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MEETING	PLANNING COMMITTEE
DATE	3 FEBRUARY 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HORTON, HUDSON, HYMAN, MOORE, MORLEY, PIERCE, REID, SIMPSON-LAING, B WATSON, VASSIE (SUB FOR CLLR JAMIESON-BALL), KING (SUB FOR CLLR POTTER) AND GILLIES (SUB FOR CLLR WISEMAN)
APOLOGIES	COUNCILLORS JAMIESON-BALL, POTTER AND WISEMAN

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### 30. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Factory, Bishopthorpe Road, York (09/01606/OUTM)	To enable Members to view the site in relation to the amended redevelopment proposals in particular the accesses and relationship of the development to the surrounding areas and Listed Buildings.	Councillors D'Agorne, Firth, Gillies, Hudson, Hyman, Morley, B Watson, R Watson and Wiseman.

### 31. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interest they might have in the business on the agenda.

Councillor D'Agorne declared a personal non prejudicial interest in relation to Plans items 4a to 4g (Factory, Bishopthorpe Road, York YO23 1NA) as a regular user of the Sustrans cycle path situated adjacent to the site and as he was employed by York College.

Councillor Fraser declared a personal non prejudicial interest in relation to Plans items 4a to 4g (Factory, Bishopthorpe Road, York YO23 1NA) as a Governor of Knavesmire School, situated on Campleshon Road, a resident of Millfield Road and as his daughter resided in Nunthorpe Avenue, both in the vicinity of the site.

### 32. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 17 December 2009, be approved and signed by the Chair as a correct record, subject to the deletion of the words 'nature conservation' in the sixth

paragraph of the preamble to Minute 27a (Land to the West of Metcalfe Lane, Osbaldwick, York) and its replacement with 'housing and open space'.

### **33. PUBLIC PARTICIPATION**

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

### **34. PLANS LIST**

Members considered a report of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, outlining the proposals and relevant planning considerations and setting out the views of consultees and Officers.

#### **34a Factory, Bishopthorpe Road, York YO23 1NA (09/01606/OUTM)**

Members considered a major outline hybrid application, submitted by GHT Developments LLP, which consisted of outline and full proposals for the comprehensive redevelopment of the former Terry's site.

Officers circulated the following additional information and update reports:

- Details of the hybrid format of the applications;
- Updated affordable housing figures as follows:  
Affordable housing at 82 units (32 x 2 bed flats, 7 x 2 bed houses, 10 x 3 bed houses) for affordable rent together with units (22 x 2 bed flats, 1 x 2 bed house and 10 x 3 bed houses) for discounted sale.
- Additional correspondence from Micklegate Ward Councillors in relation to outstanding matters and concerns, including, scale and massing of the office area, addition of a top floor on the Main Factory building, decking to the existing car park within the Green Belt, unacceptable and underestimated traffic and air quality impact, bus provision, cycle and pedestrian access, Mount Vale junction and continued consultation, community and educational needs, amount of affordable housing, provision of housing for the elderly, sustainability and construction work and traffic.
- Officers response to Ward Councillors comments;
- Comments received from the Racecourse, mainly in relation to the integration between the Chocolate Works site and York Racecourse and the new access to the site from Racecourse Road;
- Officer response to the Racecourse's comments;
- Comments from the Commission for Architecture and the Built Environment (CABE) whose comments it was pointed out were based upon a limited internal review of the site;
- Comments from English Heritage, the Conservation Area Advisory Panel and Yorkshire Forward;
- Details of the proposed method for calculating contributions;
- Updated Scarcroft Road/Bishopthorpe Road Junction analysis (detailed in a Technical Note from AECOM);

- Additional/Amended conditions relating to the % of designated workspace of each live/work unit, details to secure their internal arrangements and for no subdivision of these units, prevention of the B1 floorspace being used for the repair etc of motor vehicles or processing of food and retail;
- Details of the extension of time requested by the applicants which had been suggested as five years for submission of reserved matters and seven years from the date of permission or two years from the approval of the last reserved matters for the commencement of development;
- Amendment to Section 6.7 of the report in respect of the conditions;
- Briefing Note from Turley Associates responding to the comments of CABE;
- Art Strategy as proposed as part of the development;
- Perspective sketch plans of the proposed Racecourse link to the site;
- Legal note detailing the various elements of planning permission requested in the applications.

Officers confirmed that they had nothing to add to the Committee update other than to confirm that, if approved, the application would have to be referred to the Secretary of State as the proposed car park to the east of Bishopthorpe Road was sited in the Green Belt.

Representations were made by Steve Davis, Managing Director of Grantside in support of their proposals for the site. He referred to the refusal of planning permission in August 2008 and to the nine reasons for refusal. He pointed out that he hoped this scheme responded to and addressed all these reasons. Particularly as they had undertaken extensive consultation with the public and consultees and held discussions with the Community Forum and public exhibitions. He confirmed that the current application was not a revision of the previous scheme but it was a completely new scheme developed from first principles. He stated that he felt the wider community would gain significant benefits from the scheme.

Peter Callaghan, Development Director for Grantside, also made representations in support of the scheme. He spoke in relation to traffic and sustainable transport and confirmed that following agreement with Officers their Transport Assessment had scrutinised the overall impact of the development on the highway network. It had been concluded that the only highway engineering mitigation works necessary were at the Mount Vale/Knavesmire Road junction with signalisation of the junction being suggested. He confirmed that local residents had been consulted to ensure that their concerns were met. He then went on to outline the sustainable transport measures proposed which included the promotion of cycling and walking and the increased use of public transport.

Representations were then received from Eamonn Keogh on behalf of the Planning Consultants for the scheme who referred to the concerns raised by the Micklegate Ward Councillors. He stated that extensive public consultation had taken place with residents etc and pointed out that this was a community led scheme which had received a great deal of support.

Jane Hunt, representing Yorkshire Forward, expressed her support for the use of this brownfield site, which would provide a large amount of office space thereby assisting economic growth in the city. She confirmed that the mixed use proposals and hotel provision would encourage spending in the city and provide much needed employment and she welcomed the sustainable measures to be incorporated into the scheme.

Andy Chase of the Micklegate Planning Panel indicated that, although the Panel supported the significant improvements that had been made to the scheme, they were still concerned in relation to a number of issues. These related to traffic generation, access to the site, the decked car park which they felt was inappropriate in the Green Belt and the steep gradient of the cycle path to the north of the car park. The Panel felt that this was an opportunity to get the development right.

Representations were then received from William Derby, on behalf of York Racecourse. He confirmed that he supported both the development brief and the application but required clarification in relation to the integration between the Racecourse and the Chocolate works site. He referred to the Racecourse's busy Conference Centre and link between it and the proposed hotel, which he hoped would be incorporated into the plan to ensure its future completion. He went onto refer to the proposed access to the site via Racecourse Road, a busy cul de sac used by a large number of people and stated that he wanted to ensure the public's safety if the road was opened up for use.

Cllr Merrett, as one of the Local Members for the Micklegate Ward, referred to the key historic building on this important site. He confirmed that he supported its reuse and the improved application submitted for the site, which was a great opportunity for the city. However, he went onto refer to the intensification of use of the site with the increased scale and massing of the office area to the south, the increase in car parking spaces and the new modal split of traffic. He referred to the previous refusal for the site, owing to the impact of the significant addition traffic generated by the scheme, and pointed out that Ward Members felt that these proposals would have an unacceptable and underestimated traffic impact on the area. He confirmed that he had undertaken traffic counts at similarly located office developments within York and in view of his findings it appeared that the assumed modal split for office use on the site was over optimistic. Ward Members pointed out that it was important that the Travel Plan was stronger to encourage more sustainable forms of transport. He went on to request the Committee to defer further consideration of this application to enable negotiations to be undertaken to reduce the scale of the commercial element of the scheme together with a re-examination of the traffic implications to include phased implementation.

Cllr Gunnell, also as a Micklegate Ward Member, referred to the work undertaken by the three ward Councillors in relation to this application, she confirmed that her comments reflected the views of their ward residents. She stated that they wanted the Terry's site brought back into use but referred to the Ward Members concerns in relation to scale and massing, in relation to the top floor of the factory building, the car park sited in the Green Belt and the impact of traffic on air quality and impact on local

schools. She confirmed that local residents main concerns related to traffic generation and the possible under estimates in relation to this. She asked Members to require the developer to agree a bond to ensure that if traffic generation exceeded certain limits that this money would fund free residents parking etc. and for a contribution towards St Chad's Parish Hall for community use.

Cllr Fraser, also as a Micklegate Ward Member, confirmed his support for the development of the site, which was at present a target for vandals and graffiti. He stated that they welcomed many aspects of the revised application however they still had major concerns over the scale and massing of the development, which they felt was unchanged. The traffic would affect the highway network, particularly at the junctions, which were already overloaded, and this would add to existing air quality problems. He asked the Committee to note the traffic counts undertaken by Cllr Merrett and agree to defer the application or impose a condition requiring the developer to lodge a bond whilst the impact of traffic was assessed against the developers assessment and if this proved to have been underestimated then mitigation measures should be put in place.

Cllr Galvin then made representations as Local Member for Bishopthorpe. He confirmed that this was an important site, which would play a large part in improving the City's economy. He referred to the anticipated increased traffic levels in the vicinity of the site particularly in Bishopthorpe which he felt would be badly affected. Residents felt that traffic would access the site via Sim Balk Lane and Bishopthorpe thereby avoiding the traffic signals on Tadcaster Road. He stated alternatives were required either an improvement to the highway infrastructure or a new link road from the A64 to Sim Balk Lane. He therefore requested Members to defer further consideration pending receipt of proposals to deal with the proposed traffic generation.

Members then commented and questioned various aspects of the proposals including:

- The legality of the bond suggested by Ward Members;
- The possible phased approach to the development as used at the University of York;
- Types of mitigation measures;
- Integration of site and Racecourse;
- Reasons for amending time limit;
- Live work units and details of area designated for each;
- Calculation of education contributions;
- Matters to be included in the Section 106 agreement;
- Energy efficiency proposals for development;
- Confirmation that the figures for traffic generation were comparable with the proposed use of the site;
- Reference to air quality objectives;
- Need to promote sustainable transport for the site;
- Provisions made to accommodate cycle movements across Bishopthorpe Road to minimise disruption to traffic flow;
- No deterrent to use of car park, feasibility of charging for its use;

- Hours of operation of subsidised bus service as little public transport to site after 7pm;
- Details of the service charges to be imposed for the properties;
- Details of type of access proposed from Racecourse Road, speed limit and it's use on race days;
- Details of house/flat split for the site;
- Reference to research that had shown retired living units needed to have 2 bedrooms to accommodate carers;
- Police Architectural Liaison Officer's comments in relation to accommodation sited above shop units and the need for the incorporation of Secure by Design condition;
- Proposals for Public Art and its siting;
- Open space and play equipment provisions;
- Length of appointment of Travel Plan Co-ordinator;
- Affordable housing units if remain unsold they should revert to affordable renting;
- Hope that it was still the developer's intention to provide allotments on site.

Following further lengthy discussions Cllr Pierce moved and Cllr D'Agorne seconded that approval be granted subject to the imposition of the recommended conditions and additions to the Section 106 with the addition of conditions relating to phasing and traffic flows in line with those imposed by the Inspector in connection with the Heslington East campus. This would require the developer to undertake annual traffic surveys to and from the site and at the principal junctions. Also phasing of the applications and requiring each application to be accompanied by a comparison of the predicted traffic flows relating to the site together with actual surveys of traffic flows and if the actual volumes were more than 5% higher then the developers, details of mitigation measures to be prepared and an implementation programme for these to reduce the actual traffic flows. On being put to the vote the motion was lost and Cllr D'Agorne asked that his vote in support of this motion be recorded.

Members thanked Officers for their work on this scheme, negotiations with the developers and for their comprehensive reports. The Chair thanked Grantside for their work and wished them success with their proposed scheme.

RESOLVED: That the application be approved subject to the conditions set out in the report and the following:

1. Completion of a Section 106 legal agreement further to the Town and Country Planning Act 1990 to secure:
  - i) Affordable housing at 82 units, being 30.3% of the total, (32 x 2 bed flats, 7 x 2 bed houses, 10 x 3 bed houses) for affordable rent together with units (22 x 2 bed flats, 1 x 2 bed house and 10 x 3 bed houses) for discounted sale or affordable housing provision at 37% subject to receipt of Social Housing Grant or other public subsidy (distribution approximately pro rata).

- ii) A contribution towards local education provision of £1,166,881
  - iii) A contribution towards off site public open space facilities of £160,249
  - iv) Funding to be agreed between the Local Planning Authority, acting through the Chair and Vice Chair, and the Developer to allow for the detailed design, site supervision and construction of the following highway mitigation measures:
    - The introduction of traffic signals at the junction of Knavesmire Road with Tadcaster Road and Mount Vale.
    - The introduction of UTC control and CCTV equipment at the St. Helens Road/Tadcaster Road junction.
    - The introduction of a signal controlled toucan (cycle and pedestrian) facility on Bishopthorpe Rd between the main entrance and the car park/ sustrans route to the river.
    - The provision of a new zebra crossing on Campleshon Road adjacent to Knavesmire Primary School.
    - Signalling changes at the junction of Bishopthorpe Road and Scarcroft Road aimed at improving capacity for traffic flow.
    - Improvements to the pedestrian/cycle route (Sustrans Route 65) between Bishopthorpe Road and the riverside path, including alterations on Bishopthorpe Road itself. Measures to include localised widening, smoothing of gradient and provision of street lighting.
    - Additional cycle route signs, as agreed, to be erected along the route between the development site and heading north through the South Bank district.
    - The introduction of an additional 26 spaces at the new Askham Bar Park and Ride site.
2. Funding to be agreed between the Local Planning Authority, the Racecourse Operator and the Developer to provide a highways/landscaping scheme to connect the Racecourse and the application site.
  3. Details and associated funding of the public art proposals to be agreed between the Developer and the Local Planning Authority.
  4. The following sustainable transport measures shall be provided by the Developer in association with this development:

- Inclusion of showers and drying rooms within all office blocks to encourage cycle trips.
  - Provision of a shuttle bus service between the development site, Askham Bar Park and Ride site and the Station, between the hours of 7 am and 7 pm at a 30 minute frequency for a 5 year period.
  - Travel vouchers to be issued to all residents on occupation of their home offering either travel on public transport or the purchase of a cycle, helmet and lock.
  - Provision within the development site of three spaces for the siting of City Car Club vehicles.
  - A year's membership of the City Car Club for each individual residential unit.
  - DDA compliant crossing points to be provided at all pedestrian points around the perimeter of the development.
  - The introduction of shelters, seating and bus passenger information at all stops which lie close to the site.
  - Preparation and agreement of Green Travel Plans (both residential and commercial), in consultation with future occupiers, residents and transport officers of the Authority.
  - The employment of a travel plan co-ordinator, from a date 18 months after commencement of the development, who will be resident on the site for a minimum period of three years, and who will promote sustainable transport trips by future residents, employees and visitors.
5. To agree with the Local Planning Authority, energy efficiency and waste and pollution minimisation plan with regard to the demolition and construction phases of the development, and also in the detailed design features of the scheme and its subsequent operation.
  6. That the developer be required to consult with the Police Architectural Liaison Officer at the start of each phase of the development.
  7. That, if any of the affordable housing units are not sold then they be let as social housing at an intermediate rent.
  8. Referral to the Secretary of State.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed scheme would not cause undue harm to interests of acknowledged importance, with particular reference to: -



- Highway and pedestrian safety
- The Terry's Conservation Area Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability
- Impact on Local Education Provision

As such the proposal complies with policies listed in section 4.0 of the report.

Cllr D'Agorne requested that his abstention from this vote be recorded.

**34b Factory, Bishopthorpe Road, York YO23 1NA (09/01608/LBC)**

Consideration was given to an application for Listed Building Consent, submitted by GHT Developments LLP, for the selective demolition, alteration and construction of new extensions at the Multistorey Factory (MSF).

RESOLVED: That the application be approved subject to the imposition of conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Liquor Store which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

**34c Factory, Bishopthorpe Road, York YO23 1NA (09/01607/LBC)**

Consideration was given to a Listed Building application, submitted by GHT Developments LLP, for the removal of an external first floor walkway from the Head Office Building.

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the demolition of the walkway/bridge connected to the former Headquarters building (FHQ), subject to the

conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to FHQ, adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

**34d Factory, Bishopthorpe Road, York YO23 1NA (09/01609/LBC)**

Members considered a Listed Building application, submitted by GHT Developments LLP, for the demolition of modern additions to the clock tower, ash bunker and boiler house building.

RESOLVED: That the application be approved subject to the imposition of conditions listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Clock Tower which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

**34e Factory, Bishopthorpe Road, York YO23 1NA (09/01610/LBC)**

Members considered a Listed Building application, submitted by GHT Developments LLP, for the demolition of modern additions to the Liquor Store.

RESOLVED: That the application be approved subject to the imposition of conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the Liquor Store which is a listed building, adjacent listed buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

**34f Factory, Bishopthorpe Road, York YO23 1NA (09/01611LBC)**

Consideration was given to a Listed Building application, submitted by GHT Developments LLP, for the demolition of the Nut and Fruit store.

RESOLVED: That the application be approved subject to the imposition of conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the demolition of the Fruit and Nut Store, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

**34g Factory, Bishopthorpe Road, York YO23 1NA (09/01612/CAC)**

Members considered a Conservation Area application, submitted by GHT Developments LLP, for the demolition of the central services building.

RESOLVED: That the application be approved subject to the imposition of the conditions as listed in the report.

REASON: In the opinion of the Local Planning Authority the demolition of the Central Services Building, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to adjacent Listed Buildings and the Racecourse and Terry's Conservation Area. As such this proposal complies National Planning Policy Guidance Note 15, Policies Y1 and ENV9 of the Regional Spatial Strategy for Yorkshire and Humber and policies HE2, HE3, HE4 and HE5, of the City of York Local Plan Deposit Draft.

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