

Meeting	Planning Committee
Date	3 February 2022
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Lomas, Pavlovic (Vice-Chair), Warters, Waudby and Webb (Substitute)
Apologies	Councillor Melly

66. 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.

Cllr Waudby declared a non prejudicial interest in that her husband worked for a different Bingo provider in York.

Cllrs Ayre, Webb and D'Agorne declared non prejudicial interests that they were members of the Car Club.

67. Minutes

The Chair noted that, with reference to paragraph 6 of item 64a in the Minutes, the motion to approve the application was seconded by Cllr Fenton.

Resolved: That, subject to the amendment stated above, the minutes of the last meeting held on 6 January 2022 be approved and signed by the chair as a correct record.

68. 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.

69. Plans List

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

70. Mecca Bingo, 68 Fishergate, York YO10 4AR [21/01605/FULM]

Members considered a major full application from Petrina Ltd and Grantside (North Star West) Ltd for the demolition of existing buildings and redevelopment of the site to form 275no. room purpose built student accommodation with associated car parking, landscaping and facilities at Mecca Bingo 68 Fishergate York YO10 4AR. This item had been deferred at Planning Committee 2 December 2021.

The Head of Planning and Development Services gave a presentation on the application. The Case Officer then updated Members regarding the Section 106 requirement to secure funding towards assistance with travel planning, as well as responses to representations made concerning the consideration of the Equalities Act 2010, the viability of the former use and the highways effects.

Public Speaker

Ann Clayton, a local resident spoke in objection to the application. She raised concerns regarding the location, size and electromagnetic fields of the substation and switch house. She also referred to a loss of privacy and shared concerns regarding highway safety.

In response to a question from Members, Mrs Clayton explained that she had been informed by the Architect and Communication Officer that additional electricity generated by the substation would be sold to the National Grid.

Councillor Dave Taylor, spoke in objection to the application as a Ward Member for Fishergate. He raised concerns regarding the impact of increased traffic, in a narrow cul-de-sac and close to a primary school. There was the potential for increased

congestion from delivery vehicles and no provision have been made for parking.

He confirmed that he felt that student accommodation should have been built on university land. He also noted the shortage of accommodation for students within the city.

Cllr Pete Kilbane, spoke in objection to the application as a Ward Member for Micklegate. He raised concerns about the rise of short hold tenancies, temporary accommodation and short-term holiday lets within the city. He underlined that the application removed a community facility and cultural asset.

In response to questions, he noted that the city's emerging Local Plan sought to protect local facilities and applications should not be approved unless they add to or replace community and cultural facilities.

Stephanie Leeman spoke in objection on behalf of the Fishergate House and Fishergate Court residents as Director of the Fishergate House Management Company. She raised concerns regarding access, servicing and suggested a change of the user group from students to everyone. In response to Members queries, it was reported that parking was permitted down one side of the road and sightlines were not good when entering the highway. She expressed a preference for a mixed user development.

Michelle Davies addressed the Committee in support of the application. She spoke on behalf of the applicant and noted the benefits of the investment to the city, the efficient use of a brown field site and the future release of HMOs back into the housing market. She also noted that the building had been empty for two years and that Mecca Bingo had declined to renew the lease.

In response to questions from Members, the applicant's representatives explained:

- that the substation was the size necessary for the site.
- The planning report provided information on electro-magnetic fields.
- There were 168 cycle spaces in total, 14 of which were extra wide cycle parking bays.
- Student accommodation was the most economically viable of the options available to developers.

[The meeting was adjourned between 17:43 and 17:52]

Following the adjournment Members asked Officers a number of questions and they responded as follows:

- There were no loading bays on Blue Bridge Lane, existing parking bays allow for loading within an hour between 08:00 to 18:00, with parking unrestricted between 18:00 to 08:00. An amendment by a Traffic Regulation Order (TRO) was not guaranteed as they were subject to objections. Ad hoc deliveries could be accommodated in the evening and at non-busy times during the day within the existing bays.
- The Travel Plan was referred to in condition 24, this ensured that the monitoring of cycle provision would take place through annual usage surveys.
- There was sufficient parking for the development. Members could request that the TRO be changed to limit the stopping time in the parking bays through the section 106 agreement. The transport statement given by the developer was based on a national database, it showed that there would be zero cars at the development between 10pm and 7am.
- The development contributed to the Council's annual housing delivery.
- There was enough room and time for vehicles to turn round in the hammerhead on William Court, the anticipated number of vehicles turning round per hour was eight.

Cllr Warters moved to refuse the application, on the basis that it was detrimental to residents and highway safety and that it contributed to the loss of local facilities. This was seconded by Cllr Webb. After debate and on being put to the vote, Members voted 5 for the motion and 9 against. The motion was therefore lost.

[Prior to the vote, Cllr D'Agorne left the meeting at 18:26 and took no further part in the meeting]

Cllr Pavlovic then moved to approve the application as per the Officer recommendations, subject to the S106 agreement and the additional information as outlined in the Committee update. With the Traffic Regulation Order referring to both Blue Bridge Lane and Fishergate. This was seconded by Cllr Ayre.

Members voted 9 in favour of the motion and 5 against, it was therefore:

Resolved: that the application be approved subject to the conditions listed in the report and a Section 106 agreement to secure the following planning regulations:

- Traffic Regulation Orders (£6,000) to provide for – amending existing waiting restrictions on Fishergate and Blue Bridge Lane to ‘No waiting and no Loading at any time’.
- Travel Plan support (£25,000) (£5,000 per year) – for the Council to provide input and ensure the travel plan was implemented reasonable over a five year period following occupation.

Reasons:

- i. The NPPF establishes the need to take a positive approach to decision-making and the significant weight given to economic growth. Having regard to the statutory duties in sections 66 and 72 of Listed Buildings and Conservation Areas Act, the development would not harm the setting of any designated heritage assets. Archaeological interests can be appropriately maintained through recording. There are no policies in the NPPF that protect assets of particular importance which provide a clear reason for refusing the development in this instance. Therefore the presumption in favour of development applies in this case; that, as stated in NPPF Paragraph 11d, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- ii. The bingo hall closed as it was unviable and the operator declined to renew their lease. Officer’s advice is the permanent loss of the facility does not outweigh the benefits of the proposed use. There is demonstrable need for the proposed development; which must be given substantial weight in decision-making as stated in NPPF paragraph 120 and decisions must be made in accordance with the presumption in favour of sustainable development in NPPF paragraph 11d.
- iii. The scheme is considered an improvement over the existing site in terms of how it respects local character.

There would be no undue effect on neighbours' amenity and adequate amenities for future occupants. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

- iv. Consequently, applying NPPF paragraph 11d, it is considered that there are no adverse impacts which significantly or demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF as a whole. It is therefore concluded that the proposal represents sustainable development and that permission should be granted in accordance with the presumption in favour of sustainable development.

**71. Alton Cars York Ltd, 3 James Street, York YO10 3WW
[21/02164/FULM]**

Members considered a major full application from S Harrison Developments Ltd for the demolition of existing buildings and redevelopment of the site for purpose-built student accommodation with up to 319 bedrooms, associated communal facilities, car parking and landscaping at Alton Cars York Ltd 3 James Street York YO10 3WW.

The Head of Planning and Development Services gave a presentation on the application. The Case Officer then delivered an update to members covering the number of bedrooms in the clusters of student accommodation, the Travel Planning Assistance figure and the change to the site management condition, number 23. He also provided the updated comments from Highway Network Management.

Public Speakers

A Member spoke in objection to the application. He highlighted that he was waiting for an Officer response regarding the number of HMOs that had come back to market in his ward area since the development of student letting accommodation. He raised concerns regarding the overdevelopment of student rooms in the area and stated that there were 2,922 rooms within a 400m radius of the application. He expressed concerns that the units were not well-designed or integrated and highlighted a

need for affordable accommodation in the city for all residents of the city, not just students.

In response to questions from Members, he noted the NPPF guidance required a well-functioning design that added to the long term quality of the area.

Gavin Douglas, the applicant, spoke in support of the application. He highlighted the relocation of the existing business on the site to more suitable commercial premises. He noted that the company was an experienced developer and operator of student accommodation within the city and in Leeds. He stated that the location was convenient to both Universities which provided sustainable accessibility.

In response to questions from Members, the applicant gave the following answers:

- There were 16 accessible rooms in the plans.
- A cycle space per resident was an overprovision at the expense of other facilities. The travel plan allowed for the monitoring of cycle provision. There were 8 accessible cycle parking bays within the courtyard. Improving cycling routes had been discussed with highways officers but there was not a problem at the specific location.
- The social spaces were in the plans due to student demand and fostered shared experiences.
- The landscaping had been designed to reflect the location of the site which was close to the conservation area.
- The parking issues were expected to resolve following the relocation of the business.
- The study bedrooms were 12.5m² and the studios were between 20 and 28m².
- Condition 4 covered the Construction Management Plan.
- The expansion of York University is not only for students but also for research facilities.

In response to questions from Members, the Officers answered as follows:

- There were not any size standards for student bedrooms.
- Developments such as this one had regeneration benefits to the area and are therefore viewed positively by the council.

- It was accepted that the universities currently provide sports provision. It was possible to request a financial contribution for community space or play areas.
- To obtain meaningful data, a whole street investigation of the cycle infrastructure was needed.

Following debate, Cllr Warters moved to refuse the application and this was seconded by Cllr Doughty. The exact wording of the reasons for refusal was delegated to the Head of Planning and Development in consultation with the Chair and Vice Chair and is shown below. Members voted 8 in favour of the motion and 6 against. It was therefore:

Resolved: That the application be REFUSED.

Reasons:

- i. The proposals due to the amount of development proposed, and its scale, height and layout, would be over-development of the site which would have an undue adverse impact on the amenity of neighbouring residents. As such the proposals are in conflict with NPPF paragraph 130 and policy D1: Placemaking of the Publication Draft Local Plan 2018.
- ii. The proposed development would provide an inadequate level of amenity for its future residents due to the inadequate amount of floorspace within the proposed student bedrooms and the inadequacy of the proposed layouts. As such the proposals are in conflict with NPPF paragraph 130, the National Design Guide in respect of homes and buildings and policy D1: Placemaking of the Publication Draft Local Plan 2018.
- iii. The proposed development, by virtue of its amount, scale and footprint would overdevelop the site. The consequent building would be over-bearing and over-dominant, and unduly imposing on its setting. It would provide an inadequate amount of public realm and soft landscaping to enable it to assimilate into its setting. As such the proposals are in conflict with NPPF paragraph 130, the National Design Guide in respect of identity and public spaces and policy D1: Placemaking of the Publication Draft Local Plan 2018.

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.00 pm].