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Meeting	Planning Committee
Date	19 April 2018
Present	Councillors Reid (Chair), Shepherd (Vice-Chair), Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Funnell, Galvin, Pavlovic, Richardson, Taylor, Warters, Douglas (Substitute for Councillor Doughty) and Flinders (Substitute for Councillor Looker)
Apologies	Councillors Doughty and Looker

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### Site Visits

Application	Reason	In attendance
Land to East of St Leonard's Hospice and 13 to 20 The Square, Dringhouses, York	As the recommendation was to approve and objections had been received	Councillors Carr, Cuthbertson, D'Agorne, Flinders, Galvin, Reid, Shepherd and K Taylor

#### 44. 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. None were declared.

#### 45. Minutes

Resolved: That the minutes of the last meeting held on 14 March 2018 be approved and then signed by the chair as a correct record.

#### **46. 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.

#### **47. 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.

#### **48. Land to East Of St Leonard's Hospice and 13 to 20 The Square, Dringhouses, York [17/02619/FULM]**

Members considered a major full application from Philippa Crowther for the erection of a three-storey building comprising 30 apartments, community hub and offices (use class B1) for the Wilberforce Trust with associated access and parking on land to East of St Leonard's Hospice and 13 to 20 The Square, Dringhouses, York. This also included the construction of 13 car parking spaces for the adjacent hospice.

An officer update was given which advised Members that there had been no objection from Network Management to the access arrangements or traffic generation data provided, subject to conditions. Members were advised that Network Management had commented that:

The applicant had provided evidence of nationally recognised TRICS data, which showed that that traffic generated by the development would not exceed 10 movements per hour at peak times.

- The Grove was of sufficient width to accommodate the combined traffic of existing residential development on The Grove and additional predicted traffic.
- Following the concerns raised by residents it had been found that there had been no personal injury accidents at the junctions with Tadcaster Road and The Grove or The Square that were attributed to turning in and out of the cul-de-sacs.
- The requested bus stop improvements (installation of RNIB capable real time bus information screens at the nearest bus

stops) provided positive and sustainable transport measures to and from the site for staff, visitors and residents. Members were advised that the applicant had agreed this condition.

- They agreed that the additional parking for and accessed from St Leonard's Hospice was justified given the difficulties experienced by staff and visitors.

Officers further advised of two additional highway conditions and a condition regarding the Mean of Enclosure. The additional highway conditions were as follows:

1. The development shall not be begun until details of the junction between the internal access road and the highway, including tactile crossing to footway opposite, have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

2. The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and verge to match adjacent levels.

The additional condition regarding the Mean of Enclosure was detailed as follows:

3. Details of all means of enclosure to the site boundaries, including details of the gates for the pedestrian and emergency vehicle access to/from The Square, shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied. Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

Members were then advised that if they were minded to approve the application, the application would need to be referred to the Secretary of State under section 77 of the Town and Country Planning Act 1990.

Following the officer update, Members raised a number of points and questions in relation to the application:

- A Member raised concern regarding the landscape scheme being in place for five years (Condition 8) and suggested that

this be amended to last the lifetime of the scheme. The Interim Head of Development Services explained the reason for this and advised that the committee could put conditions in place for the period of time for the landscape scheme.

- A Member highlighted that there had been a number of minor collisions at the junctions with Tadcaster Road and The Grove or The Square and it was clarified that there had been no personal injury accidents at those junctions that were attributed to turning in and out of the cul-de-sacs.
- With reference to Condition 11, officers were asked if the Drainage Board had been consulted and they responded that Yorkshire Water and the Council's Flood Risk Team had been consulted. Officers clarified that the land was not within a Drainage Board area. They further advised that Condition 11 could be amended to include the drainage of surface water.

The applicant, Philippa Crowther (Chief Executive of the Wilberforce Trust) spoke in support of the application with regard to care issues. She noted the history of the charity and explained that the accommodation would support 25 adults in York who qualify for independent supported living. She advised that current housing was not purpose built and the continued adaptation of the housing presented challenges. She noted the changing needs of the aging population and the impact of a lack of accommodation on people with visual impairment and sensory needs.

In response to Member questions, Philippa Crowther clarified that:

- The Wilberforce Trust would project manage the build and property in the future.
- The Wilberforce Trust had worked closely with the Chief Executive and Trustees of St Leonard's Hospice on the impact of the construction on residents at St Leonard's Hospice.
- The viability of the funding for the accommodation was explained.
- If the Wilberforce Trust disposed of units there would be a net gain of six units.
- An explanation of access to the site was given, including gated access to The Square.
- Details of the mutual advantage of working in partnership with St Leonard's Hospice was given. These advantages

included the use of a cafe and sensory garden and shared back end office services.

- It was noted that the distance between the northern corner of the development and St Leonard's Hospice was 58m.

Graeme Holbeck (O'Neill Associates), agent for the applicant, then spoke in support of the application in relation to planning issues. He stated that the site was designated in the emerging Local Plan for specialist housing in association with the Wilberforce Trust. In reaching this point, the site had undergone various assessments with the conclusion being that it was acceptable to release the land in the green belt. The site was surrounded by developments on three sides and at the site visit, it was shown that housing on the two sides of the site to the north and south had established a development line on to the east. He gave an overview of the external layout of the development and acknowledged that the site was in the green belt, which required very special circumstances in order to enable its release. He noted the NPPF guidance which stated that these would not exist unless the potential harm to the green belt was clearly outweighed by other considerations and he outlined the reasons why this was the case for the application, which was recommended for approval by officers.

In response to Member questions, Graeme Holbeck and Philippa Crowther clarified that:

- Concerning the suggestion of the landscape scheme being extended from for five years (Condition 8) to the lifetime of the development, the needs of residents change over time, and the Wilberforce Trust may want to extend the sensory garden. It was noted that the second phase of the stage of the plan was shown and confirmed that there were no plans to change the scheme.
- The applicant would be willing to accept 09:00 to 17:00 for delivery times. It was noted that the amended delivery times may restrict the time for the completion of the development.
- The Wilberforce Trust would work with the transitions team on moving people into the new accommodation.
- The choice to build 30 flats was made following discussions with the Council's Adult Social Care team and through financial constraints.
- The applicant would be willing to accept an amended drainage condition.

Members debated the application in detail. During debate Officers clarified that:

- There could be a standard surface water drainage condition
- Regarding safety, the response from the highways management team didn't highlight any personal injury accidents attributed to turning in and out of the cul-de-sacs. It was confirmed that Member concern regarding the safety of cyclists could be passed back to the highways authority.

The Senior Solicitor also advised Members that:

- Within green belt the legal test was that very special circumstances must clearly outweigh the harm to the green belt and any other harm.
- The legal tests for conditions were that planning conditions should only be imposed when they were necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Members debated the application, giving consideration to whether very special circumstances clearly outweighed the harm to the green belt and any other harm. They debated the conditions related to the period of time for the landscape scheme, drainage and delivery times. Following debate it was:

Resolved:

That the application be APPROVED subject to REFERRAL to the Secretary of State under section 77 of the Town and Country Planning Act 1990 (as the development is over 1000m<sup>2</sup> within Green Belt), the completion of a S106 to require the provision of on site affordable housing (equating to 9 affordable homes for rent), the installation of RNIB capable real time bus information screens at the two nearest bus stops, the conditions listed in the report and other amended conditions below (amendments shown in **bold**):

#### Amended Condition 11

No development shall take place until details of the proposed means of disposal of foul water drainage and **surface water** drainage for the whole site, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Furthermore unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to

completion of the foul drainage works and **surface water drainage** in accordance with the details as approved.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal. It is necessary to require this information prior to commencement of any ground works on site as the provision of drainage is fundamental to the delivery of the scheme and the drainage works may result in irreversible harm to protected trees on site.

#### Remove Condition 16

Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

- Monday to Friday 08:00 to 18:00;
- Saturday 09:00 to 13:00;
- Not at all on Sundays and Bank Holidays

Reason: To safeguard the amenity of occupants.

#### Additional highway conditions:

1. The development shall not be begun until details of the junction between the internal access road and the highway, including tactile crossing to footway opposite, have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

2. The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

#### Additional condition regarding Mean of Enclosure

Details of all means of enclosure to the site boundaries, including details of the gates for the pedestrian and emergency vehicle access to/from The Square, shall be submitted to and approved in writing by the Local Planning Authority before the

construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

Reason:

- i. The proposal involves the erection of a new building with associated ancillary works and the provision of additional parking to serve St. Leonard's Hospice. However, the site lies within the general extent of York's Green Belt. As specific Green Belt policy within the NPPF indicates that development should be restricted, the presumption in favour of sustainable development established by paragraph 14 of the NPPF is not engaged and the more restrictive Green Belt policies in the NPPF apply. The proposal would result in harm to the Green Belt by reason of inappropriateness as well as additional harm to the openness and purposes of the Green Belt and substantial weight is attached to this harm. Other identified potential harms to biodiversity and non-designated heritage assets could be mitigated against by conditions.
- ii. It is considered that the benefits that would be provided by the scheme, when taken together, being the delivery of supported living homes with on-site office and ancillary facilities operated by a charitable organisation for adults with disabilities who receive a package of care and support and the provision of needed additional parking to serve an existing hospice, are of sufficient weight to clearly outweigh the Green Belt harm and other harm identified. Therefore, very special circumstances exist to justify the proposal and the application is recommended for approval subject to conditions. One such condition should be the restriction of the use to class C3b in view of the identified need being accepted as a favour contributing to the very special circumstances justifying inappropriate development in the Green Belt.

Cllr A Reid, Chair

[The meeting started at 5.00 pm and finished at 6.20 pm].