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Meeting	Planning Committee
Date	8 October 2020
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Fitzpatrick, Hollyer, Kilbane, Fisher, Cuthbertson (Substitute for Cllr Barker) and Perrett (Substitute for Cllr Lomas)
Apologies	Councillors Barker, Warters and Lomas

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#### **67. 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 Kilbane as Ward Councillor for Micklegate declared a non prejudicial interest in agenda item 4a. There were no further declarations of interest.

#### **68. Minutes**

Resolved: That the vote taken for the application for North Selby Mine, New Road, Deighton, York [19/00078/OUTM] in the minutes of the meeting held on 9 July 2020 be checked by the Democracy Officer and be brought back to a future meeting for approval.

#### **69. 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.

#### **70. 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.

**71. Land South of The Residence, Bishopthorpe Road, York [18/02582/FULM]**

Members considered a major full application from Mr D Coppack for the erection of 85 apartments in two blocks with seven town houses with associated parking, cycle storage and landscaping (revised scheme) on the land south of The Residence, Bishopthorpe Road, York.

The Head of Development Services outlined the site plan, location plan, proposed elevations, built environment analysis, outline masterplan and location of the former factory buildings. She then gave a committee update, detailing the status of the Outline Planning Permission [09/01606/OUTM] which had lapsed. She noted the provisions that had been set out in that permission including the heights and scope.

She noted the heights in the current proposals, noting the building heights across the wider Terry's development to roof level. She updated Members on the service charges in respect of affordable housing noting that the applicant has confirmed that discussions between the developer and the chosen provider JRHT are at an advanced stage. She then gave an update on additional representations that had been received. She confirmed that the additional information has been assessed and the planning balance and recommendation remained unchanged from the published report. She was asked and demonstrated the view from Goddards (National Trust regional office) on Tadcaster Road.

Following the update, Members asked a number of questions to which Officers clarified that:

- The impact of the harm was complicated and the existing planning permission mass and bulk was less than what was proposed in this application.
- When considering harm, the Committee would need to consider what was formerly on the site and in the context of the Terrys redevelopment there are townhouses and apartments. The Historic England views were noted.

- The taller parts of the buildings were perpendicular and the former factory building could be seen through the gap.
- Concerning the objection from the CCG, there had been some involvement from them regarding the care home on the site, and this was the first objection they had raised in respect of the cumulative impact on GP surgeries.
- The applicant had applied for 92 dwellings.
- Regarding the pedestrian and cycle link, the land adjacent to the site is council land and it should be possible to use this for the link and the land was linked to an existing highway.
- There was room for a fire engine on the access road.
- It was the responsibility of the management company to manage parking on the site.
- The commuted sum for the extra consulting rooms for the GP surgery had been agreed.
- Regarding affordable housing, 18 units would be provided on site with an off-site financial contribution in respect of 0.4 of a unit. The detailed tenure mix would be resolved through a Section 106 Agreement.
- The site was considered a brownfield site.
- Planning applications are considered on a case by case basis. The application was been assessed and was considered as acceptable.
- An explanation of how the education contribution was calculated was given.

#### Public speakers

Celia Loughran, representing Terry's of York Planning Action Group, spoke in objection to the application, referring to the law and policy regarding conservation area, citing the Barnwell Manor and Forgefield cases as examples. She noted a need for new houses which could be met through good quality, low rose proposals. She added that there was no housing for families in that part of York.

[At 17:38 Cllr Ayre dropped out of the meeting, returning at 17:41. On the advice of the Senior Solicitor, Celia Loughran read

her objection out again to enable Cllr Ayre to hear what had been said].

Anthony Dixon, a local resident spoke in objection to the application, raising issues in relation to the detrimental impact on the conservation area. He suggested that the site should be regarded as a greenfield site and that the application breached the NPPF.

Mary Urmston spoke in objection to the application. She noted that as the outline planning permission had expired, it should therefore be given no weight. She noted that the application would cause harm to the setting of the listed factory and that it was an overdevelopment of the area. She was asked and explained that it was an overdevelopment because of the lack of green space and density of the development.

Johnny Hayes, a local resident, spoke in objection to the application, noting the harm to the heritage asset. He noted that the site was a vital part of York's industrial heritage and the draft Local Plan stated that the site was suitable for 56 dwellings. He referred to paragraphs 193 and 194 of the NPPF guidance as to why the application should be refused due to the harm to the heritage asset.

John Young, a local resident spoke in objection to the application, raising issues in relation to a lack of infrastructure. He expressed concern regarding to the s106 contribution, and balance of £1.1million in that budget. He was asked and explained that S106 funding should be spent on open space, infrastructure or highways and he could not see a way that it could be used on infrastructure.

William Derby (Chief Executive, York Racecourse) spoke in objection to the application on the grounds of the setting of the proposal, being close to the green belt and proximity to the listed racecourse and Terrys building. He expressed concern regarding the height and density of the proposed development. He noted that the racecourse was a busy and noisy site and he requested a condition in relation to soundproofing. He also raised concerns about parking. He was asked and noted that he did not envisage problems to the racecourse but noted that the surrounding area was busy and congested on race days.

[Cllr Doughty left the meeting at 18:11]

[At 18:12, the meeting was adjourned to enable Cllr Fisher to get a replacement battery for his laptop. The meeting was reconvened at 18:13]

The agent for the applicant, Steven Longstaff (ELG Planning) then addressed the Committee. He explained that the applicant had been conscious of the changed Terrys site over a number of years which was not residential in character. He noted that the scheme was an efficient use of a brownfield site, was well designed, was a mix of housing considered more appropriate given the context of the site and of which 20% was affordable housing. He noted that the scheme had a high standard of residential amenity and it was felt that the scheme meets the planning balance. Mr Longstaff and his colleagues Dave Coppack (Stonebridge Homes) and Dan Postill (Bowman Riley Architects) were available to answer questions and in response to Member questions clarified:

- The reasons why low rise housing was not suitable for the site.
- The seven town houses were 3 storeys, which helped with the visual massing of the site.
- The character of the site had changed to more residential as it was previously considered as a mixed site.
- There would be one space allocated to the city car club.
- There were different levels of harm and there was agreement that this scheme was less than substantial harm.
- The reason for 92 dwellings in the context of 52 dwellings in the draft Local Plan.
- The background to the application including the pre application process.
- The management and service fees for the affordable housing would be waived, and the service charges had not been set yet (discussions were ongoing with JRHT). It was noted that the service charges would be agreed by both parties and would be affordable.
- The legal agreement concerning ground rent and the terms of it would be firmed up following planning approval.

Cllr Crawshaw, Ward Councillor for Micklegate spoke on the

application, and on referring to the draft Local Plan noted that that the planning balance between the harm and public benefit was wrong. He explained that the site had been sold to the community as being a mixed use site and the scheme represented an overdevelopment of the site and harm to the heritage setting. He was then asked and clarified:

- The policies in the draft Local Plan noting that it should carry weight.
- He was aware of residents that had bought under a discounted scale and had found the service charges and council tax banding made their properties unaffordable. He was also aware that because of the unaffordable charges some affordable housing had been handed back to David Wilson Homes by the housing association.
- Why the harm outweighed the public benefit.
- The impact on the local community which included problems with car parking and getting GP appointments.

[At 18:55 the meeting adjourned and reconvened at 19:15]

Members then asked further questions of Officers who explained that:

- There was evidence on the site of its previous use.
- There had been approvals in the past for 3 and 4 storey developments.
- It was not reasonable to refuse the application on the ground of what had not been delivered on the previous site.
- The fee to the CCG would be enforced via a legal agreement.

The Head of Development Services was asked and demonstrated the 2006 plans of the site.

Cllr Kilbane moved and Cllr Daubeney seconded, that the application be refused on the grounds of issues with the height and massing, insufficient public benefit being outweighed by harm, and that the size and scale of the building would result in harm to the heritage asset which did not outweigh the public benefit.

After debate, which centred on the infrastructure, overdevelopment of the site, density of the buildings, cumulative impact of the scheme and heritage setting of the scheme. The Senior Solicitor clarified the NPPF in conjunction with the draft Local Plan. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs D'Agorne, Daubeney, Douglas, Fenton, Fisher, Fitzpatrick, Kilbane, Pavlovic and Perrett voted for the motion;
- Cllrs Ayre, Cuthbertson, Hollyer and Cullwick voted against the motion.

The motion was therefore carried and it was

Resolved: That the application be refused.

Reason: The proposed development due to its design height and massing would represent an over-development of the site, introducing inappropriate large buildings which would have a harmful visual impact on the setting of the Grade 2 listed building Terry's of York Factory 'The Residence' and to the character and appearance of the Terrys/Racecourse Conservation Area. The buildings would take away the visual permeability of the site harming important views of the listed building and the conservation area. This less than substantial harm is not considered to be outweighed by public benefits. The proposal is therefore contrary to sections 72 and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 127, 128, 130, 193, 194 and 196 of the National Planning Policy Framework (February 2019) and Policies D1, D4 and D5 of the 2018 Publication Draft Local Plan.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 8.07 pm].