

Meeting	Planning Committee
Date	2 September 2021
Present	Councillors Fisher (Chair), Barker, D'Agorne, Daubeney, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters, Waudby, Cuthbertson (Substitute) and Rowley (Substitute)
Apologies	Councillors Doughty and Ayre

41. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Fenton declared a non-prejudicial, non-pecuniary interest in item 4a., in that he is a ward councillor for Dringhouses and Woodthorpe, where the property in question is located and attended the applicant's drop-in session in February 2020 to discuss.

Cllr Douglas declared a non-prejudicial, non-pecuniary interest in item 4b., in that she was a ward councillor for Heworth, where the property in question is located.

Cllr Rowley declared a non-prejudicial interest in item 4b., in that he was a member of Osbaldwick Sports Club and a governor of St Aelreds RC Primary School.

42. Minutes

Resolved: That the minutes of the last meeting held on 1 July 2021 and the amendment to minutes of the meeting held on 17 June 2021 to the first paragraph of application 20/01521/FULM (Plumbase) to amend to the following correct address: Members considered a major full application from KMRE Group (Church Fenton) Limited for the erection of a 3 and 3.5 storey student accommodation block (providing 86 student

rooms) following demolition of existing buildings at Plumbase Waterloo House Fawcett Street York YO10 4AH be approved and then signed by the chair as a correct record.

43. 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.

44. 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.

44a 1 Cherry Lane, York, YO24 1QH [20/00507/FULM]

Members considered an application for the erection of 60no. retirement apartments with care, communal facilities, parking, landscaping and associated amenity space following demolition of existing 3no. bungalows. The Development Manager gave a presentation on the application.

In response to questions from members, officers noted that:

- There would be pedestrian access to the site in two places and that the applicant had agreed, subject to approval of the application, to contribute to the upgrade of the existing pedestrian crossing on Tadcaster Road.
- There was disagreement between the applicant and City of York Council planning officers on the use class of the development proposed in the application. The applicant contended that the proposed development would comprise a residential institution under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Order") rather than housing with care Use Class C3(b) of the Order. Officers explained that they had classified the proposed development as Use Class C3(b) due to the housing being in individual units with a

potentially minimal amount of care on offer. Officers further explained that the City of York Council requires affordable housing provision for developments classified as C3. The applicant had agreed that should the Committee chose to approve the application as a Use Class C3(b) development, they would make off-site affordable housing contributions according to Council policy.

[Cllr Barker joined the meeting at 4:45pm]

- In response to concerns that the proposed development would have insufficient parking, officers outlined the parking strategy created by the applicant, which justified the proposed parking provision by noting the similar number of spaces in comparable facilities and that the proposed development is aimed at people in their mid-70s, who are more likely to be in couples with a single car. The applicant had agreed to contribute to a Traffic Regulation Order to manage parking on Cherry Lane.
- The applicant proposed 4 disabled access parking spaces for the development based on their experience of need in other similar facilities they own and manage.
- Waiting and parking restrictions, including potentially resident's parking permits were to be discussed under the creation of a Traffic Regulation Order.
- Highways colleagues had not considered there to be any highways safety or congestion issues related to the proposed development and Cherry Lane, and that vehicle tracking had demonstrated that the Council's largest refuse vehicle had been able to access the car park.
- Extra flood risk management conditions could be added to the application by members.
- The York Racecourse's objections were included in the report at paragraph 4.1 which detailed concerns around townscape issues, the impact of the proposed development on the conservation area and worries of disruption to stabled horses.
- An external meaningful outdoor amenity site for the proposed development existed in the nearby Knavesmire park.
- All of the flats in the proposed development, except those on the corners of the building, were single-aspect. However, the living areas in the flats, such as bedrooms

and kitchens had windows, with only bathrooms being completely internal.

Public Participation

Alex Jones, of Adlington Retirement Living spoke as the agent of the applicant in support of the application. Mr Jones spoke of a pressing need for accommodation for the elderly in York, stating that approving the application would improve living standards for older York residents. He stated that he believed the reason for officers' recommendation to refuse the application were based on subjective opinions on design and heritage harm. He also noted that 65% of respondents to the pre-application consultation believed the architectural design of the proposed development to be of high quality. He commented that there was an expected shortfall of c.600 units of extra care housing by 2030, which was expected to be particularly acute in the south of the city, where the proposed development was located. He also noted what he deemed to be the general benefits of the proposed development, namely combating the housing crisis, the part use of brown-field land in the proposed development, a reduced financial burden to adult social care and NHS budgets by c.£270,000 per year, highway improvements, economic benefits due to construction and site management jobs being created, the energy efficiency of the proposed development, with 10 electric vehicle charging points and the social benefits of the development which was designed to combat loneliness.

Following questions from members, Mr Jones commented that:

- The cycle store would also be used to store electric mobility scooters, so would be fitted with charging points that could also be used for e-bikes.
- Leaflets with details about the proposed development were distributed to approximately 900 neighbouring residents and businesses, as well as to St. Edward the Confessor Church and Dringhouses Library. A public exhibition was also held on 19 February 2021 in the adjacent Holiday Inn.
- There was difficulty in assigning a proportion of the apartments as affordable due to the service/wellbeing charge for providing ongoing care. Mr Jones explained that usually similar proposed developments are classified as Use Class C2, rather than C3b, and so are ordinarily exempt from affordable housing contributions. Since this development was being classified as Use Class C3b, the

applicant had determined it would be best to contribute to off-site affordable housing.

- Each apartment in the proposed development had a balcony or patio space which residents can use to create small gardens. While outdoor space was more limited than the applicants would prefer, they believed this was offset by nearby amenities such as the Knavesmire.
- He felt that any development in a conservation area would affect its setting, but he did not believe that the proposed development was detrimental, and that its benefits significantly outweighed any potential harm.
- The design of the proposed development had been altered several times during the course of discussions with planning officers, however Mr Jones considered the building to be in keeping with the historic pattern of development in the conservation area with regards to its proximity to the road.
- Situating the development further back from the road and bringing the car park closer to the front was considered by the applicant, but due to drainage and engineering issues, having the building close to the road was considered the best solution.

Following debate, it was moved by Cllr Warters, and seconded by Cllr Fenton to refuse the application based on officers' recommendations. Members agreed to include reference to the potential impact of the proposed development on the York Racecourse stables. A vote was taken and there were 13 members in favour and 1 against.

The motion carried and it was therefore:

Resolved:

- i. That the application is refused.

Reason:

- i. The proposal by virtue of its height, scale and massing in a prominent street corner location would harm the visual amenity of the streetscene, the form and character of the adjoining section of Tadcaster Road and the setting of the Tadcaster Road Conservation Area and harm the setting of Dringhouses Library, 52 and 54 Tadcaster Road all Grade II Listed Buildings. This would be contrary to Policy D1, Policy D4 and Policy D5 of the Publication Draft City of York Local

Plan 2018, contrary to Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and paragraphs 199 and 202 of the National Planning Policy Framework.

- ii. The proposal may cause potential disruption to the safe working environment of the York Racecourse stables, with concerns around dangers to the horses during construction and beyond from increased noise and activity.

[Break between 17:35 and 17:45]

**44b Burnholme Community Hub, Mossdale Avenue, YO31 0HA
[20/01916/OUTM]**

Members considered the erection in Heworth Ward of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters were reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5. The Development Manager gave a presentation on the application, noting that the application had previously been considered by the Committee in April 2021, being conditionally approved by members. However, before the decision was released, an objection was issued by Sport England, the concerns of which officers considered to have been addressed in the report.

In response to questions from members, it was noted that:

- The application as being considered by members in this meeting should be considered as a new application, taking into account all material planning considerations when undertaking the planning balance. .
- The Council had not deemed it necessary to consult Sport England on the original application, as Burnholme College had been closed since 2014, and the fields were no longer used. Sports England considered the dis-used sports field to be connected to the used field which the application was proposing to repurpose on the eastern side of the site.
- Cllr Rowley noted that as a Governor of St Aelred's School, the playing fields in question were not used by the school or anyone else, and had been fenced off by the Council and were not maintained, meaning that they cannot have been used for sport.

- Planning officers did not consider Sport England to be a statutory consultee when the application was first brought to the committee.
- Sport England had indicated that they could be willing to accept that the field was surplus to requirement as a sports facility had City of York Council published their Playing Pitch Strategy.
- In the development of the Local Plan, which was at an advanced stage, Sport England was consulted on land allocations in the city.
- After referral, the Secretary of State may decide to either call in the application for a public inquiry or to empower the local planning authority to deal with the application as it sees fit.
- Conditions were in place to ensure a net gain in biodiversity through the development should it be approved and surveys were conducted to ensure that there would be no undue loss of habitats from the development.
- Additional parking spaces for the car share scheme via the CYC car park to the north of the development.

Public Participation

Debbie Cobbett, a local resident, spoke in objection to the application. Ms Cobbett said that she did not believe that enough had been done to make the development environmentally friendly. She stated that the target of 0.89 cars per household could not be achieved without a more frequent bus services, more locally available shopping facilities and a more comprehensive car share scheme. Ms Cobbett stated that the aim should be to create a car-free community with speed restrictions and a higher ratio of affordable homes than 30% to decrease the likelihood of multiple car households.

Ben Burton, Housing Development Manager at City of York Council spoke as the applicant, joined by Adam Price, planning consultant. He stated that the site had a complex history and context, and spoke on the new developments on the former Burnholme College site which had been developed into the Burnholme Health and Wellbeing Campus. He stated that the sport field to be built on had not been used for sport since 2015 and had been allocated for housing in the emerging Local Plan and that consent to dispose of the playing field had been granted by the Secretary of State for Education in 2018. He stated that the proposals included high quality publically

available amenity space including outdoor play and exercise equipment to the east and a financial contribution of £43,000 for further investment in sports facilities in the local area. He also spoke on the consultations that had been undertaken throughout the process and noted the support of the Council's Sports Development Manager. Mr Burton also stated that deferring the application until the completion of the Playing Pitch Strategy would not guarantee that Sport England drop their objection to the application.

In response to questions from members, Mr Burton and Mr Price stated that:

- The aforementioned approval by the Secretary of State for Education in 2018 to dispose of the playing field was under a Section 123 Notice, for which there were no objections at the time.
- Significant consideration was made for issues of drainage in the design of the proposed development, in coordination with Yorkshire Water and the local flood authority.
- The developers were trying to use soakaways to create more naturalistic landscaping, but would only install a drainage system approved by Yorkshire Water and local authorities.
- The conditioned restriction of the surface water discharge rate to 3.5 m/s is adequate for the size of the development.

After debate, it was moved by Cllr D'Agorne to approve the application subject to referral to the Secretary of State for Housing, Communities and Local Government. Cllr Fenton seconded the motion. A vote was taken, with 14 members in favour and 1 against. The motion was carried and it was therefore

Resolved:

- i. That authority be delegated to the Head of Development Services to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and, subject to him not directing refusal of the application, to approve the application subject to the conditions set out in the report.

44c Plumbase, Fawcett Street, YO10 4AH [21/01570/FULM]

Members considered an application for the erection in Fishergate Ward of a 3 and 3.5 storey student accommodation block (83no. student studios), ancillary storage building and landscaping following demolition of existing buildings (resubmission). The Development Manager gave a presentation on the application.

In response to questions from members, officers noted that:

- The major improvements to the amenity space the applicants had made since the last application included increasing circulation space and the creation of additional communal amenity space on each floor.
- The position and shape of some of the windows on the development had been altered since the application was previously considered, but size of the overall building remained the same.
- The scheme is unchanged compared to the first time it was considered in terms of accessibility provisions.
- The footpath at the front of the building was to be widened under the plans, but the cycle path was to remain the same width.

Public Participation

Gary Swarbick, Director, ELG Planning spoke as an agent of the applicant and detailed the changes the applicant had made to comply with the comments made when it was last considered by the committee. He stated that there was now additional communal space across each floor comprising seating areas and kitchenettes. Mr Swarbick explained that the main communal area on the ground floor of the development had been increased in size and provided a large open-plan space with clusters of tables and chairs, café style seating, vending machines and TVs. He indicated that the total amenity space for the development now came to 170 square meters, which was equal to 2 square meters per bedroom – he stated that although York did not have any guidelines of amenity space per bedroom, Leeds City Council had recommended at least 1 square meter per bedroom. He also stated that the bedroom size exceeded national averages.

In response to questions from members, Mr Swarbick and his colleagues noted that:

- The national average for studio bedrooms in similar schemes was around 20 square meters, and all the rooms in this development were larger than that, ranging from 21 to 27 square meters.
- They had taken a bedroom on each floor and converted it into communal space in response to the committee's comments.
- The provision of amenity space had doubled since the application was last considered by the committee.
- The reception in the original plans had been converted into additional communal space for residents.
- There were specifically dedicated disabled access rooms in the development with larger dimensions to facilitate wheelchair turning, as well as lower basin heights and extra storage for mobility aids. If demand were high, other rooms are capable of being converted to be fully accessible for disabled people.

Following debate, it was moved by Cllr Pavlovic and seconded by Cllr Waudby to approve the application subject to conditions outlined in the report. A vote was taken, with 7 in favour and 5 against. The motion was carried and it was therefore

Resolved:

- i. That delegated authority be given to the Head of Development Services to approve the application subject to:
 - a. The completion of a Section 106 Agreement to secure a planning obligation to provide a contribution of £8,607 (index linked) towards amenity open space.
 - b. The conditions set out in the report.
- ii. The Head of Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
- iii. The Head of Development Services be given delegated authority to determine the final details of the planning conditions.

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 7.42 pm].