

Meeting	Planning Committee
Date	21 April 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Barker, D'Agorne, Daubeney, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher, Rowley (Substitute for Cllr Doughty) and Waudby (Substitute for Cllr Ayre)
Apologies	Councillors Ayre and Doughty

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## 22. 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.

In relation to agenda item 4a Burnholme Community Hub, Mosssdale Avenue, York YO31 0HA [20/01916/OUTM], Cllr Rowley declared a personal non-prejudicial interest as a school governor at the school that agreed to release the land the application was on. Cllr D'Agorne declared a non-prejudicial interest as the council was the applicant and he was a member of the Executive. Cllr Douglas also declared a non-prejudicial interest as a Ward Councillor for that ward.

There were no further declarations of interest.

## 23. Minutes

Resolved: That the minutes of the last meeting held on 4 March 2021 be approved and then signed by the Chair as a correct record at a later date subject to the reason for moving deferral of the application in minute 21a to ' Cllr Warters then moved and Cllr Craghill seconded refusal on the grounds of the Condition 4 being changed from 28 days occupancy (4 weeks) to 46 weeks occupancy by virtue of the 6 week closure period.'

## **24. 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.

## **25. 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.

## **26. Burnholme Community Hub, Mossdale Avenue, York YO31 0HA [20/01916/OUTM]**

Members considered a major outline application from City Of York Council for Erection of 83 dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5 at Burnholme Community Hub, Mossdale Avenue, York YO31 0HA.

Officers provided an update noting a number of amendments and clarifications to the report. This included an amendment to affordable housing for 21 (not 25) affordable homes to be policy compliant. It was clarified that the council would be required to maintain the gates opening out over the highway (as detailed in paragraph 5.21 of the committee report. There were also amendments to conditions 8 and 10. It was noted that the additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

A presentation on the application was given, detailing the views from different access points, the proposed site location plan, house types and their elevations and site wide sections and 3D visuals. In response to Member questions, officers explained that:

- The breakdown in the accommodation mix for wheelchair users related to different categories in the building regulations.
- The plans marked out the disabled parking bays and they were located places nearest to accessible dwellings.
- It was not known whether the owners of the self builds would park on their own land until their applications came forward.
- The overspill parking concerns from highways officers was the reason for the second contribution in order to ensure that there could be double yellow lines/bollards where needed.
- Condition 20 covered the works to Darnbrook Drive.
- In terms of the draft Local Plan the development was classed as being in a suburban area.
- The hours of working were included in the CEMP and it was anticipated that this would apply to the self builds also.
- An update on affordable housing was given, as well as an outline of planning policy in relation to affordable housing.
- The traffic survey looked at trips at peak times.
- The council would try to achieve the highway on Mosssdale Avenue being brought to an adoptable standard.
- The landscaping of three could be for the lifetime of the development.

### Public Speakers

Charlie Linfoot-King, a local resident, spoke in objection to the application. He explained that the road network was not suitable for development, there were issues around road safety as there was no crossing provided. There was also damage caused to the road and pollution, and the development was on an already compact housing estate. He was asked and explained that a crossing on Bad Bargain Lane was needed to mitigate the traffic problems.

Paul Waind, a local resident, spoke in objection to the application. He suggested that consultation had not been carried out correctly. He noted that the site was an opportunity to protect green space. He explained that the plans showed a 23m high building 1m away from his property and he suggested that the tallest buildings should be put the furthest away from properties. In answer to Member questions he noted that a 1.5 storey building or bungalow should be put adjacent to his property boundary.

Cllr Webb, Ward Councillor, spoke on behalf of local residents. He began by declaring that he worked at a school due to see a contribution to the development. He explained that residents would like a deferral of the application to have their points heard. He added that there was a need to improve public transport in the area and he asked for more in bus use for disabled users and that a crossing on Bad Bargain Lane would be welcome. He recognised the need for housing whilst acknowledging residents' concerns. In response to Member questions he noted that the Ward Councillors had been working to get parking bays on Bad Bargain Lane.

Michael Jones (Applicant, City of York Council) spoke in support of the application. He gave an overview of the focus of the housing delivery programme in creating new and improved housing, reducing road space to maximise open space and in being design landscape led. He explained that it was an inclusive development and that all homes were accessible and adaptable and that all homes would have their own outdoor space. Henry Wootton and Paul Morris, colleagues of Michael Jones, were in available to answer questions with him. In response to Member questions they explained that:

- All of the one bedroom and two bedroom bungalows and four bedroom homes were wheelchair accessible
- Each house had a private back garden that opened onto a shared space that sat behind the terraced houses which it was hoped would be used for a range of activities.
- The development was delivering as many affordable houses as it could. An explanation on the viability of the development was given and assurance given that should circumstances change (such as grant funding from Homes England or lower constructions costs) the amount of affordable housing may be increased.
- With the self builds taken out, 41% of the total houses built by the council were social rent or shared ownership.
- The building heights in relation to neighbours' boundaries were explained.
- The pandemic had changed the consultation plans and the consultation carried out was detailed.
- The applicant would be happy to accept a change in delivery times in the CEMP.
- Modern methods of construction would be used, including timber frames and prefabrications which would reduce deliveries to the site.

- Darnbrook Walk was not considered as a point of access for deliveries,
- The heights on the ridge end of houses was clarified.
- The site would be promoted as a low car development and it was considered that the travel plan measures promoted low car ownership. The travel plan measures were detailed.
- There would be bus permits for residents' use and the council would be happy to work with bus operators regarding improvements to bus services
- The council would be the owner and developer
- Regarding car parking facilities on the site, no specific measures had been agreed with the operators of the gym and care home and there would be consultation with those operators as part of the travel plan.
- As part of the transport assessment a crossing on Bad Bargain Lane was not identified by the applicant or the Highways Authority as a requirement of the development
- There was a clear aspiration to reduce car parking and increase cycle use
- Regarding procurement for the contract soft market testing for contractors and been undertaken, this would begin subject to planning approval with work to begin in summer 2022 for a maximum of two years.
- The landscaping would be managed by a management company and there would be a service charge for this. It was confirmed this would apply to all residents and it would be done in the most cost effective way. The service fee had not been set yet.
- The public realm team would not adopt the spaces as the spaces were not simple enough
- The connection of the development to the cycle network was notes.
- It was felt that the scheme put forward was the best one for the site.
- There was a modest buffer zone between the development and houses and the hedge would be retained.
- The loss of any market sale homes would affect the number of market sales available.

[At 18:28 Cllr Lomas was not on camera and she confirmed she had heard all of the discussion]

[The meeting adjourned from 18:28 to 18:38]

Members then asked further questions to officers to which officers responded that:

- Further correspondence had been sent out from the planning department apologising and clarifying an error. A virtual site visit had been undertaken.
- A condition restricting access to Darnbrook Walk to pedestrians, cyclists and emergency vehicles could be added.

Following debate, Cllr D'Agorne moved and Cllr Fenton proposed approval subject to additional conditions and informative in relation to access, landscaping. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs D'Agorne, Daubeney, Douglas, Fenton, Fisher, Hollyer, Kilbane, Pavlovic, Rowley, Waudby and Cullwick voted for the motion;
- Cllrs Lomas, Myers and Warters voted against the motion;
- Cllr Barker abstained from the vote.

The motion was carried and it was

Resolved: That the application be approved subject to the conditions listed in the report, amendments to conditions 8 and 10 below and additional following additional conditions, with the final wording delegated to officers in consultation with the Chair and Vice Chair:

#### Amended Conditions 8 and 10

Condition 8 – drainage – amend to require approval of details prior to commencement. This is because installation of drainage infrastructure will be one of the initial phases of construction.

Add requirements for a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Condition 10 – amend to refer to at least 21 homes being affordable

#### Additional conditions

- Access restricted to pedestrian access only
- Delivery hours standard hours Saturday, 9.30am-3.00pm Monday to Friday and no deliveries on Sundays and Bank Holidays
- Landscaping and hedgerows for the lifetime of the development
- Condition 13 informative to be agreed in consultation with Ward Councillors
- CEMP condition to be agreed in consultation with Chair, Vice Chair and Ward Councillors

All Members confirmed they had heard all discussion.

Reasons:

- i. This site is allocated for housing in the Publication Draft Local Plan. The scheme has been designed to promote sustainable modes of travel, health and well-being. The latter through both the design of the housing itself and the surrounding public realm and movement network.
- ii. The housing on the western side of the site has been re-designed to address concerns over neighbours' amenity and there will be measures to retain the hedgerow at the western boundary.
- iii. Conditions will deal with technical matters and secure the following developer contributions (which each pass the test of being necessary, directly related to the development and fairly and reasonably related in scale and kind):
  - Affordable housing – minimum 30% / 25 dwellings
  - Education – funding for 19 primary spaces / 11 secondary / 10 early years
  - Sports provision off-site - £45,795
  - Sustainable travel measures
  - Off site highway works – measures to safeguard against risks arising from overspill parking and improvements to the Bad Bargain Lane bus stop
- iv. The NPPF states that the presumption in favour of sustainable development applies in determining this application, this means approve the development unless “any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole”.

- v. This scheme has strong sustainability credentials. Housing is to be to Passivhaus standards, and within an attractive and landscaped setting. Private car ownership is discouraged, with alternatives promoted and facilitated. The scheme in particular accords with the social objective of the NPPF – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
- vi. The use of conditions will ensure the scheme is compliant with the economic, environmental and social objectives of the NPPF and its policies.

[The meeting adjourned from 19:15 to 19:32]

**26a Plumbase, Waterloo House, Fawcett Street, York YO10 4AH  
[20/01521/FULM]**

Members considered a full application from KMRE Group (Church Fenton) Limited for the erection of a 3 and 3.5 storey student accommodation block (providing 85 student rooms) following demolition of existing buildings at Plumbase, Waterloo House, Fawcett Street, York YO10 4AH.

Officers provided an update noting that the scheme had 86 student rooms, not 85 as per the committee report. Details were given on updated conditions 11, 18 20, 21 and additional conditions related to servicing within the site and removal of a redundant crossing. It was noted that the additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

A presentation on the application was given, detailing the site location plan, existing buildings, the streetview of the existing



building and city walls, the proposed site plan, elevations, cycle and bin storage and sections.

In response to Member questions, officers confirmed that:

- The site could provide 60 cycle spaces.
- The policy was for archaeological findings to be recorded and excavated if necessary.
- The widening of the footpath was where the building was.
- And the backline from the terraced houses to Barbican Court had been secured to allow the option to widen the footpath.
- There was two disabled parking spaces.
- The site was considered a retail site not an employment site and therefore no consultation with the economic development team had taken place.
- It was a shared access road and there were bollarded spaces which was where the disabled spaces would be located.
- The student numbers were based on recent figures.

#### Public Speakers

Gary Swarbrick, Agent for the Applicant, spoke in support of the application. He explained that the applicant presented a multi million pound development and was a high quality development with 86 bed spaces. He noted that the site was within the historic core of the city and the applicant had worked with officers and other third parties to respond to their concerns and change the design. He added that the application promoted sustainable travel. In answer to Member questions he confirmed that:

- The applicant would be happy to work with officers to maximise cycle parking.
- He could not commit to changes to delivery times and would need to discuss this with his clients.
- The plans for student arrivals.
- There was kitchen facilities in each room.
- It was known how many students could be in the communal areas.

[At 20:04 Cllr Waudby left the meeting as her internet was breaking up]

The intention was that the site would continue year round. The shared facilities included a student work room and laundry.

Members then asked further questions of officers to which officers responded that:

- Building regulations would be required for kitchen uses.
- There was nothing in the plans to show that the amenity level was unacceptable.
- Safety issues would be covered by building regulations. Fire regulations would be picked up as part of the building regulations application.
- Changes to the extended hours for construction were in place until 13 May 2021.
- The planning authority had 14 days to consider changes in writing.
- Regarding condition 12 the applicant had not asked for BREAAAM as it was a residential application.
- The rooms were just over 30m<sup>2</sup> and a one bedroom flat should be 37m<sup>2</sup>.
- The demolition details could be added to the CEMP in condition 3.

[At 20:25 the Chair advised that Cllr Waudby had lost internet connection and had missed some of the discussion. Cllr Waudby then explained that because she had missed some discussion she didn't feel that she could vote and she left the meeting at 20:26].

During debate Cllr Warters proposed refusal on the grounds of the loss of employment land, loss of amenity space, lack of air quality due to closed windows, construction traffic, student arrival/departure arrangements. Further debate followed and the Chair (Cllr Cullwick) moved deferral, seconded by Cllr Pavlovic. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs D'Agorne, Daubeney, Douglas, Fenton, Fisher, Kilbane, Lomas, Myers, Pavlovic, Rowley, Warters and Cullick voted for the motion;
- Cllr Barker and Hollyer voted against the motion.

The motion was carried and it was

Resolved: That the application be deferred.

Reasons:

- i. Lack of detail on the arrangements for students moving in and out of the apartments, concern about the size of the amenity space, concern about the

impact of demolition and construction traffic on the amenity of neighbours (including the primary school), and the loss of employment land.

All Members confirmed they had heard all discussion.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 8.48 pm].