management Plan) - to include mitigation measures for wildlife;

Condition 9 (Construction Traffic Management Plan) – pedestrian and cyclist diversion routes (sub-paragraph (d)) to be removed and made the subject of a separate condition;

Condition 12 (Temporary TRO) – details of highway works to be approved by officers in consultation with the Chair and Vice Chair

Condition 14 (road safety audit) – audit must be independent.

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

Reason: It is considered that the substantial public benefits of the proposal, namely the improved flood defences to 135 properties, outweigh the temporary disruption to local residents and users of the affected public highway and the harms identified to the Green Belt and the heritage assets.

Cllr M Pavlovic, Chair

[The meeting started at 10.30 am and finished at 2.42 pm].

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