

Meeting	Planning Committee A
Date	24 October 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney and Fenton (Substitute for Cllr Wann)
In Attendance	Sandra Branigan, Senior Lawyer Becky Eades, Head of Planning and Development Lindsay Jenkins, Senior Planning Officer Jonanthan Kenyon, Principal Planning Officer
Apologies	Councillor Wann

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### **123. Apologies for Absence (4.35pm)**

Apologies for absence were received and noted from Cllr Wann.

### **124. Declarations of Interest (4.35pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. There were none.

### **125. Minutes (4.35pm)**

Resolved: That;

- i. The minutes of the two meetings held on 1 August 2024 were approved as a correct record.
- ii. The minutes of the meeting held on 5 September 2024 were approved as a correct record subject to the following amendments:
  - Minute 118: Remove the word last in the first sentence.
  - First sentence of the last bullet point of minute 122 to change to The separation distances between Forge and Sadlers Closes and the development was 21 metres.

## **126. Public Participation (4.37pm)**

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 A.

## **127. Plans List (4.37pm)**

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

## **128. Site of 19 to 33 Coney Street, York [22/02525/FULM] (4.37pm)**

This application was considered in conjunction with the following application (site of 19 to 33 Coney Street York 22/02526/LBC).

Members considered a major full application from Helmsley Securities Limited for the redevelopment of 19 to 33 Coney Street, land to rear of 35 to 37 Coney Street and 39 Coney Street to 2 Spurriergate comprising conversion of retained buildings and new build elements of 3 to 6 storeys to create commercial/business/service floorspace (use class E), purpose-built student accommodation (*sui generis*) and public realm works including riverside walkway, landscaping and access further to partial demolition of buildings.

The Principal Planning Officer gave a presentation including the zones within the scheme. Officers were asked and explained that:

- A landscaping condition would include the boundary treatment.
- Regarding the gap on the walkway, the piece of land was not in the ownership of the applicant and would be a later phase of the development.
- Concerning the amenity spaces within the plans, the operator would decide what those spaces would become.
- The Coney Street courtyard was level access and there were steps from the courtyard down to the river. There would also be a ramp.
- Within the two levels there was commercial and retail space and above those would be student accommodation which was not publicly accessible.
- The walkway in front of the Pitcher and Piano would continue.

Following questions, the Principal Planning Officer gave an update noting corrections to the committee report, clarification on the amounts of

development, an amendment to paragraph 5.19 of the committee report, and clarification on condition 30 and the viability review.

### Public Speakers

Flick Williams spoke on the application. She explained that the applicant had employed an Access Consultant and had genuinely listened to the views of disabled people and had made changes to the plans accordingly. She commended and thanked the Helmsley Group for their inclusivity.

Andrew Lawson (Executive Director, YorkBID) spoke in support of the application on behalf of YorkBID. He explained that YorkBID had been included in the application for a number of years with proactive engagement from the applicant and it supported the application. He asked what the alternative would be if the plans were not approved and added that the project would significantly enhance the public realm. He commended the Helmsley Group on their approach.

Max Reeves (Development Director, Helmsley Group), the applicant, spoke in support of the application noting that the group had a track record with listed buildings. He explained that the group were looking to realise the opening up of Coney Street riverside with the new public spaces being joined by the riverside walkway. He added that the group had a collaborative approach with the design evolving over three years. He noted that accessibility had been a key approach. He added that the Coney Street riverside was a once in a lifetime project.

Max Reeves was joined by colleagues Tim Ross (O'Neill Associates, planning consultant) and Timur Tatlioglu (Montagu Evans, Heritage Consultant) to answer questions from Members. They were asked and explained that:

- The scheme being put forward needed to be viable.
- They were committed to doing additional consultation, and would consult on accessibility.
- Regarding financial viability and what consideration had been given to alternative accommodation on the site, at the start of the process they had looked at what was deliverable and viable on the site.
- Waterloo Place was named as it was because it was the name of a previous route that went down Coney Street.
- Concerning none of the public realm becoming adopted highway, access was secured by a condition and there would be a management company looking after the public realm.
- There would be level access throughout apart from elements in listed buildings where there was not level access.
- They addressed the comments of the Twentieth Century Society regarding the loss of the Boots building.

- Two disabled car parking spaces was enough. There was four mobility scooter spaces and accessible cycle parking. Regarding car parking, it was seen as a foot street area and the applicants were constrained by the constraints of the development.
- An outlined was given on the accessible rooms and it was noted that there was a choice of accommodation. It was noted that it was a highly accessible location.

Rob Miller (project Architect, Brown and Co) spoke in support of the application. He noted that the scheme represented three years of collaboration with officers and different organisations. He noted that consultation with different groups had led to changes in the scheme. He added that the applicant had endeavoured to limit heritage impact and there was a distinct sense of 'Yorkness' to the project. He noted that sustainability was a key aspect of the scheme. He explained that there was inclusive access and a family friendly public realm which included seating, trees and planting. He noted that the scheme improved public access to Coney Street.

Rob Miller was joined by colleagues Simon Pratt (SCP transport consultant) and Jane Simpson (Accessibility consultant) to answer Member questions. They were asked and explained that:

- The riverside railings needed to be 1.1m or above for planning regulations and any planters near the waters edge would be raised to that height. The railing would be vertical and planters would replace some railings in zone 3.
- They had several conversations with officers and had tried to articulate changes to the scheme.
- Regarding the logistics of students arrive at the beginning of term and leaving at the end of term there was a condition for a management plan. As part of the transport arrangements, they had considered separate car parking arrangements. The units would be managed and there would be 24/7 security.
- Arrivals to the student accommodation could first thing on a morning and during the evenings.
- Regarding how the scheme is 'York' they had gone a rigorous process of the history of the river. They had tried to reflect the townhouse buildings in Coney Street and regarding Waterloo Place there was a sewer that largely defined the space.
- Concerning whether there was scope for more car parking spaces, the spaces were in were in the existing parking spaces at the back of the Next building and had been made bigger than the existing spaces. The proposed scheme was in the foot streets of York and they were looking to make it a car free development. They had also considered the availability of other student accommodation.
- Regarding disabled students they were providing adaptable rooms.

- There were alternative to car parking, for example accessible cycle parking and every level of the student accommodation had been made accessible.
- Regarding physical disabilities, the rooms were big enough to take electric wheelchairs. All the inside of the student accommodation had been looked at in terms of wellbeing.
- In terms of flood risk, the whole development would be raised up and there would be water attenuation underneath the building.

[The meeting adjourned from 6.02pm until 6.13pm]

- Members then asked officers further questions to which they responded that:
- The open space policy was in the context of public open space and the public realm would provide open space. It was felt that there was acceptable open space provision and sports provision was not south was the universities provided sports facilities.
- The S106 agreement could potentially change should there be an application for a change of use.
- Concerning local primary healthcare being at capacity, the position was consistent as the university provided healthcare on campus.
- The retail policy in the Local Plan was used and the retail use proposed was policy compliant.
- The second viability appraisal looked at the land value of the property and the result was that there was no money in the scheme to provide affordable housing.
- Regarding the provision of lifebuoys, officers could be mindful of that when looking at the landscape condition. Officers had engaged with the police regarding the scheme and had not objected to the scheme.

[At this point the Chair noted that the committee could put in an informative on the landscaping condition].

- The landscaping condition could be made in perpetuity.
- At that point in time officers could not insist on the student bedrooms having nomination agreements.
- Regarding the post office and pharmacy being maintained and whether a pharmaceutical needs assessment had been undertaken, officers could look at the use class.
- Concerning zone 1 viability, zone 1 was a much smaller planning application and did not contribute significantly to S106.
- There was a number of conditions to make sure that elements were retained in the listed buildings upper floors in zones 3 and 4.

- Regarding dropping off students, the development was in the foot streets and dropping off would have to work within those hours.

Following debate, Cllr Whitcroft proposed the officer recommendation to delegate authority the Head of Planning and Development Services to determine the final detail of the planning conditions and planning obligations and to refer the companion application for listed building consent to the Secretary of State for Communities and Local Application Government under the requirements of Sections 12 and 15 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and should the application for listed building consent not be called in by the Secretary of State, then approve the application subject to planning conditions and completion of a s106 legal agreement to secure the matters listed, including an informative on river safety and the condition regarding landscaping to be in perpetuity. This was seconded Cllr Melly. Following a vote with nine voting in favour, one voting against and one abstention, it was:

Resolved: That delegated authority to be given to the Head of Planning and Development Services to:

1. Determine the final detail of the planning conditions and planning obligations.
2. Refer the companion application for listed building consent to the Secretary of State for Communities and Local Application Government under the requirements of Sections 12 and 15 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and should the application for listed building consent not be called in by the Secretary of State, then APPROVE this application subject to planning conditions and completion of a s106 legal agreement to secure the matters listed, including an informative on river safety and the condition regarding landscaping to be in perpetuity

Reasons:

1. The principle of development accords with the economic and social objectives of the NPPF in respect of the economy and supporting vibrant communities and delivering a range of homes and DLP 2018 policy SS3 which relates to the city centre and its role in achieving the economic and social aspiration of the plan. In applying the NPPF the decision-maker must give significant weight to the economic benefits of the scheme and substantial weight to the delivery of housing that meets an identified need. The provision of new

public realm is also a substantial benefit the scheme would deliver.

2. When a local planning authority finds that a proposed development would harm a designated heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The harm resulting from the scheme to designated heritage assets is considered less than substantial in terms of the impact on the character of the CA. The lack of off-site affordable housing (justified on viability grounds) is also a factor that weighs against the scheme. However substantial public benefits have been identified that clearly outweigh the harm.
4. Technical issues can be addressed and planning conditions/obligations can secure benefits identified where necessary, such as retaining the larger retail floorplate in 19 Coney Street and provision of public access to Waterloo Place and the river walkway.
5. There are multiple public benefits to the scheme which cumulatively are substantial; they are economic, social and environmental. These benefits clearly outweigh the identified harm to the conservation area. In applying the NPPF and local planning policy and considering the benefits of the scheme overall clearly outweigh the harm and justify approval of the scheme.
6. If the Council were minded to approve the companion application for listed building consent then referral to the Secretary of State would be required, due to the objection from a statutory consultee which is one of the amenity societies, following the Arrangements for handing heritage applications: notification to Historic England and National Amenity Societies and the Secretary of State Direction 2021.

## **2a) Site of 19 to 33 Coney Street, York [22/02526/LBC] (7.27pm)**

This application was considered in conjunction with the previous application (site of 19 to 33 Coney Street York 22/02525/FULM). This was an

application from Helmsley Securities Limited for Listed Building Consent for internal and external alterations associated with the redevelopment of 19 to 33 Coney Street and 39 Coney Street to 2 Spurriergate (involving conversion and new build elements) following full and partial demolition of buildings. Following debate, Cllr Whitcroft proposed the officer recommendation to approve the application subject to referral to the Secretary of State and the conditions detailed in the published report. This was seconded by Cllr Melly. Following a vote with ten voting in favour and one vote against, it was;

Resolved: That the application be approved subject to referral to the Secretary of State and the conditions detailed in the published report.

Reasons:

1. The principle of the development, in terms of the composition of uses proposed, accords with the economic and social objectives of the NPPF, in respect of the economy and supporting vibrant communities and delivering a range of homes. It is also consistent with DLP 2018 policy SS3 which relates to the city centre and its role in achieving the economic and social aspiration of the plan. In applying the NPPF the decision-maker must give significant weight to the economic benefits of the scheme (paragraph 85) and substantial weight to the delivery of housing that meets an identified need (paragraph 124). The provision of new public realm is also a substantial benefit the scheme would deliver.
2. When a local planning authority finds that a proposed development would harm the special architectural or historic interest of a listed building or would harm the character or appearance of the Conservation Area, the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The scheme would not cause harm to the listed buildings the subject of this application. The scheme would cause less than substantial harm, at the lower end of the scale, to the character of the Conservation Area. Substantial public benefits have been identified that clearly outweigh the harm and these are set out in paragraph 5.21 of this report.



4. There are multiple public benefits to the scheme which cumulatively are substantial; they are economic, social and environmental. These public benefits are also to the significance of the listed buildings the subject of this application and include putting them to a use consistent with their conservation, as advocated by NPPF section 16. The external works improve the significance of the listed buildings, including by better revealing their historic scale and form and the internal works preserve remaining historic plan form and bring the upper floors back into use. In applying paragraph 196 of the NPPF, which advises that the harm should be weighed against the public benefits of the proposal, the public benefits of the scheme overall clearly outweigh the harm and justify approval of the scheme, notwithstanding the considerable importance and weight attached to this harmful impact.
5. If the Council were minded to approve the application, then referral to the Secretary of State would be required; due to the objection from a statutory consultee which is one of the amenity societies, in accordance with the Arrangements for Handling Heritage Applications - Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021.

Cllr J Crawshaw, Chair

[The meeting started at 4.30 pm and finished at 7.28pm].

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