

Meeting	Planning Committee A
Date	7 March 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Hollyer, Kelly, Merrett, Nelson, Steels-Walshaw, Steward, Waudby, Whitcroft and Fenton (Substitute for Cllr Ayre)
Apologies	Councillor Ayre

86. Declarations of Interest (16:34)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Steels-Walshaw declared a non-prejudicial interest as a member of British Sugar Community Forum. No further interests were declared.

87. Minutes (16:35)

Resolved:

1. That the minutes of the meeting held on 18 January 2024 be approved and signed as a correct record.
2. That subject to the removal of the wording 'regarding future funding arrangements' at 3.12pm in minute for the application for Agricultural Land to the South of Low Moor Lane, Hessay, York [23/00626/FULM], the minutes of the meeting held on 8 February 2024 be approved and signed as a correct record.

88. Public Participation (16:36)

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 A.

89. Plans List (16:36)

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the

proposals and relevant policy considerations and setting out the views of consultees and officers.

90. St Peters School, Clifton YO30 6AB [22/02288/FULM] (16:36)

This application had been withdrawn and was therefore not considered by the Committee.

91. Enterprise Rent-a-car, 15 Foss Islands Road, York YO31 7UL [23/01647/FULM] (16:36)

Members considered a full application from Gregory Properties Ltd for the erection of 3, 4, and 5 storey student accommodation building with associated car parking and access following demolition of existing buildings at Enterprise Rent-a-car, 15 Foss Islands Road, York.

The Principal Officer Development Management outlined the application noting the reason for refusal in July 2023. He gave a presentation on the application noting the changes in floor plans and how these had been amended following the July 2023 refusal. He was asked and demonstrated the surrounding building heights in relation to the building. He was asked and explained that all of the rooms in the building were self-contained studio rooms and there was a condition for a detailed planting scheme.

Graeme Holbeck, Planning Consultant for the applicant, spoke in support of the application. He explained that the previous application for 136 bedrooms had been refused and an appeal for this had been lodged. The present application amended to a reduction to 133 rooms with additional communal facilities, an additional lift, and increased accessible car parking spaces (three spaces plus a maintenance space). He added that information regarding employment uses had been submitted and the application included a contribution to affordable housing. He detailed the building materials noting that the building was BREEAM excellent. He noted that the application made efficient use of a brownfield site.

- Graeme Holbeck was joined by Matt Parkins (Scheme Architect) to answer Member questions regarding their submission. They were asked and explained:
- How the student management plan would work. It was noted that this was produced by Hello Student, the operator of the accommodation.
- How the accessible car parking spaces would be used for drop offs.
- That there were two other sites managed by the same operator.
- All student drop off times would be allotted.
- The accessible car parking spaces were compliant.

- The retention of the cobbled sets depended on whether they could be reused.
- Provision for wildlife was identified in the ecology report.
- Students would be notified that there was no car parking on site. In response from a comment from the Chair, they undertook to feedback concerns regarding parking to the operator.
- The size of the rooms had not been reduced and were 20m² with 40% of rooms bigger than that.
- All rooms were self-contained with a kitchenette and there will be a private dining space on the communal area.
- The roof protection was shown on the boundary.
- Regarding affordability, students could apply for funding to help with their rent.

[At this point in the meeting, officers demonstrated the layout of rooms].

- The three rooms in the first floor made into communal space was structural.
- Regarding the loss of employment land they were not aware of any further expressions of interest and had submitted a statement which made a robust case for meeting the requirements for this.
- There had not been any further [marketing?] of the site for employment and the applicant had used the CYC Community Infrastructure Levy (CIL) charging schedule and it was explained why the use of class B was not viable on the site.
- The site was previously marketed by the previous site owner.
- Regarding provision for nesting birds on the site, there was limited vegetation on site. Demolition was likely to start after summer and if it was outside this time the ecologist would be on site to advise.

[At this point, the room plans were demonstrated on screen and it was confirmed that that these were as the previous application].

- The accessible rooms were distributed around the buildings and met building regulations.
- At that point in time, the accommodation was not linked to York St John University.

Members then asked officers a number of questions to which they responded that:

- They were satisfied that the employment land assessment was policy compliant and an explanation of this was given.
- Student car ownership would usually be written into the tenancy agreement. There were conditions for travel plans. Travel surveys showed that with that type of site students should not have cars. Regarding whether this could be required as part of the tenancy agreement, the Chair noted that this would be difficult to enforce and meet the test of whether it was a reasonable requirement.

- Regarding whether the committee could set a timescale for the marketing of the site as an employment site, officers detailed the reasons for the refusal of the application in July 2023. The Chair noted that the test of policy EC2 was discussed at that meeting and the Head of Planning and Development Services read out policy EC2 regarding the loss of employment land.
- Reference was made to Local Plan policy H7 regarding the provision of student accommodation on campus and Members were advised that it was not possible to understand how university accommodation on campus would be developed in the future and that officers had made a balanced judgement on the application. It was noted that the application had been looked at with the Local Plan team.
- It was queried whether York University East Campus was completely built and it was confirmed that it wasn't. The Chair noted the limitation given to Local Plan policy H7 and he suggested that information regarding student accommodation needed to be included in future committee reports.
- The information regarding similar student accommodation in Leeds was to illustrate a baseline.
- It was explained that the use of the S106 affordable housing funding would be determined by the housing delivery team.
- It was clarified that the Victorian Society was not a statutory consultee and the committee needed to take into account the comments of consultees.

During debate, the Chair reminded the Members that the officer recommendation needed to be tested first. The Head of Planning and Development Services advised why the committee could only afford Local Plan policy H7 limited weight. Cllr Fisher proposed the officer recommendation to approve the application. This was seconded by Cllr Steward. The Head of Planning and Development Services clarified that it was expected that affordable housing would be created using contributions from student housing. She was asked and confirmed that it would not be reasonable to condition an accommodation nomination. On being put to the vote with ten votes in favour and one abstention, it was:

Resolved: That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to -

1. The completion of a Section 106 Agreement to secure the following planning obligations:
 - i. Affordable housing – £711,772.78 towards off-site affordable housing.

- ii. Open space - £14,647 - used to improve the amenity open space within the nearby Hull Road Park and/or St Nicholas Fields Nature Reserve.
2. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement and the planning conditions.
3. Updates to conditions 2, 3 and 11 and the deletion of condition 20 as detailed in the additional information.
4. An additional informative regarding highway design to include LTN 1/20 compliance

Reasons:

1. Officers are satisfied that the previous reasons for refusal have been addressed. The NPPF states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means granting planning permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
2. On balance, regarding the weight to be given towards housing provision (which includes student accommodation) in the NPPF the loss of employment land in this case, given the site specifics, is not sufficient grounds to refuse the application. Further information has been provided, which relates to the Council's own evidence base; there is justification for the loss of employment land concerned. The economic objective in the NPPF is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; this objective is not compromised as a consequence of this scheme.
3. The disabled car parking provision is appropriate, and the layout has been revised compared to the previous scheme; there is an additional lift, further communal space across the scheme (on each floor) and a reasonable number of accessible rooms. The social objectives of the NPPF are reasonably met

in this respect. Other material considerations and technical matters have reasonably been addressed.

[The meeting adjourned from 18:05 until 18:16]

**92. British Sugar Corporation Ltd, Plantation Drive, York
[23/02302/FUL] (18:16)**

Members considered a major full application from British Sugar for the variation of conditions of permitted application 15/00524/OUTM to alter green infrastructure, increase building heights, updates to detailed configuration of proposed Main Street access road, alterations to the drainage strategy and updates to approved illustrative phasing plan at British Sugar Corporation Ltd, Plantation Drive, York. The Chair clarified that the application was for a variation and he drew attention to paragraph 1.4 of the published report.

The Principal Officer Development Management detailed the plans for the application, in particular the phasing plans and building heights. He noted the scheme amendments. At a Member's request he demonstrated the location of the drain. In response to questions from the committee, officers explained:

- The difference between the 2.5 and 3 storeys.
- That the swale was an open drain, which was of higher ecological value than a closed drain. It was confirmed that the swale was for water run-off.
- The number of rooms and viability would come through the reserved matters application. There are provisions within the S106 agreement which enable further assessment of viability.
- This application would broadly set parameters and it fixed building heights not housing types.

The Principal Officer Development Management then gave an update noting updates to conditions 2, 3 and 11, the deletion of condition 20 and an additional informative regarding highway design to include LTN 1/20 compliance. A Member asked how the application would help reduce carbon emissions. The Chair explained that the committee was limited in its decision making as this was an application for a variation. In response to a comment regarding the railway halt he noted that informative 8 referred to the railway halt.

Neil Jones, Planning Consultant, spoke in support of the application on behalf of the applicant. He welcomed the officer report and explained that the application sought approval for minor amendments to the existing

permission. He noted the updates to the illustrative phasing plan, parameter plans, ground levels, and added that the green infrastructure had increased. He added that the increased building heights were away from the residential areas and that British Sugar were committed to the sustainable development of the site. He noted that there were no objections or material objections to justify refusal of the application. In response to Member questions he explained that:

- British Sugar was the sole land owner
- Concerning getting alternative providers for drainage, a number of private regulated operators had been appointed. The costs for this would be met through service charges.
- The rationale for the increase from 2.5 to 3 storeys was related to green infrastructure.

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

- Regarding the Council not adopting the drainage was due to issues around maintenance, the applicant was the landowner and developer would find a solution. The Chair noted that there was mitigation in place for service charges for affordable housing.
- The specifics around the Council not adopting the drainage was because of the specifics around the complexities of managing an open drain and swales. There had been a fundamental change in drainage there was not enough space in the masterplan to maintain the swales, which would need specialist equipment, and it would not be an efficient use of council resources to purchase and maintain the specialist equipment. Members were advised that there may be two separate service charges for open space and drainage.
- The principles of the drainage strategy of the site were the same as in the previous application. However, the drainage with this application now took up more space and the allowance for climate change was now higher than when the last application came forward.

Following debate, Cllr Merrett proposed the officer recommendation to approve the application including updates to conditions 2, 3 and 11, the deletion of condition 20 and an additional informative regarding highway design to include LTN 1/20 compliance. This was seconded by Cllr Waudby. Following a unanimous vote in favour, it was:

Resolved:

1. That delegated authority be given to the Head of Development Services to APPROVE the application subject to the completion of a Section 106 Agreement; to make that existing legal agreement applicable to this application, and for the Head of Planning and Development Services be given delegated

authority to finalise the terms and details of the Section 106 Agreement and the planning conditions.

2. That the s73 permission will repeat the same conditions as attached to the original outline permission, the conditions are only varied to incorporate the revised plans and condition 12 to include the agreed bee bank SINC protection measures.

Reasons:

1. This application is made only to vary the existing outline planning consent to update the phasing plan, so phase 1 is infrastructure only (access road and public open space) and to vary the parameter plans and the details of the spine road / main street. No material changes to the planning obligations are proposed or necessary. Conditions are only updated to reference the revised drawings and documents and where details have been approved since the previous permission in respect of protection for the Bee Bank nature conservation area (SINC) during construction.
2. The ecological appraisals regarding the site are up to date. There is no material change to the environmental effects associated with the scheme, which can be suitably addressed through planning conditions and there are no objection to the scheme amendments, which are justified and aligned with NPPF policies.

Cllr J Crawshaw, Chair

[The meeting started at 4.30pm and finished at 7.07pm].