

Meeting	Planning Committee
Date	14 March 2018
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Looker, Pavlovic, Richardson and Shepherd
Apologies	Councillors Dew, Galvin and Warters

38. 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 Reid declared an interest in item 4a (Horwell Brothers Ltd Coal Yard) due a family connection with Horwell Brothers Ltd.

Cllr Doughty declared a personal non-prejudicial interest in item 4b (New Earswick Sports Club) as he had a loose connection with the Sports Club.

No further interests were declared.

39. Minutes

Resolved: That the minutes of the last meeting held on 14 February 2018 be approved and then signed by the chair as a correct record.

40. 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.

41. 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.

42. Horwell Brothers Ltd Coal Yard, 11 Mansfield Street, York [17/02702/FULM]

[Note: Councillor Reid withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major full application by Residential Capital (York) Ltd for the erection of four storey block and 2 storey block for student accommodation (100 bedrooms) with association cycle and vehicle parking and bin storage following demolition of existing building at Horwell Brothers Ltd Coal Yard, 11 Mansfield Street, York.

Members were provided with an Officer update which advised that amended plans had been submitted to identify the areas to be an adopted highway to allow for the turning of service vehicles within the site. The amended plans also showed a 500mm increase in the height of the second building in order to provide a clear ceiling height to accommodate the 2 tier cycle racking system. Members were also advised of revisions to conditions 2, 15, 16, 17 and 29 and informative for condition 17.

Members asked a number of questions in relation to the application and were advised that:

- How the car parking spaces would be allocated was not known
- There was no parking restrictions for residents parking in Mansfield Street
- The site could only be accessed from Mansfield Street
- The increase in the height of the building did not impact on views of the bar walls and there was no City of York Council policy for the height of buildings in proximity to the bar walls

During debate on the application, a number of Members raised concern regarding the impact of parking. They asked if a Section 106 agreement could be required to prevent residents owning cars. Officers advised that there were no grounds to require this and there was no Section 106 agreement in the previous submission of the application.

Officers were asked and explained that the landscaping of the scheme was set out under condition 4. It was clarified that the landscaping could be conditioned to last the lifetime of the scheme.

Resolved: That the application be approved subject to the conditions listed in the report, amended condition 4 and revised conditions 2, 15, 16, 17 and 29 and revised informative for condition 17 below:

Revised condition 2 (new parts in **bold**)

The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

17029-P100 **F** Site plan proposed
17029-P105 **D** Elevations proposed
17029-P106 **D** Elevations proposed
17029-P112 **B** Elevations proposed
17029-P111 **B** Elevations proposed
17029-P101 **C** Floor plan (ground floor) proposed
17029-P102 **B** Floor plan (first floor) proposed
17029-P103 **B** Floor plan (second floor) proposed
17029-P104 **C** Floor plan (third floor) proposed
17029-P107 **D** Roof plan proposed
17029-P108 **F** Detached Cluster ground floor plan proposed
17029-P109 **C** Detached Cluster first floor plan proposed
17029-P110 **E** Detached Cluster proposed elevations
17029-P120 **A** Boundary Treatment
Flood Evacuation Plan dated 23 February 2018

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

Revised condition 15 (new parts in **bold**)

The development shall not be occupied until the cycle parking areas in the detached cluster building and the visitor spaces have been provided in accordance with the approved plan 17029-P100 **F** (site plan) and 17029-P108 **F** (detached cluster ground floor plan). These areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Revised condition 16 (new parts in **bold**)

The buildings hereby approved shall not be occupied until the areas as shown on the approved plan 17029-P100 **F**, for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

Revised condition 17 (new parts in **bold**)

No part of the development shall be occupied until the highway layout, as shown on the approved plans (including new footway and turning head shown on drawing 17029-P100 **F** (subject to highways agreements)) have been completed.

Revised condition 17 informative

These works are to be documented in a Section 38 Agreement or similar highways agreement.

Reason: **To ensure that there is on site facilities to turn service vehicles within the site, in the interests of highway safety.**

Revised condition 29 (new parts in **bold**)

Before either of the two buildings are occupied, you shall provide the separate stores for waste and materials for recycling as shown on drawing number 17029-P108 **F**. You must clearly mark them and make them available at all times to everyone using the student accommodation.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

Amended condition 4(new parts in **bold**)

Prior to occupation a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be planted. This approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within **the lifetime of the scheme** die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: The plans do not currently show the landscaping details to ensure that landscaping includes variety, suitability and disposition of species within the site.

Reason:

- i. As the development plan is absent, silent or out-of-date, the presumption in favour of sustainable development set out in the second limb of paragraph 14 of the NPPF is engaged. This directs that planning permission should be granted unless any harm significantly and demonstrably outweighs the benefits. This forms the policy basis for the determination of this application, alongside other material considerations.
- ii. The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. Student Housing can relieve the pressure on 'traditional' housing and

provide a level of employment. The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic use as such as the general thrust of the NPPF is supportive of the development proposed.

- iii. As with the previous scheme, the loss of the employment site is supported and there is a need for student housing. The Publication Draft York Local Plan policy ED10 (student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with draft policy ED10 it is considered that the applicant has shown the need for the development.
- iv. Furthermore it is considered that the site has an acceptable relationship to adjacent development, and the additional two storey block, would not impact upon the amenity of the residents of the main block and would provide an acceptable standard of amenity for the occupiers of the block itself. Management of the car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.
- v. The application has been informed by a site-specific flood risk assessment following a sequential test and the exception test to ensure that flood risk is not increased elsewhere and further demonstrates that the development is appropriately flood resilient and any residual risk can be safely managed. The sequential and exception test in respect to flood risk are accepted and the proposals complies with paragraphs 100-103 of the NPPF in this regard.
- vi. 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.

43. New Earswick Sports Club, White Rose Avenue, New Earswick, York [17/02835/FUL]

Members considered a full application by Mr Ian Yeowart for the erection of detached changing rooms for F1 Racing FC at New Earswick Sports Club, White Rose Avenue, New Earswick.

There was no officer update. Members were informed that the Sports Club's negotiations with the tennis club regarding the joint use of the development had been successful in reaching agreement and were included in Condition 6.

In response to a Member question concerning the relocation of the existing temporary storage building and its condition, Officers clarified that the temporary storage building was not in the ownership of the football club. It was further clarified that the building's use could not be controlled as it was already in existence. Following discussion on the use of the temporary storage shed, it was agreed that officers would make the building control manager aware of their concerns with the temporary storage building.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The proposal would give rise to harm to the openness of the Green Belt and would encroach on the open countryside and green wedge. Substantial weight is given to the harm which the proposal would cause to the Green Belt. Operational issues relating to training and playing of fixtures together with the requirements of the FA rule out the possibility of joint use of the existing club house or its extension. It is therefore felt in this particular case that the proposal with the joint use arrangement with the tennis club does provide a sufficient case for

"very special circumstances" which clearly outweighs any harm to the Green Belt by reason of inappropriateness and any other harm.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.20 pm].