

Meeting	Planning Committee B
Date	15 August 2024
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Melly, Orrell, Vassie, Warters, Waller (Substitute for Cllr Fenton) and Rose (Substitute for Cllr Coles)
Apologies	Councillors Baxter, Coles and Fenton
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Lawyer

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### **7. Declarations of Interest (4:35 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.

None were declared.

### **8. Minutes (4:35 pm)**

Resolved: That the minutes of the last meeting held on 20 June 2024 were approved as a correct record.

### **9. Public Participation (4:35 pm)**

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

### **10. Plans List (4:36 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.

## **11. Land To The West of 1 to 8 Garthway New Earswick York [22/00440/FULM] (4:36 pm)**

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

The Development Manager gave a presentation on the plans, clarifying that the application was for 8no 2 bedroom and 6no 3 bedroom dwellings. He also provided Members with a written update to the officers report which included amendments to conditions 2, 18 and 21 and additional conditions which covered the replacement of storage buildings, the replacement of drying facilities and sustainable construction. It also covered an additional consultation response from the Housing Strategy Officer and an update to the Recommendation as follows:

- a. The completion of a section 106 agreement to secure the following planning obligations
  - Affordable Housing: 100% provision
  - CYC nominations to 75% of the social rent properties
  - Review of the GDV upon the completion of the construction works

In response to questions from Members on the application plans, he clarified the location of the proposed new native hedge and the size of replacement trees. He confirmed the size of the replacement sheds and that they were for the use of existing occupants. In relation to the affordable housing it was reported that eight would be social rent and 6 would be shared ownership.

### Public Speakers

Richard Cowling, a resident of the estate, spoke in objection to the application. He raised concerns over car parking, loss of drying space and a lack of communication from the Joseph Rowntree Housing Trust.

In response to questions from Members, he confirmed that two residents had been allocated replacement garages. He stated that there were no marked bays for parking and some residents would find it difficult to access the alternative garages.

Geoff Beacon spoke in opposition to the application. He raised concerns regarding the plans for two parking spaces per dwelling, which he described as high car ownership and stated that this would lead to an increase in carbon emissions which would contribute to the failure to meet the city's net zero target.

Kathryn Jukes, the agent for the applicant, spoke in support of the application. She noted that the application was to provide 100% affordable housing. The garages were not suitable for modern cars and those residents that had requested garages had been reallocated them. The development was to be built to exceed 2030 building regulations and provide accessible, lifetime homes.

In response to questions from Members, she confirmed that there was no off street parking for existing properties, there would be some visitor parking in the new development which would be generally available to residents. It was still possible to request a garage and the car parking provision was policy compliant. Air source heat pumps would be installed and solar panels will be considered as part of a further review. The storage units that were being rebuilt were large enough for two bicycles / adapted cycle or a mobility scooter. The 100% affordable homes were in excess of policy requirements and the density of the development was considered suitable for the area.

Following further questions from Members, officers reported the following:

- The style of the development was not considered harmful to the conservation area
- The design of the buildings and the site layout had been considered by the Conservation Officer, against the density of the site.
- The performance of the windows was outside the scope of the committee.
- The summary of the viability report was publicly available, the detail was confidential.
- A household waste collection point was specified on the plans, the viability of assisted bin collections could not be confirmed.
- Landscaping is usually required to follow within six months, or the first planting season, of the completion of the development. It would be difficult to hold up the occupation of affordable housing to wait for landscaping to be completed. It would not be usual to put conditions on the landscaping that would limit what homeowners could do in their own gardens.
- Condition 11 was included to protect the hedgerow and require a management plan, to be agreed by the local authority, for the future management of the hedge in perpetuity. It would not be usual for a hedge in a private garden to be managed by a third party.

Following debate, Cllr Melly proposed the officer recommendation to approve the application subject to an amendment to the landscaping condition so that the landscaping was completed within 6 months of the first occupation and landscaping forward of the curtilage of the properties was

to be conditioned in perpetuity of the development, rather than for 10 years. This was seconded by the Chair.

On being put to a vote, with three in favour, four against and one abstention, the motion fell.

There was further debate, during which officers advised on the consequences of a deferral. They explained that an appeal against non-determination could be brought which would mean that the planning inspectorate would have jurisdiction over the application. In addition, the applicant could bring a judicial challenge on the grounds that the officer recommendation was reasonable.

Cllr Vassie proposed deferral so that the management plan for the maintenance of the hedge proposed under condition 11 could be submitted for the committee's consideration. Cllr Cullwick seconded the motion and on being put to a vote, with five Members in favour and three against it was:

Resolved: That the application be deferred.

Reason: Due to the potential loss of biodiversity value, the committee require the submission of the management plan for the maintenance of the hedge proposed under condition 11 to be submitted for their consideration.

[7.05pm – 7.15pm, the meeting was adjourned. Cllrs Warters and Orrell left the meeting]

## **12. Union Terrace Car Park Clarence Street York [21/02295/GRG3] (6:46 pm)**

Members considered a general regulations (reg3) application by City of York Council for the installation of 'Ultra Rapid Charging Hub' for electric vehicles to comprise of 8no. charging units with solar photovoltaic canopy and 4no. 7kw charging pillars to existing parking bays. Erection of battery storage unit and substation with temporary construction compound.

The Development Manager gave a presentation on the plans and provided an update which summarised the applicant's consultation meeting with the York Access Forum and the comments from the council's Access Officer.

Public Speaker

Stuart Andrews, the project manager, spoke in support of the application. He highlighted that the EV charging points would provide the only accessible ones in the city and that this would be the first PAS compliant and explained the conflicting difficulties with the site.

In response to questions, he confirmed that the signage diagrams were examples taken from a different site and would be amended accordingly. The canopies were not situated under trees and the possible use of ANPR technology had been one of the considerations.

Following debate, Cllr Vassie proposed the officer recommendation to approve the application. This was seconded by Cllr Cullwick. On being put to a vote, with four votes in favour, one against and one abstention it was:

Resolved: That the application be approved.

Reason: The proposed charging hub would support initiatives to encourage the switch to more sustainable travel modes. The central location would be particularly beneficial to tourists, people using work vehicles and the occupiers of the many nearby terraced properties that currently do not have easy access to charging facilities. The position within a car park, outside the Central Historic Core conservation area is a logical location for the facility. The position in the south-east corner of the car park will minimise vehicle movements through the car park and also allow it to function separate to the car park if needed. It is considered that the less than substantial harm to the setting of the adjacent Conservation Area would be outweighed by the public benefits of the proposal.

The proposed position of the charging hub requires the re-location of the blue badge spaces that are currently located in the southeast corner of the car park. They will be re-located as close to the access to Gillygate/Clarence Street as possible, however, the changes will result in an additional travel distance to and from people's parked vehicles. It is not considered that the level of harm caused to users of the spaces is such to justify the refusal of the application. Officers have given due regard to the equality implications of the proposals in making this recommendation and have considered the relocation of the blue badge spaces in the planning balance.

**13. Union Terrace Car Park Clarence Street York  
[22/00426/ADV] (6:46 pm)**

Alongside item 4b, above, Members considered an advert application by the City of York Council for the display of 1no. internally illuminated totem sign.

Cllr Vassie proposed the officer recommendation to approve the application and this was seconded by Cllr Rose. On being put to a vote, with five votes in favour and one abstention, it was

Resolved: That the application be approved.

Reason: The totem sign does not raise safety issues. It is adequately separated from neighbouring homes to avoid any significant impact on living conditions. Because of its scale and because it is partly illuminated the sign is not considered to enhance the nearby conservation area, however, because of its location set back within a large car park the harm caused would be less than substantial. It is considered that the benefits in promoting and supporting an initiative to encourage sustainable travel choices outweigh this modest harm.

**14. Clifton Green Primary School Kingsway North York YO30  
6JA [23/02271/GRG3] (7:16 pm)**

Members considered a general regulations (Reg3) application by City of York Council for replacement security fencing to the western boundary of school field bordering Crombie Avenue Park.

The Development Manager gave a presentation on the plans and confirmed there was no further update to the officer report.

There were no speakers to the application and during questions to the officer it was reported that the reduction in the height of the majority of the new fencing around the site, to two metres meant that it could be installed under permitted development rights and no longer formed part of the planning application. The type of fence proposed was designed to be anti-climb.

Following a brief debate, the officer recommendation was moved by Cllr Cullwick and seconded by Cllr Rose. On being put to a vote, members voted unanimously in favour of the motion and it was:

Resolved: That the application be approved.

Reason: The revised plans for the galvanised security fencing to the western side boundary of the school field seek to improve security safeguarding facilities. The design, height, and scale would not detract from the character and appearance of the exterior of the school grounds or the wider residential area. Moreover, no harm to neighbour amenity has been established.

Therefore, approval is recommended for reasons the scheme is compliant with policies contained within the National Planning Policy Framework and Policy D1 of the Draft Local Plan 2018.

### **15. The Mansion House St Helens Square York YO1 9QN [24/00447/ADV] (7:23 pm)**

Members considered an advert application by City of York Council for the display of community and non-commercial flags from the Mansion House flag pole.

The Development Manager gave a presentation on the application and explained that Members were considering the ability to fly flags, other than those already covered by existing permissions. In doing so, the impact on public safety and amenity should be considered.

#### Public Speaker

Flick Williams spoke in opposition to the application. She raised concerns around the decision making for the flag flying protocols. She cautioned against favouritism, unconscious bias and virtue signalling.

In response to Member questions she agreed that her concerns were not related to planning policy.

The Senior Lawyer advised Members to consider if an increase in the flags flown would impact on amenity.

Following a brief debate, the Chair moved the officer recommendation to approve the application. Cllr Melly seconded the proposal. Members subsequently voted unanimously in favour and it was:

Resolved: That the application be approved.

Reason: The flags proposed by this application would not cause harm to visual amenity or the character of the conservation area, nor would they impact adversely on public safety. The proposal complies with national planning guidance as contained in the National Planning Policy Framework and Publication Draft Local Plan 2018 Policy D13 and it is considered that advertisement consent should be granted.

Cllr B Burton, Chair

[The meeting started at 4.33 pm and finished at 8.27 pm].