
Meeting	Planning Committee
Date	2 December 2021
Present	Councillors Fisher (Chair) [left the meeting at 21:51], Ayre, Barker, Cuthbertson (Substitute for Cllr Waudby) [left the meeting at 20:39] D'Agorne, Daubeney, Douglas, Fenton, Hollyer (Chair from 21:51), Looker, Lomas, Melly, Pavlovic (Vice-Chair) [left the meeting at 20:39] and Warters
Apologies	Councillors Doughty and Waudby

57. 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 Looker noted that she had had two meetings with York Minster in her capacity as Guildhall Ward Councillor and had not made a pre-decision on those applications. Concerning item 4b Cllr D'Agorne noted that he had attended meetings with the residents and developer. He also noted that his partner Cllr Craghill had registered to speak on item 4d. Cllr Barker noted that his wife was employed by York Minster. The Chair noted that Roger Pierce, registered to speak on the item, was a senior officer at a council that the Chair had worked at and as such, the Chair would leave the meeting for that item with Cllr Pavlovic, Vice Chair, taking over as Chair for that item.

58. Minutes

Concerning the minutes of the meeting held on 7 October, the Chair tabled the following suggested amendment to the second paragraph on page 8:

The Chair outlined his reasons for abstaining, which was that he found voting on green belt applications challenging. A member questioned whether he had said that he would never vote for an application on green belt land, as this would predetermine him

on future applications. The Chair stated clearly that he had not said this.

This was debated by Members. The Head of Planning and Development Services responded to a question regarding site visits advising that they would continue as virtual site visits and any specific points raised in advance of the visit would be looked at during the site visits.

[The meeting adjourned from 16:55 to 17:00]

Cllr Pavlovic moved deferral of the approval of the minutes to the meeting on 6 January 2022. This was seconded by Cllr Ayre. Eleven Members voted in favour of the motion and two voted against and it was:

Resolved: That;

- i. The approval of the minutes of the meetings held on 7 October 2021 and 4 November 2021 be deferred to the meeting on 6 January 2022.
- ii. The Director of Governance and Monitoring Officer attend the next meeting on 6 January 2022.

59. 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.

60. 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.

60a Land At Cocoa West, Wigginton Road, York [21/01371/FULM]

Members considered a major full application from Latimer Developments Limited for the demolition of gatehouse and erection of up to 302 dwellings (Use Class C3), creche (Use

Class E) and associated access, car parking, public open space, landscaping, associated infrastructure and drainage, and other associated works.

The Head of Planning and Development Services gave a presentation on the application noting the site location plan. Members were then given an update advising them of updates to conditions including the deletion of condition 18 with the Road Safety Audit to be incorporated into amended condition 19 and amendment to condition 31 regarding dedicated visitor car parking spaces.

In response to Member questions, officers clarified that:

- There had not been an update to the traffic assessment as closure of The Groves was temporary. Should this be made permanent, from the traffic generation figures it was thought that this would have a significant impact.
- The main route through the site would be adopted. It was not expected that a bus route would run through the site and although this would be possible to get a bus route both ways through the site with a number of small changes.
- Bus operators had been presented with the plan and had shown no interest in providing a bus route through the site.
- A number of Members expressed concern about traffic congestion and suggested that a through road could be put through the site. Officers confirmed that no through traffic was a policy in the local plan.
- Following a request to view the masterplan, officers clarified how the houses were set out on the south of the site.
- Regarding allocated car parking and designated accessible spaces, the intention was that the council would adopt the highway and there would be a respark type parking scheme on the site. In the courtyard area car parking was allocated with properties and houses typically had parking on their driveways. The apartment blocks did not have any accessible parking.
- Regarding the developers intention to provide 44 affordable homes, there was an affordable housing statement in the application. This would be a mix of housing and the detail of it was included in the information on the Section 106 agreement in the report.

Public Speakers

Adam Wisher (Applicant) spoke in support of the application. He noted that Latimer was the largest housing association in the

UK and that all profits would go back into the wider group. The site had been bought in 2020 and the applicant saw the opportunity to make the site into one cohesive site and balance the mix of housing with family homes. The site was sustainable responded to the housing need, with a number of changes being made to the scheme.

In response to Member questions, he and colleagues in attendance to answer questions confirmed that:

- There were no barriers to delivering 36% affordable housing as a different approach was taken to that of a traditional developer. The 36% affordable housing was a guarantee.
- There would be a mixed tenure of housing.
- Regarding the comments from York Civic Trust, the site was in an accessible location and the cycle routes provided alternative travel. The car club would be market led.
- Clarion was a non-profit organisation.
- All spaces on plot parking were accessible and there was flexibility in the spaces next to the apartment block.
- Regarding consideration of the use of solar tiles or slates, sustainability was key and it was explained how this would be achieved.

Ian Fenn (architect) spoke in support of the application noting that currently the site was inaccessible to the local community and the application would provide 302 homes for different groups with 36% being affordable. He explained the landscaping on the site. He noted that the proposals were underpinned by a neighbourhood concept providing public open space, a crèche and reference library and it utilised the sustrans route. There was also 100% passive provision for electric vehicle charging.

In response to Member questions, he and colleagues in attendance to answer questions confirmed that:

- The only trees to be removed on the site were on the side of the cycle path.
- The landscaping was nature led.
- The vast majority of houses would have electric vehicle charging points and ducting would be put in with the roads. [Officers clarified that there was a condition for 5% passive and 5% active electric vehicle car parking spaces.
- Regarding consideration of water harvesting, including grey water, this would be worked through during the next of development.

During debate Members commended the scheme. Following the suggestion of a through road on the site, officers noted that it was a strategic site on the draft Local Plan. Cllr Pavlovic moved approval of the application with the amendment condition 19. This was seconded by Cllr Warters. Following a vote of eleven in favour and two abstentions, the motion was carried and it was:

Resolved: That the application be approved subject to conditions in the report, amended conditions below and a Section 106 Agreement to secure the following planning obligations -

Affordable housing (policy compliance - 20% and tenure mix)
Off-site sports - £158,046 to be used at either of the following facilities - Heworth Cricket club, Heworth Rugby club, New Earswick sports club, New Earswick & District Indoor Bowls club, York community and gymnastics foundation, York City Knights).

On-site open space (including stray land) – on-going maintenance regime and provision of free public access

Education

Primary & Secondary - £947,142

Early Years - £588,256

Sustainable travel - first occupants offered £200 towards both bus pass and cycle/cycle equipment.

Car Club - first occupants offered £200 towards car club membership.

Traffic Regulation Order up to £30k (to cover Wigginton Road access, internal layout and potential res-parking arrangements on-site).

Section 106 monitoring fee - £31,740.20

Amended conditions

Condition 18

Delete condition. Road Safety Audit to be incorporated into condition 19

Condition 19

Amended as follows -

Prior to such works commencing, a detailed scheme for the highway works on Wigginton Road and the site access shall be

submitted to and approved in writing by the Local Planning Authority.

The detailed scheme shall be subject to a road safety audit (carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council).

The detailed scheme shall accord with LTN 1/20 standards and shall contain –

- Corner radii, lane widths and other features necessary to reasonably slow vehicles speeds
- Cyclist priority at the junction
- Relocated footpaths and pedestrian crossing islands
- Relocated bus stops with provision of shelters and real time displays

The development hereby permitted shall not come into use or be occupied until the approved scheme (including works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been fully carried out.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

Condition 31

Amended as follows –

Prior to first occupation of the development, a scheme to accommodate dedicated visitor car parking spaces within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the provision of at least one dedicated visitor space within the car parking areas for each of the apartment blocks. The parking spaces shall be retained for visitor parking (or car club vehicles) exclusively for the lifetime of the development at all times.

Reason: In the interests of good design and highway safety in accordance with NPPF paragraphs 112 and 130.

Reasons:

In applying the NPPF substantial weight is applied in favour of housing delivery at this site. The land is previously developed,

on the Brownfield Land Register, in a sustainable urban location and has been allocated for housing in the eLP. The dwellings proposed would be in accordance with local need. The scheme includes 60% housing 40% apartments, predominantly family sized (2 and 3 bed) with provision of 1 bed dwellings, that in particular meet local affordable need. The affordable housing proposed would be policy compliant (in amount, size and type). Additionally the developer's intention is to exceed policy requirements, in co-operation with Homes England, providing a further 44 shared-ownership homes (a type of affordable housing as defined in the NPPF). The scheme will provide public open space, improving the existing stray land and provide new connections within the Sustrans route. No harm to the conservation area has been identified and the scheme will comply with sustainable design policy in respect on building efficiency and performance.

The Council cannot currently demonstrate an NPPF compliant five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the NPPF. There are also no policies in the NPPF that protect assets of particular importance which provide a clear reason for refusing the development in this instance. Therefore paragraph 11(d) of the NPPF 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 set out in the NPPF as a whole.

The benefits of the scheme outweigh some of the issues raised through consultation; the NPPF test is that refusal is only justified if the adverse impacts on the scheme, when assessed against the NPPF, would significantly and demonstrably outweigh the benefits. This is evidentially not the case.

[The meeting adjourned from 17:59 to 18:11]

**60b Mecca Bingo, 68 Fishergate, York YO10 4AR
[21/01605/FULM]**

Members considered a major full application from Petrina Ltd and Grantside (North Star West) Ltd for the demolition of existing buildings and redevelopment of the site to form 276no. room purpose built student accommodation with associated car

parking, landscaping and facilities at Mecca Bingo 68 Fishergate York YO10 4AR.

The Head of Planning and Development services gave a presentation on the application using site photos and the proposed elevations. An update was given advising Members of further representations from York Cycle Campaign, further objection comments and the receipt of a letter in support of the application. There were also additional conditions 27 and 28. It was clarified that William Court was to the West of the site.

Officers then responded to Member questions as follows:

- Regarding the dismissal of the appeal on the application for the former Plumbase site, it was felt that there was more amenity space in this development and with the courtyard it was felt that there was a reasonable amount of community space.
- Four parking spaces were DDA compliant and this such a condition could be written into tenancy agreements.
- Regarding whether the imposition of what tenants did off site regarding electric vehicle was lawful, the wording of that condition was taken from the Frederick House determination and could be deleted or amended.
- The information on the amount of purpose built student accommodation (PBSA), in paragraph 5.9 of the report was provided by the applicant. A Member requested that information not provided by the council in reports should be stated in reports.
- The student accommodation would be classed as housing land supply.
- The electric substation adjacent to a resident's property in William Court would be sound proofed and was a sufficient distance away from the house.
- Regarding concern about parking near the pedestrian crossing, it was intended that the loading bay would be used for loading/unloading vehicles. There would also be traffic regulation orders (TROs) for Fishergate. It was not feasible to have a loading bay on Fishergate
- Access and egress for students would be at the back of the building.
- The application sought to have a building set back and planting would complement the existing planting on the opposite side of the road. The ecology condition was noted.
- Clarification was given on the location of the access doors and cycle parking. Cycle parking in the courtyard could be

requested but there would not be level access. There was a ramp for disabled access.

- Regarding students accessing their accommodation, the site was secure and the gates were locked.
- The number of access points was limited. Referring to the site plan, officers showed where the entrances to the building were located.
- The southern point was a point of access not meant as the main point of access. It was understood that that entrance would be gated.
- The council archaeologist was content that the archaeology condition was sufficient.

Public Speakers

Ann Clayton (local resident) spoke in objection to the application. She explained that the application design was inappropriate and impacted her amenity by the electric substation being 3m away from her property. She suggested that the substation and its machinery would present a new noise issue which would adversely affect residents. She noted that the public protection report raised concerns about the noise survey data and she noted residents' concerns about the adverse impact of noise.

John Toy (local resident) spoke in objection to the application. He expressed concerns about the environmental impact of the demolition of the mecca bingo building. He noted that the proposed number of residential students would increase footfall, increasing congestion and impact on air quality. He was also concerned about road safety, suggesting that the turning point in William Court was not suitable. He added that Fishergate was a residential area and student accommodation would impact this

Chris Copland spoke in objection to the application on behalf of York Cycle Campaign. He noted that the location of the block was close to New Walk however, the exit point was directly onto Fishergate which was a pinch point on the gyratory system. He proposed there should be cycle exit onto the western side of the site and regarding car parking on blue bridge lane, that this should be moved to the southern side of the road. Regarding cycle parking, he referred to LTN1/20 which stated that there should be one secure cycle parking space per unit. He was asked and noted that he did not have any statistical evidence on whether Blue Bridge Lane was regularly used by cyclists.

Cllr Kilbane spoke in objection to the application. Referring to policy D3 in the Local Plan he noted that the bingo hall was a cultural facility that needed protecting. He added that the application should not be approved until alternative provision had been identified. He then suggested that after the beginning of the meeting the Chair consider his position and resign. When asked what he thought should be located on the site, he noted that spaces were needed for cultural provision.

Cllr Dave Taylor (Ward Cllr) spoke on the application. He had spoken to the developers regarding his traffic concerns, which included concerns about dropping off and deliveries. He suggested that there needed to be 24 hour management presence on the site. In answer to questions from Members, Cllr Taylor noted that access onto Blue Bridge Lane would be problematic from vehicle movements. He was asked and noted that as a delivery driver, when making deliveries he would park where he could.

Michelle Davies (Agent for the Applicant) spoke in support of the application. She noted that there had been lots of productive meetings about the application and as a result the number of units had reduced from 316 to 276. She noted that the scheme would be managed by an experienced operator and there would be 24 hour management on site. She added car parking at the rear was for disabled users and they would have key fob access. She noted that there would be marshals on site for student drop off. She noted that the site would contribute to housing land supply and would bring houses of multiple occupation back into residential use.

Michelle Davies was joined by a number of colleagues who were in attendance to answer questions and in response to Member questions explained that:

- The Blue Bridge Lane access was primarily for deliveries and students would walk through the front of the building on Fishergate to get into the building.
- Regarding the suggestion that students with a key fob would get into the building through the bin store, this was not the case as students with a key fob would get in through reception and there was also a door near the cycle parking that could be used to access the building. Further provision for access for people with key fobs could be looked into.

- Regarding the noise levels from the substation, there was a planning condition that specified decibel levels and the mitigation for noise levels was distance and soundproofing.
- The view from the summerhouse in the garden adjacent to the substation was primarily of the garden and the substation height was slightly above this.
- The scheme was different to other student accommodation because of the amenity space through the courtyards.
- Concerning whether the amount of cycle storage was sufficient, the space for the cycle racks had been developed with highways officers.
- It was designed that all cyclists would leave via Fishergate and there was internal and external cycle provision in the courtyard. In terms of exiting the site, cyclists would navigate the existing cycle network.
- [The highways officer then noted that in terms of future highways infrastructure need, consideration needed to be given as to it would meet the NPPF paragraph 57 test. Currently there was a scheme being worked up looking at Fishergate and Fulford Road. He outlined the cycle lanes near the site noting that students would travel at different times of the day. He clarified where short term parking was located, adding that the developer was prepared to make a contribution towards the TROs. He was asked and noted the requirements to upgrade the pedestrian crossing]
- Pizza would be delivered at the north end of the site by going through the courtyard into the southern block to the end entrance on Blue Bridge Lane. There would be a Section 106 agreement.
- [Following a question about condition 19, officers clarified that LA90 referred to what the noise would be 90% of the time.]
- The noise assessment did not address noise from the substation at the present time and there would be a condition regarding noise levels and sound proofing.
- Regarding deliveries, it was not known if there would be a single postcode for the site.
- The arrangements for taking deliveries was explained and the receipt of parcel deliveries would be written into the lease. Standard practice for city centre student accommodation was for students to be present in the building for deliveries.

- Regarding consideration of housing on the site for York residents, the Committee was there to consider the application before it.
- Regarding the feasibility of 15 arrivals per hour, the system being used was used by Olympian at student accommodation in Leeds in September. There was short term parking on Blue Bridge Lane and an explanation was given on how students unloads would be managed.

[The meeting adjourned from 19:51 to 20:00]

Members asked officers further questions to which they responded that:

- The condition regarding the delivery of parcels could be changed.
- Officers were not aware that the bingo hall had been marketed for use as a bingo hall. They didn't have evidence that the bingo hall was viable as a community facility.
- If the building was not used for community use it would be used for commercial use.
- Regarding recreational and cultural facilities and the suggestion that the difference in how provision was categorised as to whether it was useful to men and women, it was the officer judgement that the building was not suitable as a community facility. The Senior Solicitor then referred to NPPF paragraph 93(a) in what the local plan should take account of. She noted that part C of that paragraph was relevant to the Committee's decision making.
- Concerning what community facilities were in the area, officers took into account reasonable walking distances to community facilities such as the Barbican. The building was in close proximity to buildings for commercial and community use.

During debate Members expressed concern regarding access, highways access and loss of community space, including the viability of the building for community use. Cllr D'Agorne moved and Cllr Melly seconded deferral of the application on that basis. The Senior Solicitor advised on paragraph 93 of the NPPF noted that officers did not consider that the building met the need for day to day community use. The Head of Planning and Development Services advised that officers did not consider the building as a community facility and this had been fully assessed.

Following debate a vote was taken with nine in favour and four against the deferral of the application. It was therefore:

Resolved: That;

- i. The application be deferred.
- ii. Further information be obtained on disabled access, the access route through the site, the number of disabled accessible rooms, the conflict between deliveries and public safety, location of the substation, cycle parking provision and location.
- iii. A request be made for information on the loss of the bingo hall as a community facility and whether the bingo hall was considered a community facility.

Reason:

In order to address concerns on disabled access, the access route through the site, the number of disabled accessible rooms, the conflict between deliveries and public safety, location of the substation, cycle parking provision and location, and loss of the bingo hall as a community facility.

[Cllrs Pavlovic and Cuthbertson left the meeting at 20:39]

[The meeting adjourned from 20:39 to 20:46]

Appointment of Vice Chair

The Chair proposed Cllr Hollyer as Vice Chair for the remainder of the meeting. This was seconded by Cllr Barker. Following a vote Cllr Hollyer was unanimously elected as Vice Chair.

Resolved: That Cllr Hollyer be appointed as Vice Chair for the remainder of the meeting.

Reason: In order that there be a Vice Chair.

60c The Minster School, Deangate, York YO1 7JA [21/01535/FUL]

[This application was considered with the following application on the agenda: Minster School, Deangate, York YO1 7JA
[21/01536/LBC]

Members considered a full application from Alexander McCallion for the Change of use of former school to York Minster refectory (use class E) to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub at The Minster School, Deangate, York.

The Head of Planning and Development Services gave a presentation on the applications outlining the site location plan, elevations, locations of lifts and toilets, examples of photo voltaic (pv) slates to be used on the roof (it was clarified that the blue slates on the plan denoted the location of the pv slates).

In response to Member questions, the Head of Planning and Development Services and officers were then asked and explained that:

- The existing slate roof was Westmoreland slate and the proposed slate was based on welsh slate which was more blue in colour. By virtue of the change, there was harm, but this was outweighed by public benefit.
- The applicant was aware of the highways concerns and would need to address this.
- There was an underprovision of cycle parking and there were other cycle parking facilities nearby.
- Any increase in cyclists was not considered to be the effect that more cycle parking was needed.
- The council Conservation Architect had objected to all elements of the scheme.

The Conservation Architect was in attendance to answer questions. He was asked and confirmed that:

- With regard to the replacement roof, with listed buildings, replacements needed to be like for like.
- The roof lights were a later addition and were a part of the listing. Should the application be approved, the changes to the building within it would become part of the listing.
- The windows were original to the building.

Officers were then asked and clarified that:

- Locating cycle parking elsewhere could be conditioned.

- The gazebo was part of the landscaping and the proposed seating and gazebo would be located where the existing climbing frame was.
- The site was within the scheduled monument which entailed limited permitted development.
- The play equipment was exclusively for use when the building was a school.
- Officers could ask Sport England if the cricket nets were classed as sports use and would need Secretary of State approval.
- Condition 19 (landscaping and planting) could be for the lifetime of the development.

Public Speakers

Mike Fisher spoke in objection to the application. He explained that the Minster Neighbourhood Plan was undergoing inspection. He asked about the environmental cost of the plans for the museum in Deans Park. He added that there was over 60 food outlets nearby and suggested that locating the museum in the school would negate the need for the museum to be located in Deans Park.

Alexander McCallion (Director of Works & Precinct at York Minster – Applicant) and Maria Boyce (Agent for Applicant) spoke in support of the application. Alexander McCallion explained that the neighbourhood plan had been in development since June 2018 and sustainability was the thread running through the plan. He felt there was a moral need to address the climate emergency and he wanted the pv tiles to be used as an exemplar. He noted the Minster was an incredibly fragile building and they wanted to be a good neighbour.

Maria Boyce explained that there was a conservation led approach to the application and there had been consultation with stakeholders. She noted that the harm was outweighed by public benefit and she then listed the public benefits, noting that the benefits were integral to the future of the Minster's viability.

Alexander McCallion and Maria Boyce were asked and noted:

- The timeline for the plans for the change of use of the building.
- They would work with officers on cycle parking to address the loss of 40 cycle parking spaces.

- There would be 30 cycle parking spaces and a cycle hub.
- Regarding accessibility and disabled cycle parking, this application was the first in a series of projects and they would be happy to look at disabled cycle parking.

Christina Funnell spoke in support of the application. She noted that York Minster was the only cathedral in the country with no catering facilities. She had been a volunteer at the Minster for a number of years and added that the Minster Community Committee supported the application. She noted widespread support for a public park and planting for biodiversity. She added that it was important that the Minster took a lead on this, with Historic England using it as an exemplar.

Cllr Craghill (Ward Cllr) spoke on the application. She welcomed the recommendation for approval but noted concern regarding the proviso of specific solar slates which would be less efficient in terms of energy creation. She asked the committee to consider if this was right to approve and she requested the removal of condition 22 to meet carbon reduction targets. She added that there was a need for all businesses in York to step up on carbon reduction and noted this was a good way forward for the building.

Officers were then asked and responded to further Member questions as follows:

- The condition referring to the disposal of glass could be changed to 9pm.
- The Conservation Architect was asked and explained that there would be a greater level of harm if solar roof panels were used instead of PV tiles. The Head of Planning and Development Services clarified that the use of pv slates would cause less than substantial harm.
- Regarding the use of solar panels if they could not be seen from the public realm, they would be seen from a Grade 1 listed building.

Following debate Cllr Warters moved approval of the application. This was seconded by Cllr Fenton. Following a unanimous vote it was:

Resolved: That the application be approved subject to the conditions listed in the report and following amended and additional conditions:

Amended Condition 13

Landscaping and planting to be in perpetuity

Amended Condition 19

The disposal of glass to be 9am to 9pm daily

Additional Condition

To ensure that there was full allocation of cycle parking in the surrounding area.

Reason:

- i. Regard is had to the advice in Paragraph 199 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 to the legislative requirements to give considerable importance and weight to harm to a listed building and conservation area. The public benefits of the proposal are summarised at paragraphs 5.119 to 5.125 above. Whilst it is acknowledged that elements of the proposed development will give rise to varying degrees of harm to the listed building, Minster Precinct and Conservation Area. It is on balance considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the draft Minster Neighbourhood Plan whilst also bringing a currently dormant building back into meaningful use. The proposals would also facilitate the provision of what could become an important publicly accessible space within the precinct. There are elements which need to be managed to ensure that the proposals do not adversely harm the residential amenity of the area. However it is considered that these can be suitably dealt with via the range of conditions recommended within this report and as set out below.

- ii. Overall the proposals are considered to accord with the relevant policies contained within the 2018 DLP, the Draft Minster Neighbourhood Plan and National Planning Policy Framework (NPPF).

At this point in the meeting, Cllr Barker was asked and confirmed that his declaration of interest [of his wife's employment at the Minster] was non prejudicial.

60d The Minster School Deangate York YO1 7JA [21/01536/LBC]

[This application was considered with the previous application at The Minster School, Deangate, York YO1 7JA [21/01535/FUL]

Members considered an application for Listed Building Consent from Mr Alexander McCallion for Change of use of former school, to the York Minster Refectory (use class E), to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, internal alterations, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub at The Minster School, Deangate, York YO1 7JA.

Cllr Douglas moved approval of the application. This was seconded by Cllr Barker. Following a unanimous vote it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason:

- i. Regard is had to advice in paragraph 199 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 to the legislative requirements to give considerable importance and weight to the harm to a listed building and conservation area. The public benefits are summarised at paragraphs 5.46. to 5.51. above. Whilst it is acknowledged the elements of the

proposed development will give rise to varying degrees of harm to the Listed Building and therefore the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the draft Minster Neighbourhood Plan whilst also bringing a currently dormant building back into meaningful use. The proposals would also facilitate the provision of what could become an important publicly accessible space within the precinct.

- ii. It is therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However it should be noted that a number of matters relating to eventual operation of the scheme are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

[The Chair left the meeting at 21.51 at which point Cllr Hollyer took the Chair].

60e College Green, Minster Yard, York [21/01980/FUL]

Members considered a full application from Alexander McCallion for Landscaping works including provision of seating and stepping stones at College Green, Minster Yard, York.

The Head of Planning and Development Services gave a presentation outlining the proposed landscaping and pathways. Members were updated on the application and it was reported that there had been additional representations, comments and consultation responses from York Civic Trust and the council Tree and Landscape Officer, who had suggested an additional condition. It was clarified that conditions included within the published report would achieve the same objectives as those which have been recommended in the consultation comments from the Tree and Landscape Officer and as such it was not considered necessary to amend the conditions set out in the published report. Members were then given clarification on paragraph 5.33 of the report.

In response to Member questions, officers confirmed that:

- Condition 5 (landscaping) could be amended for the lifetime of the development.
- The four trees that were to be retained.
- The benches proposed along the existing boundary wall would be conditioned through the approved plans.
- The view of College Green from the north west was demonstrated.

Public Speakers

Roger Pierce spoke in support of the objection to the application. He noted that it was a small unspoilt area providing a foreground to the key stones of the Minster. He highlighted the issue of trees and comments of the Tree and Landscape Officer. He noted that the use of the stone seats was rigid and distracted from the scene and he suggested the reuse of stones from the Minster. He requested that the Committee defer the application and that they visit the site to see which trees were proposed for removal. This was supported by a Member who suggested a site visit with the attendance of the Tree and Landscape Officer. The Head of Planning and Development Services advised that there had been a virtual site visit two days before the meeting and the features were pointed out on the visit.

Alexander McCallion (Director of Works & Precinct at York Minster – Applicant) and Andrew Lawson (Executive Director York BID) spoke in support of the application. Alexander McCallion stated that there was a focus on wellbeing and access to open spaces and providing a family friendly space. He noted that College Green would become a high quality space for people to use and engage in. Andrew Lawson noted that York BID had a business plan to work with partners to create more green spaces. He added that they had received positive feedback from businesses and residents on the pop up green spaces across the city centre over the last two years. They were then asked and answered Members questions as follows:

- Regarding the seating along the path they had consulted with York Disability Rights Forum. The seating was a mixture of stone and benches with arm rests with spaces for wheelchairs along the seating.
- Regarding whether the shape of the seating would cause difficulty for the use of the space for pop up events, the shape of the seating had been taken from the apex of the

east window. There was still a considerable amount of space for pop up events. There was also a cost for pop up events.

- With regard to consideration of moving the seating, this had been looked at extensively during the pre-application process. There was the space to move through the seating.
- Concerning the management of the stepping stones, there was four full time gardeners and more would be employed.
- Inspiration was taken from the Museum Gardens for the green space and there would still be access for the Mystery Plays.
- Regarding the loss of trees, they had listened to the comments of the Tree and Landscape Officer and were acting on the advice of their arboriculturalist in removing trees that were at the end of their lives and were at risk of failure.

During debate Cllr Looker moved approved approval of the application. This was seconded by Cllr Fenton.

The Head of Planning and Development Services noted that they could ask for an informative on the seating scheme to be approved by officers in consultation with the Chair and Vice Chair. A Member expressed concern that the comments of the Tree and Landscape Officer had not been considered and the Head of Planning and Development Services clarified that the landscape condition in the report and the one suggested by the Tree and Landscape Officer were technically the same. She noted that condition 5 could be amended for the lifetime of the development and the informative on the seating scheme and she clarified that the conditions would not cover saving the trees that would be lost.

Cllr Looker withdrew her motion to approve. Cllr Fenton moved approval with the substitution of condition 5 for condition 2 and an additional condition regarding seating through an approved scheme. This was seconded by Cllr Ayre. Seven Members voted in favour and two voted against. It was therefore:

Resolved: That the application be approved subject to the conditions listed in the report and the substitution of condition 5 for condition 2 and an additional condition regarding seating through an approved scheme.

Reason:

- i. As outlined the proposals will result in the re-ordering and renewal of an existing outdoor space which has become a popular and well used space within the city centre in recent times. The proposals would introduce a greater degree of visual interest into the space through the introduction of the new stone seating and stepping stone features. The result would be an enhanced space which provides more public seating. The proposals would result in the removal of some of the existing trees from the site. However the proposals would not give rise to an overall net loss of trees on the site and those trees which are to be removed are showing signs of damage and/or poor health which means they will likely need to be removed in the future. Having regard to the statutory duties under sections 66 and 72 of the LBCA Act, the proposals are also not considered to give rise to issues of being harmful to the character, setting, visual amenity and historic fabric of the Conservation Area or nearby Listed Buildings. The proposals actually present a degree of opportunity to introduce a more permanent solution within the space replacing the temporary 'pop-up' installations which have been seen more recently.
- ii. The proposals are therefore considered to accord with policies D1, 2, 4, and 6 of the Draft Local Plan 2018 and the provisions of the NPPF. The proposals would also accord with policies A2, A4, B1, C1, D1, E1 and PA1 of the Draft Minster Neighbourhood Plan. It is therefore recommended that planning permission be granted subject to the conditions set below; including an approved plans condition for the avoidance of doubt as to what has been granted.

Cllr Fisher, Chair

[The meeting started at 4.30 pm and finished at 10.36 pm].