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MEETING	PLANNING COMMITTEE
DATE	17 MAY 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), GALVIN (VICE-CHAIR), BOYCE, BURTON (SUBSTITUTE), D'AGORNE, FIRTH, FUNNELL, HEALEY (SUBSTITUTE), KING, MCILVEEN, REID, SIMPSON-LAING, WATSON, WATT AND WILLIAMS
APOLOGIES	COUNCILLORS AYRE, MERRETT.

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**51. INSPECTION OF SITES.**

Site	Reason for Visit	Members Attended
Monks Cross Shopping Park, Monks Cross Drive, Huntington, York. (Items 4a & 4b)	To enable Members to view the site.	Cllrs Boyce, Burton, Cunningham Cross, D'Agorne, Funnell, Galvin, McIlveen, Orrell, Reid and Watson.
Huntington Stadium, Huntington, York. (Item 4c).	To enable Members to view the site.	Cllrs Boyce, Burton, Cunningham Cross, D'Agorne, Funnell, Galvin, McIlveen, Orrell, Reid and Watson.

**52. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Cunningham Cross declared a personal non prejudicial interest in agenda item 4c as her husbands boss is a patron of York City Football Club.

Councillor Simpson Laing declared a personal non prejudicial interest in agenda item 4c as her daughter is a member of York Athletics Club and herself as a member of Liverpool Football Club Supporters Club.

Councillor Williams declared a personal and prejudicial interest in the agenda items as he is employed by Yorkshire Water. He advised that he would abstain from any vote if it included a condition relating to Yorkshire Water.

Councillor Watson declared a personal non prejudicial interest in agenda item 4c as he is a sponsor of a York City Knights player. He also declared a personal interest as a Guildhall Ward Councillor in reference to the Castle Picadilly site being mentioned in the agenda reports.

Councillor D'Agorne declared a personal non prejudicial interest as an employee of York College relating to employment and training issues mentioned in the agenda reports and a personal interest as a Member of York Green Party.

#### **53. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That Members agreed to exclude the press and public from the meeting during consideration of any part of the report in relation item 4c during which any exempt information may be discussed. Members agreed to retire to a private room to avoid clearing the room of the press and public, if necessary.

#### **54. PUBLIC PARTICIPATION**

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

#### **55. PROCEDURAL POINTS**

The Council's Legal Officer spoke to clarify the procedure to be followed. He advised that the Committee would be considering 3 applications over the course of the meeting, all relating to the provision of retail floor space at Monks Cross. In view of the stand alone and cumulative impacts relating to each application, normal practices for debating and determining applications would vary slightly. The procedure would be as follows:

Application 11/02199/OUTM (Monks Cross Shopping Park) will be presented, together with speakers, questions and debate.

Application 11/02208/FUL (Monks Cross Shopping Park) will be presented, together with speakers, questions and debate.

Application 11/02581/OUTM (Land Including Huntington Stadium to the West of Jockey Lane, Huntington, York) will be presented, together with speakers, questions and debate.

Consideration of and debate on the cumulative impacts of all the applications.

Members to vote on application 11/02199/OUTM (Monks Cross Shopping Park outline).

Members to vote on application 11/02208/FUL (Monks Cross Shopping Park s73).

Members to vote on application 11/02581/OUTM (the Community Stadium).

## **56. PLANS LIST**

Members then considered 3 reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

### **56a Monks Cross Shopping Park, Monks Cross Drive, Huntington, York. (11/02199/OUTM).**

Members considered a major outline application by The Monks Cross Shopping Park Trust for the erection of additional retail floor space (class A1) comprising either extensions to existing stores, new buildings and/or new or extended internal first floors to existing stores. Alterations to car park lay out, landscaping

and associated highway works. Alterations to the planning controls for the existing and proposed retail units to allow a maximum unit size of 455sq.m, a maximum of 8 units less than 455sq.m, permit up to two large units (upto 4,645 sq.m net sales area) to sell a broader range of goods than simply bulky goods.

Officers provided an update including the following information:

- Paragraph 1.2, the floor area should read 29,408 sq.m.
- The number of objectors and supporters of the scheme had been updated the previous evening and there were now 1793 objectors and 42 in support. The comments in the letters of support and objection were similar to those précised in the committee report apart from a letter from Fenwick, a department store in the City Centre which included a technical advisory document from Turley Associates and expressed concern about the impact of the development on the Coppergate Centre.
- On the issue of objections, the applicants agent had raised concerns about the lack of reference in the committee report to the community feedback report produced in January 2012 which had highlighted support for the scheme.
- The transport reason for refusal had not been clearly worded and had been replaced (which can be found at the end of this minute item).

Representations were heard from 10 people in respect of this application and the following application putlined at agenda item 4b, as follows:

Phillip Crowe spoke in objection on behalf of York Tomorrow. He advised that the Castle Picadilly site had been in limbo for some time since the previous plans had been rejected. He argued that the approval of this application would affect the viability of the Castle Picadilly site due to the cumulative effect of out of town retail on the city centre.

James Owens of LaSelle Venture Fund, which is behind Castle Picadilly, spoke in objection. He stated that the Monks Cross applications mean a major increase in floor space and the removal of controls to allow a wider variety of goods to be sold. He advised that the city centre share of York's retail industry had already fallen and the Monks Cross developers had not

shown that the new shops cannot be accommodated in the city centre.

Paul Thompson the owner of Barnitts, a city centre store, spoke in objection to the proposals. He raised concerns about the offer of free parking at Monks Cross compared to expensive parking charges in the city centre.

John Haewood a local resident, spoke in objection. He raised concerns about the dip in trade in the city centre and urged Members to vote for a sustainable future for York, not unsustainable.

Colin Hall a local resident spoke in support of the application. He advised that it is important to bring investment and job opportunities to the City.

Andrew Collier from Indigo Planning spoke on behalf of the applicant. He stated that currently, the units at Monks Cross are not the correct size or configuration for many of the retailers as they are either undersized or oversized. There are concerns that some existing retailers will not sign a new lease. The application is primarily to provide more flexibility at the Monks Cross site to safeguard its future and jobs.

Tim Waring also for Indigo Planning spoke to advise that the timing of the scheme was unfortunate as it had come before Members at the same time as the Community Stadium application. He asked Members to consider that the application is modest and is being made to respond to current retailer needs. He outlined what was being sought including additional controls such as a cap on the maximum number of units to 31, a cap on food sales, mezzanines will be controlled by conditions and 4 further small units.

Councillor Hyman spoke as Ward Member for Huntington and New Earswick Ward. He advised that he had concerns about the application as 16 more car parking spaces over all was not enough and he was unhappy about the loss of trees.

Councillor Runciman spoke as Ward Councillor for Huntington and New Earswick Ward. She raised concerns about the likely increase in traffic if Monks Cross is expanded and the impact on local residents. She had particular concerns about patrons of Monks Cross blocking residents driveways.

Members questioned the applicant and the registered speakers and commented on aspects of the application including:

- Phillip Crowe was asked to clarify exactly what his group would like to see happen at Castle Piccadilly. He confirmed that the York Tomorrow group would like to see a major public amenity on the site and in regard to his objections to past proposals the large size and scale had been an issue not the commercial development aspect.
- Members discussed the proposed financial contribution from the applicant towards transport arrangements, in particular the arrangements for a bus service to Monks Cross from residential areas and villages.
- It was queried whether the applicant expected to attract smaller retailers. It was confirmed that existing Monks Cross retailers are keen to downsize their units rather than create smaller units for the purpose of attracting smaller retailers. The aim was to retain existing stores.
- Some Members queried why the applicant had a different opinion on what can be done on the site under current conditions relating to maximum units and floor space to that of Planning Officers and drew attention to pages 41 to 46 of the report which outlined the fall back position (i.e. what the applicant could do without planning permission). Officers confirmed that discussions had been ongoing with the applicant in relation to the proposals put forward and permitted development. The applicant had offered various amendments but had chosen to have the scheme determined as submitted.

Members moved into debate and made the following comments:

- Opponents to the scheme are 'over egging' their case and it should be acknowledged that the people of York shop in both the City Centre and Monks Cross.
- Some Members felt that the application was not sustainable due to the majority of people accessing the site by car.
- It was considered by some Members a difficult application to consider when the plans in the committee report no longer reflect what is being asked for by the applicant on the day.
- Some Members commented that they could see both sides of the arguments put forward by the speakers. Although there would be an impact on the city centre they

felt that York also has to progress to compete with new developments in nearby cities such as Leeds, Sheffield and Newcastle.

- Members commented it would be useful for a revised application to come before them at a later date so Members can fully understand the changes being proposed.

Following consideration of the cumulative impact of all 3 applications on the agenda, refusal was moved and seconded. Following a vote it was resolved that:

RESOLVED: That the application be refused.

REASONS: 1. Retail floor space in an out-of-town location, together with amendments to existing planning controls to allow the introduction of additional smaller units and creation of 2 large units selling an unrestricted range of goods, is unacceptable by virtue of its impact on the ability to secure investment in vacant buildings and spaces in the city centre and particularly the Castle Piccadilly site, which in the opinion of the Local Planning Authority is suitable and available for development. It is also considered that the development will have significant adverse impacts on planned investment in, and the vitality and viability of, the city centre. The proposed development is therefore contrary to advice within the National Planning Policy Framework published on the 27<sup>th</sup> March 2012; the objectives set out in of the City of York Core Strategy Submission (publication version 2011) in particular policies SP1, SP3, CS2, CS3, CS4, CS15 and CS17 and policies SP7b, SP9, SP10, S1, S2 and YC1 of the Development Control Local Plan (approved for development control purposes April 2005).

2. It is considered that the adverse effect on investment and employment in the City Centre that would result from the development would not be outweighed by employment generated on site by the development. In addition the development represents a sequentially unjustified expansion of out of town shopping, contrary to national and local planning policy; maintains unsustainable travel choices; and hinders the promotion of fairness and inclusion through the enhancement of out of town facilities to the detriment of investment in the city centre. Overall the development does not achieve sustainable solutions in an economic, social or environmental context and is therefore contrary to the advice within the National Planning Policy Framework, which requires such dimensions to be taken into account in assessing the sustainability of development, and the aims and objectives set out in of the City of York Core Strategy Submission (publication version 2011).

***3. The application relies on a proportionate increase in the use of sustainable modes of transport by visitors to the development site in order to minimise the vehicular impact of the development in terms of traffic generation and car parking demand. The site is not currently served by direct high frequency public transport services from areas of the city where demand will be generated. It is not considered that such an uplift in public transport use can be achieved solely through implementation of the submitted framework travel plan. The funding to provide the required additional or enhanced public transport to enable***

*this would only be achieved either through the implementation of car park charges, (a proportion of which will be ring-fenced to sustainable travel initiatives) or the payment of a sufficient contribution. The increased offer that would be available at the destination would draw custom from a wider area and given the lack of viable and realistic sustainable travel alternatives lead to a greater reliance on the private car. Furthermore the application proposes to remove an insulated public transport corridor in order to increase the level of car parking available, placing the emphasis on increasing the availability of car parking over the need to improve other transport links including improvements the remaining insulated public transport corridor and consideration of the provision of appropriately designed cycle hubs. The proposed development is therefore considered contrary to advice within the National Planning Policy framework published on the 27<sup>th</sup> March 2012, in particular paragraphs 32 and 34 to 37 and the objectives set out in section 15 of the City of York Core Strategy Submission (publication version 2011) and supporting documents including the Local Transport Plan approved by the Council on the 7<sup>th</sup> April 2007 and SP7a of the Development Control Local Plan approved for development control purposes April 2005.*

Members considered a major full application by The Monks Cross Shopping Park Trust for the variation of condition number 3 of approved application 3/66/650K6/61/207g (original outline permission for Monks Cross Shopping Park) to reduce the minimum unit size to increase the net sales area for two units and to restrict the amount of food sales.

Officers provided an update, including that the number of objectors and supporters of the scheme had been updated at 4pm the previous day and the figures were now 1367 objections and 13 in support. The comments received mainly reflected those already detailed in the committee report, however, a late letter of objection had been received from Fenwick's department store which also included a technical advisory note from Turley Associates detailing concern about the impact on Castle Piccadilly. Officers also advised that there was an error in the report as the conclusion to the report on page 119 refers to the wrong paragraph numbers, the relevant paragraphs being 3.130 – 3.142.

Members queried the Statement of Community Involvement which had highlighted support for the scheme and the previous related application. Officers read out the summary of findings, in particular that the local residents questioned had indicated they were mainly in support, with traffic impact being the main reason for objections.

Members had no further comments or queries due to covering them in the previous item which was closely linked to this application.

Following consideration of the cumulative impact of all 3 applications on the agenda, it was moved that the application be refused, this motion was seconded. Following a vote it was resolved that:

RESOLVED: That the application be refused.

REASON: 1. The introduction of additional smaller units and creation of 2 large units selling an unrestricted range of goods is unacceptable because the proposed development will impact on the ability to secure investment in vacant buildings

and spaces in the city centre, and particularly the Castle Piccadilly site which in the opinion of the Local Planning Authority is suitable and available for development. It is also considered that the development will have significant adverse impacts on planned investment in, and the vitality and viability of, the city centre. . The proposed development is therefore contrary to advice within the National Planning Policy framework published on the 27<sup>th</sup> March 2012; the objectives set out in of the City of York Core Strategy Submission (publication version 2011) in particular policies SP1, SP3, CS2, CS3, CS4, CS15 and CS17 and policies SP7b, SP9, SP10, S1, S2 and YC1 of the Development Control Local Plan approved for development control purposes April 2005.

2. It is considered that the adverse effect on investment and employment in the City Centre that would result from the development would not be outweighed by employment generated on site by the development. In addition the development represents a sequentially unjustified expansion of out of town shopping, contrary to national and local planning policy; maintains unsustainable travel choices; and hinders the promotion of fairness and inclusion through the enhancement of out of town facilities to the detriment of investment in the city centre. Overall the development does not achieve sustainable solutions in an economic, social or environmental context and is therefore contrary to the advice within the National Planning Policy Framework, which requires such dimensions to be taken into account in assessing the sustainability of development, and the aims and

objectives set out in of the City of York  
Core Strategy Submission (publication  
version 2011).

**56c Land Including Huntington Stadium to the West of Jockey Lane,  
Huntington, York. (11/02581/OUTM).**

Members considered a major outline application by Oakgate (Monks Cross) Limited for a mixed use development comprising of the demolition of existing buildings and the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5) recreation and amenity open space, with associated vehicular access roads, car parking, servicing areas and hard and soft landscaping.

The Director of City Strategy spoke to provide guidance to Members, he reminded them that the application is of an unusual nature and many aspects of the application are unacceptable in planning terms but the package of benefits expected to be secured from the stadium is significant. He advised that if Members consider the harm to outweigh the benefits then the application should be refused, or to approve if this is not considered to be the case. The committee report was intended to provide appropriate guidance to assist members in their deliberations.

Officers provided an update including the following information:

- Since the committee report was finalised and circulated to members a number of consultation responses had been received, including one from Hugh Bayley MP which had been circulated to Members prior to the meeting and is attached to the online version of the agenda for public viewing.
- Marks and Spencer had submitted a further letter outlining their intention to prioritise additional investment in their Parliament Street store should the Monks Cross development go ahead.

- The non-determination notice issued by the Highways Agency as mentioned in paragraph 2.80 of the officer report had now been lifted following a further formal response received on 15<sup>th</sup> May 2012.
- The Highways Agency have issued a TR110 direction which asked that if the application is granted then the conditions set out within the TR110 should be included.
- Paragraphs 2.97 and 2.98 of the Committee report refer to the number of letters received in objection and support. As at 4pm on the 16<sup>th</sup> May the totals stood at 2,967 in support and 2,405 in objection. Due to the volume of letters and emails received Members were asked to be aware that they had not been checked for duplication and that the comments were similar issues to those referred to in the committee report; however a late letter had been received from Fenwick with a technical advisory document from Turley Associates in addition to expressing the same general objections to the scheme about the impact of the development on the Coppergate Centre.
- There was an error in the committee report at paragraph 3.214 (page 199 of the agenda). The final sentence of this paragraph had a word missing and should of read 'This would not provide for the increase in direct bus services that are considered appropriate to the scale and attraction of Monks Cross as a primary destination'.

Representations were heard from 35 people in respect of this application as follows:

Former City of York Councillor, Roger Pierce, spoke in objection to the application as a concerned resident. He advised Members that the original stadium had been intended to provide a solution for the struggling Rugby Club but this had not proved to be the case. He pointed out that York City Football Club were also suffering from low attendance figures and suggested that the new stadium proposals were a re-run of history.

Alistair Andrew spoke on behalf of the York Chamber of Trade in objection to the application. He stressed that under normal circumstances this application would be refused as it could not be classed as sustainable development under National Planning Policy Framework. He agreed with concerns that trade would be lost from the city centre and stated that the development would be inaccessibly located for many York residents.

James Owens, of the Castle Piccadilly developers, LaSalle Venture Fund, acknowledged that York City Football Club was struggling financially and that a new stadium was important for the Club's survival, but reminded members that this was not a matter for their consideration. He stated that the development would lead to traffic problems, and would mean the loss of an employment site. In addition, the scheme would take millions of pounds away from the city centre every year and would mean the out of town retail market share would exceed that of the city centre. He added that, if approved, it would put both the Castle Piccadilly and York Central Schemes at risk.

Nick Eggleton of the Campaign4York, spoke in opposition to the plans. He stated that the costs of refurbishing Bootham Crescent were exaggerated and that York City Football Club were now only able pay a small amount of what they had originally committed to paying towards the new community stadium. He argued that the stadium business case was flawed raising concerns over the low level of contingency funds, issues around VAT, lack of cumulative assessment and weak mitigation. He warned Members that if they approved this application, the Council would be blamed for future problems arising from this scheme.

Andy Shrimpton, a local businessman, told Members that York was a great place to live and work, with its compact geography attracting people and businesses to settle there. He stated that there were a number of large development sites vacant within the city and urged the Committee to reject these proposals.

Phillip Crowe, of York Tomorrow, stated that he did not object to the proposals to build a stadium but was unconvinced that all other avenues for funding a stadium had been explored. He questioned whether the council had a contingency plan for the development of the site if the applicant was to pull out. He explained that if the Oakgate proposals were refused, Castle Piccadilly could proceed, but if approved, Castle Piccadilly would be abandoned. He urged Members to defer this application in order to allow for an outline application on the Castle Piccadilly development to be submitted.

Peter Brown, Director of York Civic Trust, advised that in normal circumstances the officer recommendation would be to refuse this application as it conflicts with National Planning Policy Framework and fails to meet York's sequential test for where

new shops are to be built. He warned Members against departing from national planning guidance stating that a “yes” vote would lead to the emerging Local Development Framework being thrown out as unsound. He reminded Members that it is the listed buildings in the city centre which provide the ambience which makes York so special.

Denise Craghill, of York Green Party, stated that, even if the benefits of a community stadium were sound and deliverable, the harm which would be created would be too great. She advised that the proposals would undermine the efforts to reduce congestion and promote sustainable transport in York. She reminded Members that millions of pounds of officer time, as well as residents’ time, had gone into developing policies which would be undermined if these proposals were approved.

It was reported that Kate Lock of the Environment Forum had not been able to attend the meeting to speak, but that the Environment Forum had submitted comments as part of the consultation exercise.

Richard Lane, of Friends of the Earth, informed Members that traffic congestion was the biggest barrier to economic growth stating that out of town shopping was designed for car owners. This proposal would create 9000 additional car manoeuvres on a Saturday and many more on a match day. He warned that City of York Council may face legal action regarding air quality management areas. In respect of the future of York City Football Club, he expressed the opinion that people will not want to travel further to attend matches and that those supporters from outside York who currently travel to York by train and walk to Bootham Crescent would decide to make the whole journey by car to Monks Cross.

Martin Skilbeck, a resident of New Earswick agreed that the main concern was that of traffic. He reminded Members that there was already regular congestion on the ring road stating that both Huntington and New Earswick roundabouts were not fit for purpose. He told members that the significant volume of delivery vehicles and shoppers and staff transport would exacerbate the current problems.

Mike Fisher, a local business owner, raised concerns about the proposed change of use from office to retail stating that there was a high demand for office space. He added that, if approved,

it would have a negative impact on York city centre as it would deter inward investment in the Castle Piccadilly Scheme. He raised concerns that the draft Economic Strategy contradicted the LDF Core Strategy.

Adam Sinclair, of Mulberry Hall, spoke on behalf of the York Chamber of Trade. He stated that York has a beautiful world class city centre which provides the bedrock of reliance from the current and future recessions and that the proposals would be both damaging and disastrous. He warned the Committee that if we get this wrong, the best national and international brands and investors would not come to York city centre but would leave York behind.

Neil Wilson, Assistant Director of Strategy and Planning at NHS North Yorkshire and York spoke in support of the plans. He advised Members that the stadium plans included provision for the hospital, separately and in conjunction with York St John University, to provide community health services including physiotherapy and staff training in high quality premises. It would provide scope for working collaboratively with partner organisations to share skills and resources.

Janice Dunphy, who runs Creepy Crawlies Adventure Play Park, told members she was passionate about children's play. She advised Members that she had worked in partnership with the University of York on pioneering research into play and how play has positive benefits for children with obesity, dyspraxia and other problems. She stated that the community aspects of the stadium would help York to pioneer new approaches to play for children.

Professor Howard Hall, Professor of Sport and Exercise Psychology and Chair of Sport Related Subjects at York St John University, representing Active York, stated that the stadium should be viewed as a once in a lifetime opportunity to support local sports clubs. It would help achieve the aims set out in the City of York Sport and Active Leisure Strategy as it would act as a central hub providing facilities which would promote exercise in York and offer the opportunity to achieve an integrated approach.

Peter Vaughan spoke as a local resident, in favour of the application stating that in less than two years time, York could

have a fit for purpose stadium on a site which had been selected by the Council. It would provide extra jobs, including construction jobs, for local people. He advised Members that to suggest that the proposals would damage city centre trade was nonsense.

Former City of York Councillor, Steve Galloway, spoke in support of the application having been involved in the project between 2003 and 2010. He agreed that for YCFC there was no option but to move to a new stadium. He noted the two main issues with the application were the location and method of funding. He acknowledged concerns regarding the effect these proposals would have on the city centre but pointed out that Monks Cross was only 2 miles out of the city centre. He advised that York could be marketed corporately stating the real competition was not between Monks Cross and the City centre but between York and Leeds.

Ian Yeowart, owner of F1 Racing which is based at Monks Cross, spoke in support of the proposals. He explained that he had formerly been chairman of Chesterfield Football club, who had been in a similar position to YCFC and had moved from their old ground to a new stadium by the town's bypass and their attendance figures had increased by 50% due to the move. He stated that York was two years behind Chesterfield but that the parallels were remarkable. He reminded Members that the proposals were only for two shops, which could not be accommodated in the city centre, and not a whole new shopping centre.

Jason McGill, Chairman of York City Football Club (YCFC) advised Members that since 2009 they had made 4 appearances at the new Wembley stadium including the previous Saturday when they won the FA Trophy and hoped to win promotion to the football league at Wembley that Sunday. This had helped achieve media coverage for both the city and the club. He explained that the club attracted the largest regular gathering of people in York with around 3000 people attending a match and the club was just as important culturally as theatres, galleries and museums. He stated that the new community stadium would be owned by the City of York Council which would ensure its long-term survival. He explained that the move to a new stadium would mean the loan to the club would be converted to a grant and the club would be able to reduce their costs, increase income and continue as a business.

Sophie Hicks, YCFC Communications and Community Director, spoke in support of the proposals. She stated that this season, players had attended 70 community events and were role models in the city. She explained that the community team interacts with thousands of youngsters from around York by offering football fun camps, football development centres and by using football to tackle problems such as bullying. She explained that their work was currently limited due to antiquated facilities, and a lack of disabled access, but a move to the new stadium would enable the club to offer new initiatives and broaden engagement with local communities.

Frank Ormston, of the Minstermen Supporters Club, advised the committee that remaining at Bootham Crescent was no longer an option for the club therefore it was either a move to Monks Cross or nothing. He stated that all three sports clubs were part of the York Community.

Neil Hunter, Chair of the City of York Athletic Club, read out a statement from the club. He explained that the club provided facilities for track and field athletes and provided training and support for all abilities. This included delivering taster sessions in local schools as well as developing professional athletes. He said that this would not be possible without a new community stadium and the development was critical for the future of athletics in York.

Susie Cawood, Head of York and North Yorkshire Chamber said that the debate was about York showing the world it is a modern dynamic city which is open for business, open for investment and open for economic growth. She acknowledged that York's heritage was an asset to the city and stated that people would not stop visiting the city centre due to new development at Monks Cross but that the development would attract new visitors away from Leeds and Sheffield. She asked Members not to see it as Monks Cross against the city centre but about York working together.

Neil McClean of the Leeds City Regional Local Enterprise Partnership (LEP), the strategic body charged with promoting economic success for the whole region and the cities within that region, confirmed that the application endorses and supports the key objectives of the LEP.

Richard Wood, spoke on behalf of the applicants, Oakgate, and advised Members that he had been involved in many projects in York city centre which demonstrated his commitment to and passion for the city centre, but explained that he was also interested in development in York as a whole. He confirmed that this project could be delivered and could proceed now and was a once in a lifetime opportunity for York.

Paul Irwin, a transport consultant, acknowledged that the proposals would impact on the local infrastructure but stated that the level of impact had been overstated. He assured Members that the analysis which had been undertaken had been rigorously scrutinised. He reminded Members that the transport budget could be spent as City of York Council decides, The Park and Ride site could be expanded to provide a further 400 spaces. Evidence demonstrates that that the proposals do not demonstrate a unreasonable level of harm and are therefore acceptable according to paragraph 32 of the National Planning Policy Framework.

Daniel Brown, a retail planning consultant, advised that the proposals would not have an significant long term impact on the vitality and viability of the city centre. He said that the proposals would lead to an additional £50m being spent in the York area which would boost York's economy and although there would be an initial short term loss in turnover in the city centre, the city centre would recover from this within two years.

John Handy, representing Marks and Spencer, advised that the firm's model of a city centre store and an out of town store had worked well in Cities such as Leicester and Bournemouth. Should the application be approved, Marks and Spencer would commit to a refurbishment of the Parliament Street store in order for it to be as attractive to shoppers as the new store at Monks Cross. He stated that the Stadium development would enable York to compete with other nearby Cities as a shopping destination such as Leeds and Sheffield.

Andrew Mills, representing John Lewis advised that the firm is keen to acquire a large store in York and would be long term investors in the local economy, working with local agencies to recruit local unemployed people. He stated that there were no City Centre retail opportunities available and although he was aware of the Castle Piccadilly site, to date, nobody from LaSelle

Venture Fund had approached John Lewis to engage them in talks. Monks Cross is the only option for John Lewis and York.

Paul Rogerson, an Architect, spoke on behalf of the applicants. He advised that the scheme has two elements, the retail and the stadium, but is a much sought after development, with the Stadium in particular bringing long term benefits to York. He stated that it was important to have a good Section 106 agreement in place.

Sally Burns, the Director for Communities and Neighbourhoods at City of York Council spoke to highlight the benefits for sport and health in the City. She stated that there are 3 critical issues surrounding the scheme. Firstly the clear need for a stadium in York, secondly the financial position of the clubs and thirdly, the community benefits.

Councillor James Alexander, the Leader of the Council, spoke in support of the scheme. He acknowledged that it was York's biggest decision for years and important for the people of York, many of whom follow local sport. The previous Council administration had settled on the site for a stadium and he had been involved in discussions since 2010. He advised that Monks Cross was the only sustainable and financially viable option and that there was a lot of support for the scheme.

Councillor Keith Hyman spoke as Ward Councillor on behalf of residents and the other Ward Councillors for Huntington and New Earswick Ward. He advised that generally there was no objections to a Stadium from the local residents, but they had raised concerns about the traffic impacts of the scheme and asked that if the application be approved, sufficient safeguards are put in place to support the Stadium. He was pleased to see a new community facility and the subsequent increase in jobs and commented that it would be a boost for the City.

Councillor Ian Gillies, the Leader of the Conservative Group spoke to advise that although he supports the sports clubs in the City, he had concerns about the impact on the City Centre and the business case for the proposal which he felt was not robust enough. Until the business case is satisfactory he felt that the proposal should not go ahead.

Councillor Dave Taylor of the Green party, spoke to advise that he feels the application is contrary to local and national policies.

He questioned the sustainability of the scheme and in relation to 'enabling development' he queried whether other forms of development such as housing, might be more suitable for Monks Cross. He also raised concerns about the impact on the City Centre.

Members questioned the applicant, the registered speakers and commented on various aspects of the application including:

- The applicant was asked to outline details of any Community Consultation that had taken place. It was confirmed that there had been a number of community consultation events since June 2011, including an event at Huntington Stadium and at a hotel in the City Centre. These events had been promoted in advance including media coverage and letters to local residents. Representatives of the applicant had also attended Parish Council meetings. A further event had taken place in March 2012 which had included updated details of the scheme. The events had been well attended and indicated support with 78% of attendees in support.
- Further details on the origins of the Monks Cross development were sought by Members and clarified by Roger Pierce, a former employee of Ryedale Council, who was involved in the original planning application.
- Clarification was sought from The Head of Integrated Strategy on the impact on the Local Development Framework. Members were advised that there could be some impact on the City Centre in terms of trade diversion and loss of market share and therefore further technical work would be required on the LDF.
- Members also queried paragraph 2.16 of the committee report which stated that the site is allocated for employment uses in the LDF and asked how many other sites there currently are in York. Officers confirmed that other employment sites are available but they would need to ensure a sufficient supply of employment land not including the Monks Cross site.
- Representatives of York City FC were asked to clarify what it would mean for the Clubs community work if the application did not go ahead. It was confirmed that the Youth Policy including the current work with socially deprived youngsters would cease in order to cut costs.
- Aspects of the business case were queried, in particular what would happen if the Football Club ceased to be

financially viable and the level of responsibility the Council would have for it as a consequence. Offices confirmed that the impact on the Council would be minimal. The Chairman of York City FC was also asked to explain the current situation with the existing ground, Bootham Crescent.

Members moved into debate and made the following comments:

- Whatever is decided today, the Committee will be judged in the future and has to base the decision on what is right for York. There are negatives including the impact on the City Centre although there has been an overstating of the case.
- Reasonable arguments for and against have been put forward and the difficult decision was highlighted by the Chambers of Trade and Commerce having opposing views. Comments regarding the Castle Piccadilly site have been a little exaggerated. Although the City Centre share of the retail economy has dipped, figures show that footfall and the number of visitors have increased showing the resilience of York's economy.
- Supporters of the scheme who had spoken at the meeting were commended as some Members felt that for too long only opponents to big schemes had come forward. Many opponents of the scheme had tried to scaremonger but the application should be supported as it will not be as detrimental to the city centre as the opponents like to believe.
- People have predicted in the past that large projects will harm York but they have not. Retailing in York has to evolve if it is going to rival nearby cities.
- Certain Members commented that if the application was solely for a Stadium then they would be in support, but the shopping element goes against the Council's planning strategies and policies and a 'yes' vote would undermine the Council in future when dealing with other applications.
- If the stadium was not attached to the proposal then Officers would have recommended refusal due to sustainability. The majority of residents would like to see a John Lewis in York but Councillors have a responsibility to develop the City and there are questions how we will move forward with sites such as York Central and Castle Piccadilly should this application be approved.

- The benefits of Oakgate's plans outweigh the disadvantages. There is a danger that York will be left trailing by new developments in Leeds if this is not approved.
- Residents want to see more jobs, better transport and better health facilities and this application would provide that. Not everybody resides within the City walls in York and Members have to act in terms of the City as a whole.
- The Stadium can not be funded by the Council alone and the scheme is a sensible one. The City centre is a unique attraction in its own right and will not suffer as a result of this being approved.
- The Council had been asked to take a gamble on the future of York City Centre and it is important to do everything to preserve the City. The traffic issues and location are too much of a problem.
- Some Members expressed disappointment that some Members who have been involved in the Local Development Framework Group seem to have forgotten its importance by going against policies. Out of town shopping is no longer correct for York.
- The size of the retail poses a problem and Members are being asked to change the use of land, double the retail space. However, there is a clear need for a Stadium and the application is a good credible solution. The City needs to change and expand and the scheme should be supported.

Members considered the cumulative impact of all 3 applications on the agenda. Approval of the application was moved and seconded. Following a vote, 11 Members voted for approval and 4 against. However, Members asked that the conditions and heads of terms of the Legal Agreement be brought to the committee meeting on 23<sup>rd</sup> May for discussion and approval.

Therefore it was resolved:

RESOLVED:	That Committee is minded to approve the application subject to prior agreement of conditions and terms of Section 106 agreement obligations at the Planning Committee on 23 <sup>rd</sup> May 2012,
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and referral of the application to the  
Secretary of State.

CLLR L CUNNINGHAM-CROSS, Chair  
[The meeting started at 10.00 am and finished at 6.45 pm].