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| Meeting   | Planning Committee  |
| Date      | 12 November 2020  |
| Present   | Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, Daubeney, Douglas, Fenton, Fitzpatrick, Hollyer, Warters, Lomas, Fisher, Craghill (Substitute for Cllr D'Agorne), Perrett (Substitute for Cllr Kilbane) and Rowley (Substitute for Cllr Doughty) |
| Apologies | Councillors D'Agorne, Doughty and Kilbane   |

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## **72. 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 Pavlovic, on behalf of the Labour Group, noted that although the Labour Party had objected to the application, no Members of the Committee had predetermined the application. Cllr Craghill noted that although the Green Party had objected to the application, no Members of the Committee had predetermined the application. Cllr Rowley noted that a Conservative colleague had objected, he too had not predetermined the application

## **73. Minutes**

Resolved: That the minutes of the meeting held on 13 August 2020 be approved and then signed by the chair as a correct record at a later date.

## **74. 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.

## **75. 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.

**76. York Central, Leeman Road, York [20/00710/REMM]**

Members considered a Major Reserved Matters Application from Homes England, Network Rail Infrastructure Ltd and City of York Council for layout, scale, appearance, landscaping and access for the construction of the primary vehicle route and associated roads, infrastructure, landscaping and alterations to the existing road network pursuant to outline planning permission 18/01884/OUTM at York Central Leeman Road York.

The Assistant Director Planning and Public Protection noted that this was the first reserved matters application to be presented to the Committee following the outline planning permission in March 2019. He explained that many of the issues raised by objectors, including highways, were addressed as part of the outline planning permission and were not for debate at the meeting, which was for reserved matters.

The Head of Development Services gave an update detailing further comments that had been received from Ainsty Internal Drainage Board, York Civic Trust, and additional comments from Yorkshire Water and Historic England. An update was given on an access, highways, sustainable transport, design, layout, appearance and landscaping and comments received from environmental protection. Members were advised that the additional comments had been taken into account and as a result the recommendation was unchanged from the published report.

The Head of Development Services then presented the application detailing the site location plan. This was followed by questions from the Committee to which officers clarified:

- Regarding the archaeological assessment, there had been several evaluations during the summer and the information for the deeper deposits in area 1 (Holgate Beck) was awaited. There had been some preliminary analysis and a

mitigation strategy had been put together as part of the archaeological management plan and there was a condition for this. It was confirmed that there was no organic paleo environmental evidence near the station in area 2.

- How archaeology was and had been recorded. Should any archaeology of national significance be found, preservation in situ would be undertaken
- What steps would be taken to mitigate the cycle lane width.
- That the process of the stopping up order for Leeman Road was a completely different process to planning, and this meeting was to solely to consider reserved matters.

[The meeting adjourned from 17:08 to 17:50]

### Public speakers

Paul Clarke spoke in objection to the application noting that there had been two letters of support of the council website and sixty in objection. He explained that the proposal to make traffic through the Leeman road tunnel (Marble Arch) a traffic light controlled one way system would cause congestion was not in the interests of residents. He suggested a number of changes to traffic flow to address this. He also felt that the consultation was not carried out in good faith.

In response to questions raised by Members, he explained that the traffic on Leeman road was busy all day, and particularly during the morning and evening rush hours. With regard to consultation he noted that he had attended a number of informal consultation events.

Cllr Doughty spoke in objection. He noted that although York Central was excellent in terms of job creation, he to the one-way system through Leeman Road/Marble Arch Tunnel and suggested that there should be 24 hour access maintained through the redeveloped Railway Museum site for residents of the Leeman Road area.

Tom Fanklin (Chair of York Green Party) also spoke in objection. He noted that York Central was an excellent opportunity and needed to put people and sustainability at its core. This was a missed opportunity as it created a through route bringing traffic into the city centre. He requested that the Marble Arch tunnel be made into a bus only route.

David Nunns spoke in objection noting that the application made cyclists second rate and pedestrians third rate. He suggested

that more needed to be done with Museum square, and also that the bollard under Marble Arch were unsuitable. He suggested a number of changes to the road layout scheme, including a roundabout at the Leeman Road/Park Lane junction.

Kate Ravilious (York Cycle Campaign) spoke in objection concerning the cycling provision within the proposals. She expressed concern regarding the personal safety of crossing Severus Bridge due to its high parapets and she asked for the segregation of pedestrian and cycle lanes in a number of areas for safety reasons. She also asked for LTN 1/20 guidance to be applied to a number of areas.

Sean Bullick (MiY) spoke in support of the application. He explained that York Central had the potential to be a gateway to the northern economy and was the biggest economic opportunity in York since the arrival of the railways. He noted that it offered the opportunity for businesses to grow, was green and sustainable and could unlock growth and prosperity. He urged approval of the application.

Paul Kissack (Joseph Rowntree Housing Trust and Foundation) spoke in support of the development in providing much needed affordable housing, inclusive growth and focus on high design. He added that the development promised jobs through the construction phase and he hoped it would deliver apprenticeships and employment opportunities for people.

Andrew Digwood (York & North Yorkshire Chamber of Commerce) spoke in support of the application as it would support sector growth in rail technology and digital industries. It would also create infrastructure to other areas such Edinburgh, Glasgow and London. He added that York had a shortfall in housing and graduates left the city because of this. He noted that York Central was too great an opportunity to miss in creating occupational purpose. He was asked and explained the urgency of the application because of the pandemic and over reliance in the region on tourism to the economy and a need to diversify the economy.

James Farrar (York, North Yorkshire and East Riding LEP), spoke in support, explaining that this was one of the most significant brownfield sites in the UK. He noted that not developing the site would send a negative message out and York should be one of the innovation centres in the UK with a

need to allow businesses to cluster together. He further noted that York Central was in a national enterprise zone, meaning its business rates would remain in York rather than the government. He noted that the development would help York recover from COVID-19.

[The Chair asked Cllr Rowley if he had missed any speaking as his camera had briefly gone off. Cllr Rowley noted that his camera cable had come out and he confirmed he heard everything.]

[The meeting adjourned from 18:35 to 18:41].

Andrew Lawson (York BID) spoke in support of the application. He explained that city centres in the UK were changing, and had been accelerated by COVID-19. He noted that York Central was a development opportunity that people wanted to be part of. He noted that York needed more grade A office space and that the development would send out the message that York is a place to invest. He added that it could be a catalyst for recovery.

Joan Concannon (University York) stated that the university supported the development. She noted that there was a need to harness the unique opportunity of York Central to bring new business to York and to drive the opportunity for inward investment in the city. She noted the university's status as a major employer in the city and where our research and broader engagement with the city would benefit enormously from York Central's development.

Ian Gray (York Central Project Director for Homes England and Network Rail) spoke in support on behalf of the applicants. He outlined the overall benefits of the scheme noting the inclusive sustainable residential and business development in the city. He noted that there had been £123million public investment confirmed for York Central and there would be further public and private sector investment would be attracted to the city. In response to Member questions, he confirmed that:

- Funding had been received in August. This was time limited. An update on the delivery of funding was given.
- If there was a 3 or 6 month delay on the application there may be contractor compensation costs to pay.

Niall Burke (ARUP) spoke in support on behalf of the applicants. He explained that the scheme would create a new gateway to

York and would provide new routes, enhance sustainable travel, and create a new foot and cycle bridge. He noted that the junctions were designed to prioritise cyclists and there was also a dedicated bus lane. He detailed the mitigation measures to the highway network and added that the proposal was fully compliant with the outline planning application. In answer to Member questions he explained:

- Why the constraints of Severus Bridge had led to condition 39 not being fully complied with.
- The reasons for the parapet heights.
- Why the pedestrian walkway was on the south side of Severus Bridge.

Ian Gray and Niall Burke were joined by a number of colleagues in answering questions from the Committee. They were asked and explained:

- That an alternative to the stopping up order had been looked at
- Regarding traffic congestion, there had been discussions with the highways authority on this. York had a high level of traffic and the scheme had sought to prioritise pedestrians and cyclists. An explanation of the rationale for the changes to Marble Arch was given.
- The partnership had committed to use high quality materials to set the tone for the development going forward.
- In Museum Square cycle segregation was provide along the boulevard.
- The mitigations that had been put in place to address the concerns of Royal Mail.
- The CEMP would include engagement in delivering the scheme safely and there would be ongoing dialogue between Royal Mail and the partnership.

Chris Jones (Avison Young) spoke in support on behalf of the applicants. He detailed the outlined planning application approved in 2019. He noted that he scheme would deliver 2500 affordable homes, 6500 high value jobs, and enhancement of the National Railway Museum and public realm.

A member expressed concern regarding the potential relocation of residents and impact of the public enquiry on the road closure and suggested that the application should be deferred until the stopping up order had been resolved.

[The meeting adjourned from 19:55 to 20:08]

The Senior Solicitor asked if whether the public enquiry was grounds for deferral and she advised that it was a separate statutory process and that the Committee had already given outline planning permission. Officers detailed the parameters of the application and were asked and clarified potential reasons for deferral.

Officers were then asked a number of further questions by Members. In response they clarified that:

- The potential relocation of residents was included in the CEMP and the CEMP was not part of the outline planning permission.
- The through road was part of the outline planning permission and the highways authority could review whether the through road could be restricted to certain elements at a later date.
- An informative on the appearance of bridges could be added.
- The applicants had detailed why they could not technically meet all LTN 1/20 guidelines
- The detail of the traffic management system included in the outline planning permission.
- All statutory duties had been met with regard to consultation.
- The council could be exposed to costs depending on what grounds refusal was given.

Cllr Warters moved and Cllr Pavlovic seconded, that the application be deferred.

[The meeting adjourned from 20:55 to 21:04]

Members debated the application, expressing a number of different views.

[At 21:10 Cllr Perrett's confirmed that her screen had frozen and Cllr Fenton repeated what he had said whilst her screen was frozen]

During debate, Members were advised by the Senior Solicitor that if they refused or deferred the application due to the stopping up order, this would not be a reason for the decision for the determination.

In accordance with the revised Standing Orders, a named vote for deferral of the application on the grounds of concerns

regarding the CEMP, highways and pedestrians was taken with the following result:

- Cllrs Fitzpatrick, Lomas, Pavlovic, Perrett, Rowley and Warters voted for the motion;
- Cllrs Ayre, Barker, Craghill, Daubeney, Douglas, Fenton, Fisher, Hollyer, and Cullwick voted against the motion.

The motion was therefore lost. Cllr Ayre then moved and Cllr Fisher seconded approval of the application subject to the conditions outlined in the report and additional information, and informatives with regards looking at the specifics of the design of the bridge and additional sustainability measures. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Craghill, Daubeney, Douglas, Fenton, Fisher, Fitzpatrick, Hollyer, Pavlovic, Perrett, and Cullwick voted for the motion;
- Cllrs Lomas, Rowley and Warters voted against the motion.

The motion was therefore carried and it was

Resolved: That the application be approved subject to the conditions outlined in the report and additional information, and informatives with regards looking at the specifics of the design of the bridge and additional sustainability measures. A letter outlining the concerns of a number of Committee Members shall be sent out with the decision notice.

Reasons:

- 1) The principle of development of this site within the remits of the approved parameter plans and design guide was approved at outline stage. There has been a significant level of objection with respect to highways/transport and air quality issues in particular, however the Council are satisfied that the proposals accord with the technical reports and assessment undertaken and accepted by the Council as part of the outline approval OPA ES and that any outstanding issues can be addressed appropriately through the finished design and the discharge of relevant planning conditions.

- 2) With respect to heritage assets within the site and their setting, the setting of adjacent conservation areas and the impact on non-designated heritage assets, the proposals are not considered to result in adverse impacts and indeed in some areas would result in benefits to the heritage assets through enabling the re-use of buildings, opening up the site to enable heritage assets to be better appreciated and by improving their setting. The proposals are therefore considered acceptable and are in line with what was envisaged at outline stage. Given that the road alignment and site levels are within the approved limits of deviation, the proposals would at worst have a less than substantial impact on the setting and views of specific heritage assets outside the site, however this is balanced against the significant public benefits the scheme will bring forward and the fact that future reserved matters applications for buildings on the site would need to undertake a detailed assessment of their individual impacts when determining their position within development plots.
  
- 3) It is acknowledged that archaeological work is still ongoing however the Council's Archaeologist is satisfied that the approach to archaeological work and recording has been planned as far as possible at this stage in the development and that this will be an ongoing exercise. The proposals are therefore in accordance with the NPPF in so far as the less than substantial impacts identified to heritage assets have been balanced against the public benefits.
  
- 4) With respect to design, the reserved matters application is in large in compliance with the Design Guide and Parameters Plans approved at outline stage. Where there are deviations these are required due to site constraints or technical matters and as such are, on balance, considered acceptable design solutions which still meet the main objectives of the design intent. Any

outstanding elements of the design such as materials and landscaping which form a critical part of the design quality can be appropriately dealt with by discharge of conditions.

- 5) The application includes an appropriate update in terms of impacts on habitats and protected species within the site which remain in line with the OPA ES. It is acknowledged that the LEMP Condition needs to be discharged in a timely manner so as to ensure that any habitat retention, mitigation and enhancement remains in line with the OPA ES and that if further losses do occur that these can be secured through future RMAs. Overall having had regard to the above the proposals accord with the OPA ES and subject to the discharge of conditions will comply with the requirements of both local and national policy in terms of biodiversity and ecological mitigation and enhancement.
- 6) The Council are satisfied that the discharge of planning conditions attached at outline stage can provide the detail required to ensure that an appropriate drainage scheme is incorporated into the site and that there would be no additional impacts in terms of flood risk.
- 7) The proposals are considered to be in accordance with the OPA ES which accepted impacts with respect to air quality, noise and contamination subject to mitigation and a series of conditions to be discharged. It is noted that night time noise may be increased beyond what was anticipated at outline stage, however it is considered that there are sufficient measures in place through the discharge of Condition 15 (CEMP) and the Section 61 Agreement which has to be submitted to Public Protection in order to ensure that residents are appropriately protected and that there is no significant impacts on the environment.

8) Where there are conditions attached at outline stage which required approval of details prior to or concurrently with the RMA and this has not been possible, discussions are ongoing and the Applicant is aware that these issues will need to be resolved to the satisfaction of the LPA prior to commencement on site. Subject to these conditions being satisfied the Council consider that the proposals accord with the Environmental Statement submitted at outline stage and following mitigation no additional impacts beyond those identified at outline stage should arise.

Cllr C Cullwick

[The meeting started at 4.30 pm and finished at 9.57 pm].