

Meeting	Planning Committee
Date	22 January 2015
Present	Councillors Horton, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Funnell, Reid (Chair), Simpson-Laing, Watt and Warters
Apologies	Councillors Crisp

37. Site Visits

Site Visit	Reason for Visit	Members Attended
4a B&Q	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King, Reid & Warters.
4b Former Del Monte Site	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King, Reid & Warters.
4c&d St Leonards Place	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King, Reid & Warters.
4e Hagg Lane Dunnington	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King Reid & Warters.

38. Declarations of Interest

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

Councillor Watt declared a personal and prejudicial interest in agenda item 4b as he had been present when the applicant presented to the community as Chairman of Skelton Parish

Council. The Parish Council had also submitted a response to the application. He confirmed he would stand down for the agenda item and speak on behalf of Skelton Parish Council.

39. Minutes

Resolved: That the minutes of the last Planning Committee held on 18th December 2014 be approved and signed by the Chair as a correct record.

40. Public Participation

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

41. Plans List

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

42. B&Q, Osbaldwick Link Road, York, YO10 3JA (14/00924/FULM)

Consideration was given to a major full application by B&Q and Sainsbury's Supermarkets Ltd for the use of a premises as a retail food store with external alterations including the reconfiguration of the shop front, canopy, installation of a new customer cafe and associated toilets, installation of ATM's, removal of an existing garden centre and builders yard and the reconfiguration of site access and customer car park.

Officers provided an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- 681 individual cards had been received raising objections to the proposals on traffic and impact on local traders.

- An additional letter of objection had been received from Morrisons Supermarket which raised concerns about the way their comments had been précised in the committee report. Their comments were elaborated on in the update.
- Condition 8 be removed and replaced with Environmental Protection Service conditions on acoustic barrier, lighting impact, delivery times, service yard and electric charging points.
- Amended condition 13 relating to a bio mass boiler.

Members asked officers a number of questions on the committee report as follows:

- Clarification on the delivery times. It was confirmed that deliveries would be conditioned to take place between 05:00 and 24:00. Previously there had been no restrictions on delivery times to B&Q.
- If the site would be accessible 24 hours a day. It was confirmed that it would be.
- Some Members queried deliveries at night time and the operation of the cash machines 24 hours a day and whether acoustic fencing as a barrier would be sufficient. It was confirmed that Officers felt this would be sufficient.

Johnny Hayes had registered to speak on behalf of Bishopthorpe Road Traders Association. He advised that originally he was going to speak on behalf of Bishopthorpe Road Traders only but having spoken to a lot of independent traders in other areas of York he was now speaking more broadly. He referred to the lack of a Local Plan in York which as a result meant that there was no protection to neighbourhood areas and therefore no importance was being given to local shops. He felt that the number of superstores in York was excessive and local shops were bearing the impact. He urged members to reject the application.

Isobel Waddington spoke on behalf of Murton Parish Council. She raised concerns about the impact of landscaping and lighting at the site on local residents. She also referred to the impact of traffic in the area and motorists using Murton as a short cut to reach the store if Hull Road is grid locked. She asked if it would be possible for Sainsbury's to pay for traffic calming measures in Murton.

Graham Kennedy spoke on behalf of Local residents in objection to the application. He referred to 1,800 signatures which had been collected against the petition and raised concerns about the impact on traffic, the retail impact and the unsustainable location of the site.

Sue Smales, Sainsbury's Town Planning Manager, spoke on behalf of the applicant. She advised that as well as objections, there had been a lot of support for a supermarket at the site. In relation to B&Q, they would be leaving the site irrespective of the application. 400 jobs would be created, with a third being full time. In response to concerns raised about traffic issues she referred to the highways scheme as agreed with the Council's officers and Sainsbury's own traffic consultants. It was also confirmed that the recycling facilities would need to stay in the place identified in the plans. In relation to the cash machines it was confirmed that there were no plans to make them inaccessible after the store closes.

Members entered debate and made the following comments:

- Although some Members were sad to see B&Q vacate the site, a lot of the objectors concerns about another supermarket in York related to concerns about retail competition which could not be taken into account as a planning matter.
- Members agreed that there would be an impact on traffic in the area and that traffic issues were the only planning matter on which the application could potentially be refused but as the Councils highway officers were happy with the scheme they had to accept the advice of officers.
- Some Members questioned the need for the cash machines to be accessible after 11pm when the store will be closed and considered that they could be shuttered off. Discussion took place regarding the addition of a condition to ensure the cash points are inaccessible once the store is closed.
- Members acknowledged there was strong feeling in the local community against the application but also a considerable amount of support for it.

Councillor Galvin moved the recommendation with an additional condition to ensure the cash machines are closed when the store is closed. When put to the vote it was a 8 votes for 8 against. The chair used her casting vote and the amendment was lost.

Councillor Horton moved the officers' recommendation and Councillor Simpson Laing seconded. When put to the vote this was carried 12 votes to 4.

- Resolved:
- (i) That the application be deferred pending referral to the Secretary of State.
 - (ii) That Officers be delegated to approve the application if the Secretary of State does not call in the application for his own determination, subject to the conditions outlined in the committee report.

Reason: The site is identified as a being within the built up part of York in the DCLP proposals map. The site is a developed site which has a long term retail use and although this is restricted to bulky goods the existing development is a material planning consideration.

The NPPF requires that a sequential and impact test be applied to town centre uses that are not in a centre. The DCLP is becoming dated in some respects nevertheless the general thrust of policies within it support the NPPF position of town centre first. The emerging plan is not sufficiently far advanced to be a material planning consideration. The retail background documentation which was published in October 2014 does not yet have its addendum available which will identify the extent and number of neighbourhood centres that are to be protected through emerging policies.

Therefore no weight can be attached to the policies in the emerging plan in so far as they relate to the identification of local centres and neighbourhood centres (in accordance with Annex 1 of the NPPF).

The Council's retail planning consultants WYG on behalf of Integrated Strategy say that the proposal will not have significant adverse

impacts on the city centre or the defined centres of Acomb or Haxby.

Highway Network Management have reviewed the submitted transport assessment and have concluded that the proposal will not create residual cumulative impacts on the highway network that are severe in accordance with relevant paragraphs in the NPPF.

It is considered that the economic, environmental and social gains proposed within the development represent sustainable development as set out in paragraph 7 of the NPPF.

Therefore in addressing the other material considerations it is concluded that the site is already developed, is within the built up area of the city, can be accessed by sustainable means, will not create residual cumulative impacts on the highway network that are severe. It is also concluded that the proposal includes appropriate design and landscaping for the building, will not impact on the residential amenity of adjacent properties and is a sustainable form of development in the context of paragraph 7 of the NPPF.

In the absence of any harm being identified that significantly and demonstrably outweighs the benefits the application for a new supermarket at the B & Q site is supported. The proposal is considered as a whole to accord with the NPPF subject to appropriate conditions.

The application will need to be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009. (Circular 02/2009)

43. Former Del Monte, Skelton Park Trading Estate, Shipton Road, Skelton, York (14/01478/OUTM)

Consideration was given to a major outline application for a residential development for up to 60 dwellings.

Officers reported that there was no update to the committee report.

Councillor Watt spoke as Chair of Skelton Parish Council. He advised that a public meeting had been well attended and that in general, residents were not opposed to the site being developed and welcomed additional housing in the village. The main concern is crossing the A19 and while a reduction in the speed limit to 40 mph was welcomed, the Parish Council and residents would like a condition adding to the approval to ensure a pelican crossing and/or traffic lights are incorporated into the scheme.

Sophie Taylor spoke on behalf of the applicant. She advised that there was no interest from the Council in using the site for economic development and subsequently, following discussions with officers, it was agreed it could be used for residential development. The site would contribute to affordable housing targets. In reference to the highways issues raised by Councillor Watt she advised that the measures proposed were in line with guidance and the Councils highways Officers were satisfied with the proposals.

Members agreed that while they welcomed the development, not having a pedestrian crossing in place on the busy road was not acceptable, particularly for elderly or disabled people trying to cross the road.

Officers advised that at this stage, the Council was seeking a contribution and a package of highway works had been negotiated and would be secured through the section 106 agreement. This could be looked at again, but would be limited by costs.

Resolved: That the application be deferred.

Reason: To reconsider the feasibility and safety of a signalised pedestrian crossing of the A19.

44. 1-9 St Leonards Place, York, YO1 7ET (14/02091/FULM)

Consideration was given to a major full application for a residential development including the conversion of existing buildings, construction and demolition to form 29 apartments, 5 town houses and 6 mews houses including 2-4 Museum Street.

Officers circulated an update to the committee report, suggesting amendments to a number of suggested conditions. Full details are attached to the online agenda for this meeting.

Mark Finch, the developer, spoke to advise that he had been grateful for the input from Officers and for the opportunity to reinstate the buildings to residential use. The development would revitalise the area and he was committed to moving the scheme forward.

Members queried a number of points, in particular how the windows would be refurbished taking into consideration the busy road outside of the buildings. The applicant confirmed that the windows would be refurbished in line with the character of the building but would also have acoustic glazing.

Resolved: That the application be approved subject to the conditions outlined in the committee report and the officer update.

Reason: The site contains a number of designated and non designated heritage assets. St Leonard's Place and Museum Street are vacant, as is the former stable block. The buildings are important individually as Grade II and II* listed structures as well as significantly contributing to the character of this part of the City Centre within the Central Historic Core Conservation Area, the stable block forms part of the City walls Schedule Ancient Monument. Maintaining an active use for these buildings is considered of utmost importance. The scheme preserves the character and appearance of the Conservation Area and the setting of the heritage assets on and around the site.

Due to the relocation of Council Services to West Offices there is to be no loss of office accommodation in real terms as a result of the proposed change of use. The buildings were originally built as individual houses (with a library and a club) and do not offer the type of office accommodation which is now considered desirable , buildings cannot easily be adapted to meet modern office standards or requirements . The proposed development would retain the important character of the buildings whilst providing a new active and sustainable use, and safeguarding their long term future.

For the reasons outlined in the committee report, the application is recommended for approval subject to a S106 Agreement securing contributions in respect of open space, sustainable transport way-finding/archaeology ad affordable housing.

45. Listed Building Consent - 1-9 St Leonards Place & 2-4 Museum Street, York (14/02104/LBC)

Consideration was given to a Listed Building Consent application for internal and external alterations including the conversion of existing buildings, construction and demolition to form 29 apartments, 5 town houses and 6 mews houses, including 2-4 Museum Street.

This item was taken in conjunction with the related agenda item 4c.

Resolved: That the application be approved.

Reason: The 11 principal buildings are of high aesthetic and historic value and, in spite of their previous adaptation for use as offices, the original layouts and details can be enjoyed and understood. The former coach house/stables is mainly of evidential value.

The buildings have been empty for over 18 months and they appear neglected and "at risk". Current proposals would secure a viable future and offer a range of dwelling types with potentially 24hr occupation at the heart of the "cultural quarter" which is otherwise quiet at night.

The majority of internal alterations would conserve the special architectural and historic interest of the interiors, though the challenges of converting and upgrading the larger buildings into flats have resulted in loss of some spatial quality in a few instances (as identified above). In these cases the new interventions have been introduced so that they are capable of being reversed and details of inserted elements have been designed to compensate for some loss of historic legibility.

Removing the large scale uncharacteristic C20th extensions would enhance the rear elevations and enable small gardens/yards to be recreated. The new boundary onto Library Lane would be infilled with mews style apartments above garages. The new buildings would preserve the dominance of the terrace in views and enhance their immediate setting to the rear.

Proposals would also safeguard the exceptional architectural and townscape interest of the buildings within the Conservation Area. As such the application is recommended for approval, subject to conditions detailed above.

**46. Hagg Lane & Common Road, Dunnington, York
(14/02284/FUL)**

Consideration was given to a retrospective application for the construction of a gravel surfaced car park and change of use of the land to 2 new playing pitches with siting of a portable changing room building.

Officers reported that since the committee report was published there had been an amendment to suggested condition 3 relating to the car park resurfacing. Full details are attached to the online agenda for this meeting.

Duncan Griffiths had registered to speak as Chairman of Dunnington FC. He advised that the football club had expanded in recent years, hence the need for new pitches, and the expansion of the car park had enabled Costcutter to remain at the site.

Some Members queried whether the perimeter hedge could be re-planted to ensure any gaps are closed as it was noted on the site visit that there were large gaps. It was confirmed that work could be undertaken to rectify this.

Resolved: That the application be approved subject to the conditions outlined in

Reason: The application is to continue use of the land off Common Road for sports pitches including the retention of two modular buildings for changing accommodation and the increase in size of the playing field car park from 20 to 40 spaces. It is considered that the proposed sporting use of the land is in line with local and national policy relating to development in the Green Belt.

The use of the car park by Costcutter is inappropriate development in the Green Belt. In assessing the acceptability of the application, the key issue is considered to be whether there are very special circumstances to justify its use by the company. As summarised at 4.25, it is considered that the specific economic and road safety benefits

and minimal harm to the Green Belt from allowing Costcutter the use of the extended car park are very special circumstances that outweigh harm to the Green Belt, and any other harm in accordance with paragraphs 87 and 88 of the NPPF.

Cllr A Reid ,Chair

[The meeting started at 4.30 pm and finished at 8.05 pm].