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Meeting	Planning Committee
Date	13 December 2017
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Crawshaw (Substitute)
Apologies	Councillors Warters and Pavlovic

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## 9. Site Visits

Application	Reason	In attendance
Former Biorad Micromasurements Ltd Site, Haxby Road	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
Willow Lodge, Sutton Road, Wiggington	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
Land South Of Keepers Cottage Intake Lane,	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
46 - 50 Piccadilly	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson
Hungate Development Site	To familiarise Members with the site.	Cllrs Ayre, Cullwick, Cuthbertson, Dew, D'Agorne, Galvin Richardson

## **10. 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 Crawshaw declared a personal non prejudicial interest in item 4g as his partner works as a Psychologist in Adolescent Mental Health. Cllr Reid declared a pecuniary interest in item 4b as her son lives in Shelley House, adjacent to the Carlton Tavern site. Cllr Richardson declared a personal non prejudicial interest in item 4g as his niece works in Adult Social Care. Cllr Ayre declared a personal non prejudicial interest in item 4g as he works for Healthwatch York. He noted that Cllr Derbyshire would Chair the meeting for item 4g as he would withdraw from the meeting for that item.

## **11. Minutes**

Resolved: That the minutes of the last meeting held on 16 November 2017 be approved and then signed by the chair as a correct record.

## **12. 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.

## **13. 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.

## **14. Land To The South Of Keepers Cottage Intake Lane, Dunnington, York [17/00893/FUL]**

Members considered a full application from Mr Andrew Cole for the erection of entrance gates, one agricultural store, one field shelter, and shooting platform (retrospective) on the Land to the South Of Keepers Cottage, Intake Lane, Dunnington.

Officers advised Members that since publication of the committee report, the applicant had submitted a letter in support of their application, raising a number of points as follows:

- The site was acquired for the development of an orchard and coppices for timber production with an area set aside or saddleback pigs, together with beehives. This land and other land held within the parish of Dunnington exceeds 5 hectares.
- The field shelter and the storage shed are considered to be acceptable in the report
- The gates fall within permitted development as they do not exceed 2 metres in height and they are 4 metres from the track. Officers noted that the applicant is applying for the gates that are in situ. Officers measured the gates and they were approx 2.35 metres in height and the supporting posts are a similar height. The gates are set approx 2 metres from the cycle track/Public Right of Way. As such the gates do not fall within permitted development rights and do require planning permission.
- The height of the shooting tower is required for safety. The rifles are moderated/silenced therefore do not cause disturbance to the public. The applicant states that the number of deer killed in 2017 is 6.
- The site is fenced and hedged and on three sides the hedge (heights vary between 2 and 5 metres) restricts access by deer. The boundary within Hagg Wood is fully fenced to a height of 1.5 metres. The boundary to Keepers Cottages is hedged to 1.5 metres in height.
- The applicant does not wish to increase the height of the boundary and this would impact on the residents of Keepers Cottage.
- The site is not deer proofed, and he does not consider that a site can be fully proofed. He goes onto state that an 'over proofed site' would lead to damage to crops from any animals that did access the site then being unable to exit
- The current position of the shooting platform allows maximum safe field of fire of the greatest extent of the site, the tower is located at the bottom of a slope and the applicant considers that it appears lower in height. The

platform has been positioned behind the storage shed to reduce its appearance and the materials used are considered to be sympathetic. Willow trees have been planted to obscure the platform from view.

- The applicant considers that the building falls within permitted development rights. Officers advised that the shooting platform is not considered to fall within confines of permitted development.
- The shooting platform is necessary for farming purposes. Officers advised that the shooting tower is not reasonably required for agricultural purposes, the fruit trees do not have protective fencing and there are number of fencing options that would prevent damage to trees from deer.

In response to a Member query it was clarified that the 5 metres referred to by the applicant included the land adjacent to the site that had been purchased by the applicant.

Cllr Warters, Ward Councillor for Osbaldwick and Derwent, spoke in support of the application. He stated that the field gate and regulated shooting were necessary. He added that without the platform, shooting on land would damage the trees.

Following discussion, it was:

Resolved: That the application be refused.

Reasons:

- i. The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the proposed development constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness

of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (visual amenity and character, and potentially residential amenity) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and Policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

- ii. It is considered that the proposal would increase the dominance and presence of the built form on the land. This would have a negative impact on the visual amenity of the area as the site is readily visible from the public right of way and the cycle path. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.
- iii. Insufficient information has been submitted with the application to properly assess whether the use of the shooting platform would be acceptable in terms of residential amenity. In the absence of further information, the Local Planning Authority has been unable to properly assess whether the proposal would be in compliance with Policies GP1 of the City of York Development Control Local Plan (2005), and national planning policy set out in the National Planning Policy

Framework. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

**15. Carlton Tavern, 140 Acomb Road, York [17/00476/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 Crown Care for the construction of a three-four storey 74 bedroom care home with associated parking, cycle racks and landscaping following the demolition of the existing Carlton Lodge Public House.

A legal update was provided and it was explained that the application had been brought back to the committee as there had been a threat of a judicial challenge prior to the decision being issued. Therefore the report presented to Members included updates with references to sections 131, 135 and 136 of the NPPF.

Officers provided an update to Members. Members were advised of a number of typographical updates and were given clarification on the shortfall in care beds. Officers further clarified that:

- Whilst the York Open Planning Forum Local List is not adopted it can still be a material consideration, as demonstrated in paragraph 5.22 of the Committee report. As detailed in the report the building merits consideration as a non designated heritage asset.
- Reference to other potential sites for the location of the care home, such as Oakhaven was not considered to be a material planning consideration.
- A potential condition requiring the letting of contracts prior to the demolition of the building should be written as a negative 'grampian' style condition to ensure enforceability. Alternatively the control could be secured by a section 106 agreement.
- The application has been assessed on its merits and it is not necessary to carry out an assessment of alternative sites.
- In relation to reference to the Habitats Regulations, all reference should refer to the 2017 Habitat Regulations which came into force on 30th November 2017. Officers have had

regard to the Natural England advice about consultation with them. This directs the LPA to the Natural England Standing Advice (this covers the protected species involved and therefore no further level of consultation with them has been undertaken), and to the LPA Ecologist.

- A further representation had been received which expressed concerns regarding the adequacy of the facilities in the cinema, dining/lounge areas for 74 people.
- Members had also received a letter from the Victorian Society advising that more weight to the Carlton Tavern being a non-designated Heritage Asset and a viable public house as an Asset of Community Value.
- A letter had also been received from the owners of the Carlton Tavern, Marstons Brewery in which they confirmed that a bid was made but not accepted and they have a binding legal agreement with Crown Care which will be in place whilst a planning decision is reached.

Louise Ennis, a local resident, addressed the Committee in objection to the application and referred to the NPFF in stating that the Carlton Tavern's value as a community asset outweighed the benefit of a care home.

Mike Heyworth (Council for British Archaeology) spoke on behalf of Victorian Society in objection to the application. He stated that the Victorian Society strongly objected to the demolition of the Carlton Tavern on the grounds of it being a non designated heritage asset and he cited sections 131 and 135 in support of this. In response to a question regarding the evidence of the viability of the Carlton Tavern, Mike Heyworth explained that there was an alternative bidder and the Campaign for Real Ale (CAMRA) considered it to be a viable public house.

Dr Duncan Marks, representing York Civic Trust, spoke in objection to the application. He stated that York Civic trust maintain their strong objection to the proposed demolition of the Carlton Tavern. He noted the loss to the community of the last of the Edwardian villas on Holgate Road and the legal importance of it as a heritage asset.

Nick Love, Pub Protection Officer of York CAMRA spoke in objection to the application. He noted the huge upsurge in community interest in the Carlton Tavern and the importance of it as a community hub. He further noted the impact of the loss of

the pub to the local economy.

Mr Lindsay Cowle, retired Conservation Architect spoke in objection to the application as a local resident and as an architect. He stated that the proposed care home development failed to meet required standards and the sheer mass would make it one of the largest buildings in Acomb.

Cllr Warters, Ward Councillor for Osbaldwick and Derwent, spoke in objection to the application. With reference to the NPFF, he noted the importance of the building as a non designated heritage asset and added that the care home could be built in a different location.

Roy Wallington, CYC Programme Director for Older Persons' Accommodation then addressed the committee. He noted the need for care bed places and the potential to create a care community in the area in conjunction with the plans to develop the Oakhaven site next door which was moving forward. He noted the need for dementia care homes and added that should the care home not be given approval, there would be considerable strain on social care and health services.

In response to Member questions, Roy Wallington clarified:

- The reasons for the closure of Willow House care home
- Why beds at the Chocolate Works care home opened in stages
- The different pricing structures for elderly persons' care which ranged from £600-£700 per week to £800-£1000 per week.
- There was a broad spectrum of care home providers in York.
- The proposed care home could be built on a different site.
- Planning approval of five or more care homes needed to be given in order to meet the shortfall in care home places.
- If the care home was not given planning approval this would increase the shortfall of care beds by 10%.

Michael Ladhar, of Crown Care, the applicant, spoke in support of the application. He stated that York had a shortfall of 678 residential and nursing beds and the care home would be an inclusive development. He noted that Crown Care was committed to the communities it worked in.

Mark Massey, the applicant's agent, spoke in support of the application. He advised that options for using the existing



building had been explored and it could be demonstrated that from a functionality point of view the conversion of the building was not viable. The care home would create 30fte jobs and Crown Care actively encouraged community involvement and participation.

In response to Members' questions, Mr Massey made the following points:

- As an architect he understood of maintaining a building of historical value, however, a balance needed to be made.
- If the application was approved, a condition would be put in place to guarantee community use of the buildings. This was made under condition 12 in the report. Examples of the community use of other Crown Care homes were given.
- Other sites had been looked at, including the adjacent site although the bid for this was too late.

Members went on to have a comprehensive debate about the application. In response to Member questions, Officers advised that:

- The lift size was in line with the CQC requirements for care homes.
- Marstons could not demolish the building without planning consent.
- Sections 131 and 135 of the NPPF are relevant to the application and if Members considered the balance of issues weighed against approval these could be grounds for refusal of the application.

Following discussion it was:

Resolved: That the application be refused.

Reason: When assessed against the policies in the Framework when taken as a whole, the benefits which the care home would provide are not sufficient to significantly and demonstrably outweigh the harm caused by the loss of a non-designated heritage asset, an Asset of Community Value and the potential harm to the root zone of protected trees. As such the development is contrary to paragraphs 70, 131 and 135 of the National Planning Policy Framework.

**16. Hungate Development Site, Hungate, York [17/02019/OUTM]**

Members considered a major full application by Hungate (York) Regeneration Limited for variation of condition 3 (approved plans), 5 (maximum building height) and 6 (parameter plans) of permitted application 17/01847/OUTM to allow increase in height of Block G, minor revisions to the proposed building footprint and associated changes to landscaping and public realm, provision of vehicular service access to Block G from Garden Place and increase in cycle parking, revisions to maximum foundation levels and allowance for location of below ground attenuation tank and lift pits, revisions to finished floor levels for the residential and commercial elements of the scheme and minor amendments to the site wide surface water drainage strategy and removal of condition 40 (air quality monitoring).

Members were provided with an Officer update which reported that there had been no objection from the council archaeologist. There had also been an objection from the owner of 4 Peasholme Court expressing concern that an increase in the height of Block G would set a precedent for the height of the remaining blocks. Should this occur, an increase in the height of Block H would restrict the light into their property.

Dr Duncan Marks, representing York Civic Trust, spoke in objection to the application. York Civic Trust objected on the grounds of the increase in the height of block G and the overdevelopment of the site. Officers clarified that the total height of the building would not reach 35.7 metres.

Anna Turton, on behalf of Lichfields, the agent for applicant, spoke in support of the application. She stated that the variation for Block G had been brought forward on a build to rent scheme and she explained that the variations would provide community facilities such as a gym at the site.

Following Member questions to Officers, it was noted that:

- The previous conditions would be carried forward as part of the application.
- In regard to air quality, the proposed scheme changes, including that of the maximum height of Block G would result in no change to the residual effects and/or overall conclusions reached in the original Environmental Statement.

- The highest element of the building to the Carmelite Street frontage would be no higher than the St John University accommodation block, with the exception of the corner element.
- The design architects considered the revised plan to be an improvement on Layerthorpe.

Resolved: That the application be approved subject to Section 106 Agreement as detailed in the report.

Reason:

- i. To secure the obligations as from the existing outline permission.
- ii. The Section 73 application has been submitted in order to vary Condition 3 (plans), Condition 5 (maximum height) and Condition 6 (parameter plans) and to the removal of Condition 40 (air quality monitoring) of hybrid planning permission 17/01847/OUTM.
- iii. The application involves no changes to the total number of dwellings or the amount of commercial floorspace approved in the outline consent but seeks permission for a number of revisions to the established parameters, with the key revision being an increase in the height of block G.
- iv. It is not considered that the changes to the proposed plans will impact on either the sustainable aims of the development proposals, nor is it considered that the changes will have an adverse impact on the existing amenities of neighbouring occupiers. The key consideration therefore is the implications of the increase in the height of block G in terms of its scale and massing and any impact on the setting of heritage assets.
- v. As with the consented scheme, whilst officers consider the massing to the Stonebow elevation to cause some minor harm to the setting of the Conservation Area, the affected context is Stonebow itself rather than longer views to and from designated heritage assets. In medium distances, the impact of this change on the historic environment is most evident in the view from Stonebow House. The change in impact from the consented scheme is at worst considered to be low to negative to neutral however given the consideration that it is likely to

produce a more attractive building design, the impact could be argued to be low to positive. Whilst the harm is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance. The outcome of the assessment is that the benefits to the scheme including the provision of much needed dwellings in the City, outweigh the less than substantial harm identified.

- vi. In accordance with EIA regulations and procedure, the Environmental Statement (July 2015) submitted with the hybrid application has been reviewed and assessments undertaken to identify whether the proposed changes to the scheme parameters would result in any new or amended environmental effects. The ES Addendum (August 2017) identifies that the proposed scheme changes, including that of the maximum height of Block G, would result in no change to the residual effects and/or overall conclusions reached in the original ES. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy.

**17. Broad Oak Farm, Dauby Lane, Elvington Road, York  
[17/02305/FULM]**

Members considered a major full application from Mr David Fox for the erection of four poultry buildings and associated buildings, and infrastructure including new access.

Officers provided an update noting the change to condition 2 – plans IP/PBF/03 for the boiler and store and the comments received from Elvington Parish Council in which they suggest a 7.5 tonne weight limit be placed on Main Street, Elvington.

Sam Harrison, agent for applicant, spoke in support of the application. He advised that the application had received no objections, and was a development on an existing farm as per NPPF guidelines.

Officers provided clarification on a number of queries raised by Members:

- Exit from the site via the A1079.
- The nature of intensive poultry farming itself would not be a material planning consideration.
- The lighting scheme in the building was covered by a proposed condition.

Resolved: That the application be approved subject to the conditions listed in the report and the change to condition 2 – plans IP/PBF/03 for the boiler and store.

Reason:

- i. The site comprises an area of presently arable land lying within the general extent of the Green Belt to the South East of Dunnington and North of Elvington. Planning permission is sought for the development of an intensive poultry farm on the site to handle an operational stocking capacity of 240,000 chickens employing 2 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex comprising of 4 chicken sheds, feed bins, boiler and gate houses.
- ii. The proposal falls within the unqualified exception to Green Belt policies at paragraph 89 of the NPPF. The case R (Lee Valley Park) v Epping Forest DC (2016) confirms that in these circumstances such development is considered appropriate development in the Green Belt, and therefore the more restrictive Green Belt policies do not apply. The presumption in favour of sustainable development set out in paragraph 14 to the NPPF applies notwithstanding the Green Belt location.
- iii. The proposals have been identified to sit comfortably within the rural landscape. Appropriate mitigation in the form of a landscape strip between Dauby Lane and the site will, over time, mitigate for

any impact on the character of the landscape. Appropriate conditions have been suggested to control matters not covered by the Environment Agency permit.

- iv. The proposal is considered not to result in any significant harm to visual or residential amenity and transport impacts would be acceptable.

**17a 46 - 50 Piccadilly, York [17/00429/FULM]**

Members considered a major full application from Northminster Limited for the erection of part 5/part 6 storey hotel (140 bedrooms) with a ground floor restaurant and 5 storey building comprising 8 apartments (class C3).

Members were advised by Officers that following receipt of the revised evacuation plan, Emergency Planning had no objections regarding the application.

Dr Duncan Marks, representing York Civic Trust, spoke in objection to the application. York Civic Trust raised concerns regarding the choice of materials for the building, access to the riverside path and that the application had been brought to the committee 9 days prior to the closure of the Castle Gateway consultation.

Following Member questions Dr Duncan Marks stated that York Civic Trust would like the building to be set back. Officers clarified that setting back the building would not affect the flood risk.

Katherine Jukes, Directions Planning Consultancy, agent for applicant, spoke in support of the application. She stated that the applicant had a proven track record of the delivery of buildings in York and that a positive contribution would be made to the York economy by a quality hotel chain.

In response to questions from Members, Katherine Jukes stated that a riverside walkway on the site was not possible as it would not lead anyway and would create dead space and that detail on the materials to be used were included in the conditions.

Ravi Majiphia, on behalf of the applicant spoke in support of the application. He noted that the 140 bedroom hotel would complement the applicant's existing Hampton hotel in Toft Green which ran at high occupancy. The hotel would provide economic benefits via job creation and visitor expenditure in the city.

Members raised a number of questions to which Ravi Majiphia responded that:

- The hotel would be constructed for the applicant's own operation.
- The applicant would consider taking advice on the insulation used in the building.
- The hotel would be run as part of a business of six hotels.

During debate, Members expressed a number of views. Following discussion it was:

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

Reason:

- i. The application site is within an area proposed for redevelopment and regeneration outlined in the 2005 and emerging draft Local Plans. The site is in a sustainable location. The site is within Flood Zone 3 but would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed.
- ii. There would be no harm to the significance of heritage assets or their setting.
- iii. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology at or adjacent to the site.

**17b Willow Lodge, Sutton Road, Wiggington, York  
[17/01876/FUL]**

Members considered a full application from Mr Nigel Jagger for the erection of a shed for the sorting of waste, and storage of plant and machinery following the removal of existing polytunnels at Willow Lodge, Sutton Road, Wiggington.

An Officer update was given which reported that the applicant:

- Did not agree with the officer's assessment that the waste transfer use of the site is unauthorised.
- Did not consider there was a change in the character of the use of the land and therefore concluded there is no material change and the current use is lawful.
- Agreed that the development would be an inappropriate development in the Greenbelt but argued the creation of 7 jobs and the economic benefit to the economy, outweighed the harm, and the building granted consent in 2014 justified this basis.

Claire Jagger, on behalf of the applicant, spoke in support of the application. She noted that the proposed storage shed is the same size as the previously approved building and would reduce the opportunity for fly tipping. She noted the contribution the new jobs would bring to the local economy, and that hedges could be planted around the site.

In response to questions from Members, Claire Jagger explained that the polytunnels had been removed 5 months previously as they were unsafe and that waste had previously been stored in them.

Officers were asked and clarified that the previous planning application had been for a shed.

Resolved: That the application be refused.

Reason:

- i. The application site is within the general extent of the Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the erection of a shed constitutes inappropriate development which, according to



Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

- ii. It is considered that the proposal would increase the dominance and presence of the built form on the land. This would have a negative impact on the visual amenity of the area as the site is readily visible. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

[Note: Councillors Ayre and Richardson withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon. Councillor Derbyshire, Vice Chair of the Committee, chaired the meeting for this item]

Members considered a major full application from Tees, Esk and Wear Valleys NHS Foundation Trust for the erection of a new mental health inpatient unit at the site of the former Biorad Micromasurements Ltd, Haxby Road.

Officers gave an update to the report noting the following points:

- On the site visit Members raised concerns in relation to Haxby Road, in particular its speed and potential measures to ease pedestrian access to the nearby bus stops. The suggested measures (by Members) included a reduction in speed limit, a pedestrian island and a bus lay-by on the grass verge.
- As seen on the visit, the section of Haxby Road is fairly rural in nature with an absence of frontage/street activity that would influence driver behaviour. Any speed limit reduction would have to be self enforcing and there is likely to be a high level of non-compliance. Based upon previous experience of comparable situations officers would not expect North Yorkshire Police to support a change in the speed limit.
- The measures suggested to improve pedestrian links to the bus stops, would involve localised highway works that would result in significant costs; the development is substantially based around travel by car and the expectations for travel on foot and by bus are very limited. Due to the limited width of highway and proximity of adjacent boundaries, any highway works would have an impact on verges, hedgerows and trees; utility diversions and protection are likely additional requirements. The works may also require third part land, which cannot be secured through the granting of planning consent. On balance it is not considered that such improvements are reasonably related to the development demands and the deliverability (of such works) would be in question.
- Other forms of pedestrian crossings have been considered by Highways Management Team; however these have been discounted (a controlled crossing such as a zebra or pelican could not be justified based upon DfT standards).

- The provision of a bus lay by would raise the same issues highlighted above and the benefits of such are uncertain. However this should also be balanced with the aims of achieving natural surveillance and landscaping opportunities along the Haxby Road frontage.

Members discussed the application, expressing concern regarding the safety of individuals travelling to and from the site. The applicant, present at the meeting, noted that there was a degree of public transport to the site and they stated that they would be happy to work with the Council to look at transport options.

Following discussion, it was:

Resolved: That the application be approved subject to the conditions listed in the report. Further discussion between the applicant and the Highway Network Management Team regarding transport options should also take place as offered by the applicant.

Reason:

- i. The former Bio-rad/Vickers site has been vacant for nearly 10 years; it offers good transport links including public transport modes and is located sufficiently away from main residential conurbations where any impacts from the proposed development will be limited. However, it is located within the River Foss Regional Green Corridor, and whilst there will be some impact upon local wildlife; there are opportunities to ensure the development enhances the local habitats.
- ii. The provision of a mental health facility does meet an identified need following the closure of Bootham Park Hospital. Even without a specific allocation in the emerging plan, when assessed against the site selection methodology evidence base which underpins the selection of preferred site allocations under draft policy SS1 the use of the site for health facilities, given its location, size, and the proximity to neighbouring uses, the site is considered to be a sustainable location for a mental health facility.

## **18. Appeals Performance and Decision Summaries**

Members received a report highlighting the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017 and providing a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included.

Resolved: That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr N Ayre, Chair

[The meeting started at 4.40 pm and finished at 8.30 pm].