City of York Council	Committee Minutes
Meeting	Planning Committee
Date	24 February 2021
Present	Councillors D Myers, Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas and Fisher
Apologies	Councillors

15. 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 3a [Northern House, Rougier Street, York [19/02672/FULM], Cllr Kilbane declared a non pecuniary non prejudicial interest as a Member of Bishopthorpe Road Traders Association and Cllr Doughty declared a non prejudicial interest as his employer was an occupant of the building but he did not work there. There were no further declarations of interest.

16. 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.

17. 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.

17a Northern House, Rougier Street, York [19/02672/FULM]

Members considered a major full application from Rougier Street Developments Limited for the demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements at Northern House, Rougier Street, York.

Members were provided with an update advising them of a revised recommendation in relation to affordable housing contribution from the developer, who had made an offer of £500,000 towards affordable housing in addition to the overage clause on the S106. The money would go towards off-site provision of affordable housing and would be secured in the S106 agreement. There was also a daylight/ sunlight report for which a summary of the results had been submitted. There had been additional consultee responses received from York Civic Trust, the Conservation Area Advisory Panel, and five additional letters of support had been received. Members were advised of revisions to conditions 10, 20, 38 and 41. It was noted that the recommendations remained unchanged from the published report.

Members were then given a presentation on the application detailing the location plan, existing view from the city walls and Rougier Street, proposed elevation from Rougier Street, existing heights, proposed elevations Tanner Street, section of the city skyline and Tanners Moat and visualisations.

In response to questions raised by Members, officers clarified that:

- There had been no work undertaken on the cumulative effect of planning applications on the York skyline. It was noted that harm to the skyline was harm to the historic skyline. Members were advised that each application needed to be considered on its own merits.
- The proposed development was more harmful than leaving the building as it currently stood

- There would be substantial harm to the archaeological deposits should the excavation of the double basement go ahead as it would involve removing significant archaeological deposits from the site.
- There were some significant public benefits that outweighed the harm to the site. In planning terms there was substantial harm to the heritage assets but the public benefit outweighed the harm to the excavation.
- Regarding the archaeological deposits, it was not known how much degradation would take place. It was noted that the bore holes showed evidence to suggest organic deposits were degrading. It was hoped that evidence of a roman road, stone built granaries and potential earlier structures (as well as medieval deposits) may be found
- Regarding the potential loss of 500 jobs, the developer had other schemes around York for office space and it was their intention that tenants would relocate. It could not be guaranteed that those jobs would be retained.
- There had been negotiation regarding office space and there was 30,000 square feet of office space
- There was a condition re remove permitted development rights
- Regarding the existing building being changed to residential use, the application would have to go on got prior approval bit there were permitted development rights and the affordable housing contribution would not be achieved through this
- There were different views in guidance on storage of cycles in apartments. It had been agreed with the developer that it was acceptable for cycles to be stored in individual flats
- Tanners Moat was in the red line of the application
- A condition had been requested regarding LTN 1/20 and the design had been updated to include an integrated cycle route.

[The meeting adjourned from 17:30 to 17:59 to bring speakers into the remote meeting].

<u>Public Speakers</u>

Johnny Hayes spoke in objection to the application on the grounds of substantial harm to archaeology, heritage, and the York skyline. He noted the objections from key consultees and

questioned the balance of benefit against harm, noting the negatives of the scheme.

Cristian Lee Santabarbara (on behalf of York Cycle Campaign) spoke in objection to the application. He noted their concern about the cycle provision and boundary. He noted that the scheme was contract to LTN 1/20 and he urged protection of the route from Scarborough Bridge to Tanners Moat.

Lindsay Cowle spoke in objection to the application. He explained that the scheme would cause significant damage to the city's heritage and there was substantial harm caused. He expressed concern about a lack of affordable housing and he questioned the projected visitor numbers to the Roman attraction. He noted the consultee comments and that it failed to demonstrate that public benefit outweighed the harm. In answer to a Member question regarding the archaeological dig causing harm he explained that legislation stated that unless there was a need to have open pit, the archaeology should be left undisturbed and he added that it was better to leave in situ.

Fern Murrell spoke in objection to the application noting that York should be working towards a planning strategy. She questioned the integrity of the strategy and listed concerns about the height of the building and types of apartments in the scheme.

Eamonn Keogh spoke in support of the application on behalf of the applicants. He noted that the importance of the scheme could not be overstated and detailed the alterations that had been made to the application on officers' advice. He explained that the application was a partnership between the developers and York Archaeological Trust (YAT). He noted the benefits of the office space in the building noting that the scheme would bring an economic boost to the city. He noted that the planning balance was in favour of the approval.

Members asked Mr Keogh and his colleagues (available to answer questions) a number of questions to which they explained that:

- Regarding the viability of the existing building, the site was bought as an office. The future of the building as an office space was limited as Grade B office space and there was the potential for a different type of development scheme to bring public benefit to the city of the archaeological dig

and Roman museum. The offer of £0.5million commutable sum for affordable housing was noted.

- Concerning affordable housing, the development would not be realised for a number of years because of the archaeological dig. The scheme was conceived as a residential scheme with a Roman visitor attraction, the costs for which were taken into account with other costs. The scheme viability did not support affordable housing.

[At 18:29 Cllr D'Agorne lost sound and the meeting adjourned to resolve this. The Senior Solicitor advised that all Members needed to have been present and able to hear all of the discussion. Cllr D'Agorne re-joined and the meeting recommenced at 18:31 with Cllr Fisher repeating his question]

- The figure of 500,000 visitors to the Roman attraction was as a result of working with external consultants. This was believed to be a conservative estimate and the business case was built on this estimate. It was noted that the attraction was three times bigger than the Jorvik attraction and that many attractions attracted in excess of 600,000 visitors. If the numbers dropped below 500,000 this would not make it unviable and visitors were expected to be made up of residents and visitors to the city.
- It was a complicated picture if the museum closed and the modelling was based on a lower number to be economically viable.
- With regard to the type of archaeology expected to be found, a trench had been put in where there would be a deep excavation and there was a fair degree of knowledge about what would be found in that location. The museum would show an insight into everyday life.
- The viability assessment was carried out using NPPF rules and had been assessed by a district valuer. The current building had a limited shelf life as an office and the funders were taking a 50 year funding view of the scheme. The developers were taking a lower percentage return by offering the £500,000 towards affordable housing.
- In regard to the inclusion of a music venue, offer had made clear that the priority was to increase the amount of office space. The applicant was working with the music venue trust to find a site for music venue in the city centre.
- The applicant had worked with the Design and Sustainability Manager on the modelling of visibility. A visibility analysis was undertaken and the level of harm in

the conservation area was on the upper level of substantial harm. The conservation area was a very large asset and modelling showed that visibility was not as widespread as expected. There was no visibility from the railway character area. The impact on the conservation area as a whole, the applicants felt was not at the upper level and was at the lower level given the proportionate analysis.

- As set out in Historic England guidance, visibility was considered in the context of other factors. With regard to the comments made by the Conservation Architect, the applicants disagreed with her assessment and had worked with officers to reduce the harm through visibility as the building was no higher than the Malmaison and Aviva and Victorian buildings on Tanner Row.
- The building was too low to create a wind vortex.
- It was not anticipated that there would be a loss of jobs and it was noted that Network Rail needed grade A office space. Not all of the offices would be vacated immediately and some occupiers had 18 moths to 2 years on their leases. Northstar would be promoting two other schemes in the city and had reduced the number of apartments in the scheme and introduced 30,000 square feet of grade A office space.
- The conservation area appraisal identified that the site was suitable for a large scale development.

[At 19:04 Cllr Ayre was asked and confirmed that he had heard all of the discussion].

An explanation of why harm was considered to be at the lower end.

David Jennings (York Archaeological Trust) then spoke in support of the application explaining the importance of the archaeological excavations, the inclusive nature of the visitor attraction that was three times bigger than Jorvik and had the support of a number of bodies suck as York CVS. He noted how the attraction would benefit York's cultural strategy. In answer to Member questions, along with colleagues available to it was clarified that:

- YAT had operated Jorvik 36 years and it was explained how the Roman attraction would be operated.
- YAT acknowledged the objections from consultees but noted that the consultees didn't have experience in

running visitor attractions. As well as objectors there was a number of supporters.
- The scheme was for a modern building that responded well to its environment and there was designated space for queues which allowed the opportunity for a secure entrance and to be able to move the queues.
- It was a good location for Roman archaeology as it was so close to the Roman road.

Laurence Beardmore (Vice President of York Chambers of commerce) spoke in support of the application. He explained that the Roman quarter was an exciting proposal for a regeneration project that would add a boost to the city economy post the COVID-19 pandemic. He added that the new attraction would raise new opportunities for York in attracting people to the city. In answer to a Member question regarding what the Chamber was doing to retain the employers occupying Northern House he explained that the Chamber has a broad network and was supportive of the council and Make it York (MiY) regeneration strategy going forward, including the rail industries.

Judith McNicol (Director, National Railway Museum) spoke in support of the application noting the benefits that the Roman quarter would bring to that part of the city, along with York Central. She noted that the economic impact would be wider in bringing visitors to the city and the combined power pf York Central and the Roman quarter presented a huge opportunity to the city.

Written representations in support had been received from David Jennings (Chief Executive of York Archaeological Trust), Dr Timur Tatlioglu (Partner, Montagu Evans on behalf of the Applicant), Gareth Williams (Curator at the British Museum), Andrew Lowson (Chief Executive York BID), Professor Ian Haynes (Professor of Archaeology at Newcastle University), Professor John Barrett (Emeritus Professor of Archaeology, University of Sheffield), Professor Nicky Milner (Head of Archaeology at the University of York), Philip Bolson (owner of Mr B Hospitality) and
Shaun Collinge (Licensee/Designated Premises Supervisor at the Maltings.

Written representations in objection had been received from Brian Watson and Harkirit Boparai and Chris Sherrington (York Music Venue Network).

[The meeting adjourned from 19:40 to 18:58].

Members were then given the opportunity to put further questions to officers to which officers responded that:

- The Design and Sustainability Manager explained his involvement in the application noting that he had engaged with the applicant regarding changes in the design from an architectural point of view and as a number of improvements were made to the design especially in terms of heights and massing. He noted his comments in paragraph 3.14 of the committee report in which he felt that the building caused harm. He added that in causing harm he did not want to reduce the analysis on the degree of harm. He clarified that rationale for the view of the Conservation Architect. He explained how the different parts of the building articulated the roof scape.
- The timeline for the application coming forward and discussions that officers had had with the applicant including the retention of office space, which the applicant replaced the bar/restaurant with office space.

Cllr Warters then moved and Cllr D'Agorne seconded refusal on the grounds of the public benefit not being outweighed by the harm to the conservation and heritage asset.

[At 20:52 Cllr Barker and was asked and confirmed that he had heard all of the discussion while his camera was off].

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

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

The motion was therefore carried and it was

Resolved: That the application be refused with final wording of the reasons to be delegated to officers in consultation with the Chair and Vice Chair.

Reason:

All Members confirmed they had been present for the item.

[The meeting adjourned from 21:04 to 21:18]

17b Haxby Hall, York Road, Haxby, York [20/01944/FULM]

Members considered a major full application from Mr L Garton for the erection of a 65 bed residential and dementia care home following demolition of 5 and 7 York Road and existing care home, and associated access and parking and landscaping at Haxby Hall, York Road, Haxby, York.

An officer update was given advising the committee of further representations from Haxby Town Council, the owner/occupiers of 3 Station Road, 2 Hall Rise and 18 York Road. Members were also advised of suggested amendments to conditions 2 and 27 and of a suggested additional informative. The additional information had been assessed and the planning balance and the recommendation remained unchanged from the published report.

A presentation was given detailing the existing care home buildings in the context of residential properties and their rear gardens and the proposed site plan.

In response to Member questions officers confirmed that:

- It would be ensured that there would be no obstruction with visibility to the entrance.
- A note could be added to condition 4 regarding the length of construction in the CEMP.

<u>Public Speakers</u>
Doug Jennings, Agent for the Applicant, spoke in support of the application noting that the applicant had worked closely with the council's Adult Social Care team and there was a demand for dementia care. He added that this was a replacement care home with uplifts in accordance with the Draft Local Plan. He noted the changes to the design that meant there was no detrimental impact on local residents.

In response to further questions from Members officers clarified that:

- Information on complainants making complaints about the development could not be shared due to GDPR.
- Regarding the quality of building materials, the applicants building to date had used quality materials and there would be a high level of details and officers would work with the applicant to get the best possible solution for the site.
- The site was not in a conservation area.

Cllr Warters moved approval subject to amendment to condition 13 to be changed to the lifetime of the development. This was seconded by Cllr Fisher. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

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

The motion was therefore carried and it was

Resolved: That the application be approved subject to an amendment to Condition 13 to be changed to the lifetime of the development, amendments to Conditions 2 and 27 and additional informative as detailed below:

Condition 2 (additions in bold)
The development hereby permitted shall be carried out in
accordance with the following plans and other submitted details:-
- YH030-DP(9)920 Rev A - Proposed Site Plan Alternative
- YH030-DP(0)50 - Proposed Elevations
- YH030-DP(0)51 - Proposed Elevations
- YH030-DP(0)52 - Proposed Front Elevation (with Ambulance
Station)
- YH030-DP(0)001 - Proposed Ground Floor General Arrangement
- YH030-DP(0)002 - Proposed First Floor General Arrangement

- YH030-DP(0)003 - Proposed Third Floor General Arrangement
- YH030-DP(0)004 - Proposed Roof Plan
- 20-1026-YH-L002 - Planting Details and Schedules
- 20-1026-YH-L001 - Landscape Proposals
- YH030-DP(9)911 - Tree Protection Plan
- NIA/9274/20/9324/v1/Yorkare Haxby Noise Impact Assessment dated 5 October 2020

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Condition 27
Prior to the ~~commencement of~~ the construction of ~~the~~ development
above foundation level, a scheme for CCTV covering the car park areas including details as to how it will be compatible with the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall install CCTV in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure the development reduces opportunities for crime in accordance with the National Planning Policy Framework.

Additional Informative 10
Avoiding Bird Nesting Season
The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this

period and has shown it is absolutely certain that nesting birds are not present.

Reasons:

i. The site currently occupies the existing care home and 2no dwellings (5 and 7 York Road) and the proposals involve the demolition of the existing building in order to crease an enlarged residential care and dementia care home to enable the continued delivery of specialist and registered care housing to meet an identified need. It is considered that this site is located within an existing residential area of Haxby, in a sustainable location with access to local services, facilities and public transport. This application supports the development of under-utilised land which would help to meet an identified need for housing where supply is constrained, which the NPPF attributes substantial weight. The residential care and dementia care home will provide good size accommodation, with all rooms being en-suite, as well as rooms with an open aspect and that will achieve good levels of daylight and sunlight. Within the building and externally, the scheme shall provide opportunities for gentle physical activity, planting and informal activity and communal spaces, as well as some rooms having individual private amenity spaces.

ii. Whilst the concerns of the conservation officer are noted, the appearance of the proposed building is considered acceptable, being of a scale that is suitable and appropriately addressing the street frontage and extensive grounds. The public benefits of the development have been demonstrated and are considered to outweigh the less than substantial harm to the setting of the Haxby conservation area, in accordance with para 194 and 196 of the NPPF.

iii. The revisions to the proposal, including the relocation of the second floor terrace has alleviated concerns in respect to the direct overlooking of private gardens associated with existing residential properties at Hall Rise. Whilst the building is higher, and accommodating a further floor, the set back from the eastern rear boundary off-sets any height increase in the building and overall the building will

not be unduly overbearing, preserving the residential amenity of neighbouring occupiers.

iv. The application, subject to appropriate conditions satisfies other aspects in terms of trees and landscaping, parking and highways and environmental quality and climate change. In conclusion, it is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. Approval is recommended.

All Members confirmed they had been present for the item.

Cllr C Cullwick, Chair
[The meeting started at 4.30 pm and finished at 9.51 pm].

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