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MEETING	PLANNING COMMITTEE
DATE	24 JUNE 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), AYRE, D'AGORNE, FUNNELL (NOT IN ATTENDANCE FOR MINUTE 5D), HORTON, HUDSON (NOT IN ATTENDANCE FOR MINUTE 5D), HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON AND WISEMAN
APOLOGIES	COUNCILLOR FIRTH

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## 1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
West Offices, Station Rise, York (Offices) (10/00613/FULM) (10/00614/LBC)	To enable Members to view the building and proposed areas for extension and demolition with regard to the impact on the listed building and surrounding area.	Councillors D'Agorne, Horton, Hudson, Hyman, Moore, Morley, Reid, B Watson, R Watson and Wiseman.
West Offices, Station Rise, York (Hotel) (10/00615/FULM)	To enable Members to view the site in relation to objections received and the buildings vicinity to the listed West Offices.	Councillors D'Agorne, Horton, Hudson, Hyman, Moore, Morley, Reid, B Watson, R Watson and Wiseman.
Dairy, 6-18 Hull Road, York (10/00583/OUTM)	To enable Members to view the site and adjacent development in view of objections received.	Councillors D'Agorne, Moore, Morley, Reid and Wiseman.

## 2. DECLARATIONS OF INTEREST

Members were invited to declare, at this point in the meeting, any personal or prejudicial interests they might have in the business on the agenda.

Councillor Hudson declared a personal prejudicial interest in relation to Plans item 4d (Dairy, 6-18 Hull Road, York) as he had advised the applicant in relation to this application and he left the room and took no part in the discussion and voting thereon.

Councillor Reid declared a personal non prejudicial interest in relation to Plans items 4a and 4b (West Offices, Station Rise, York) as an Executive Member who had declared an interest as a Planning Committee member

when this matter had been considered by the Executive and had taken no part in the discussion or voting thereon.

Councillor Moore declared a personal non prejudicial interest in relation to Plans items 4a and 4b (West Offices, Station Rise, York) as an Executive Member who had declared an interest as a Planning Committee member when this matter had been considered by the Executive and had taken no part in the discussion or voting thereon.

### **3. MINUTES**

RESOLVED: That minutes of meetings of the Committee held on 29 April and 20 May 2010 be approved and signed by the Chair as correct records.

### **4. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **5. PLANS LIST**

Members considered reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, outlining the proposals and relevant planning considerations and setting out the views of the consultees and Officers.

#### **5a West Offices, Station Rise, York YO1 6HT (10/00613/FULM)**

Members considered a major full application, submitted by York Investors LLP, for the refurbishment, extension and part demolition of the West Offices building to form new offices for the City of York Council.

Officers circulated the following information in an update and note for Members (the full details of which are set out in the annex attached to the report):

- Revised Condition 8 relating to cycle parking and Condition 15 in respect of the biomass boiler plus an additional condition regarding bat features;
- Additional comments received from Yorkshire Water, CABE (Commission for Architecture and the Built Environment), the Environment Officer and the Micklegate Ward Members;
- Letter of support in relation to the conversion of West Offices;
- Additional objection to the scheme;
- Legal note for Members clarifying the law in relation to the decision to be made on this and the following applications for West Offices.

Representations in support of the application were received from the applicant. He stated that the West Offices building had presented many challenges with the conflicting demands of old and new features. He pointed out that the proposals would revitalise the area in an optimum city centre location. He went on to refer to the highly sustainable features of the building, which would make it an excellent place in which to work.

Representations also in support were made by the York Civic Society who expressed their delight in being able to support the refurbishment and reuse of the West Offices building. Concerns were however raised in relation to the removal of the train shed and the need for care in its removal and for greater public visibility.

A representative of the Micklegate Planning Panel confirmed that they were not opposed to the principal of the development as they supported the reuse of the building. Their concerns related to the overall roof height and the concealment of the original features and treatment of the building. He requested further consultation on these issues.

Representations were also received from a local resident who pointed out that the erection of a grand public building and major public consultation was inappropriate during a time of economic deprivation. She stated that the money could be used for essential services instead.

Members then questioned a number of details of the application including:

- Removal of the existing trees - confirmation that a number required removal to accommodate the disabled parking spaces but that these would be replaced with semi mature London Plane trees;
- Status of the advice offered by CABE;
- Noise levels and acoustics of the building – confirmation that satisfactory levels had been predicted and that further testing would be undertaken on completion.
- Possible conflict between pedestrians and disabled parking areas – confirmation that there would be no safety issues as the landscaping and design ensured that vehicle speeds would be low;
- Anticipated staff numbers;
- Biomass boiler, hours of operation, details of fuel transportation and air quality;
- Heat and energy strategy;
- Secure by Design provisions and site management.

Officers confirmed the need for an additional condition to cover works required to Station Road/Station Rise including the widening of pavements, improved bus stops and surfacing.

Following further discussion it was

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the following additional and amended conditions:

**Additional Condition:** The development hereby permitted shall not come into use until the highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) shown on site layout drawing D 1104 revision O have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

**Additional Condition:** No development shall take place until details of measures for bat mitigation and conservation have been submitted to and approved by the Local Planning Authority. Details shall include: -

- a. A plan of how construction work is to be carried out to accommodate the possibility of bats being present.
- b. Provision to be made within the re-development of the site to replace the features lost through demolition and conversion work. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- c. Any lighting proposed within the site, and how any potential subsequent impacts on bats and other wildlife will be minimised. The scheme shall show how light spillage will be minimised, and ensure that any roost sites, foraging or commuting areas are not directly illuminated.
- d. The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Amended Condition 2. The development hereby permitted shall be carried out in accordance with the following plans:-

1104 Site Layout (revision O).  
1501 Entrance details.

2201-06 Floor plans, including roof.  
2207-11 Demolition plans.

1401 SE elevation.  
1402 NW elevation.  
1405 NE elevation.  
1407 SW elevation.  
2401 Courtyard elevations.

1301 and 2301 sections.

2501-03 Roof details.

Windows to be upgraded using Ventrolla insulation system.

**Amended Condition 8.** Prior to the development commencing details of the areas for cycle parking (including layout, type of secure fixing, elevations, materials and means of enclosure where proposed) shall be

submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the facilities have been provided in accordance with the approved details, and the facilities shall be provided/maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Amended Condition 16.** The biomass boiler chosen for the site shall have an equivalent or lower operating capacity of 411KW and maximum emission rates of 0.044g/s NO<sub>x</sub> and 0.009g/s PM<sub>10</sub> (particulate matter). The hours of operation shall be restricted to between 5am and 7pm on any day.

The stack exhaust shall have a minimum height of 18.5m and extend a minimum of 1.5m above the roof, at the point of release (in line with the recommendations of the AECOM air quality assessment).

Operating parameters outside those specified shall be the subject of a further air quality impact assessment, which shall be approved by the Local Planning Authority prior to boiler operation, and the boiler shall operate in accordance with the approved specifications.

**REASON:** In the opinion of the Local Planning Authority the proposal, as it constitutes securing the long term future of a listed building at risk, and involves the creation of sustainable accessible office space in a sequentially preferable location, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of the listed building, the character and appearance of the conservation area, highway safety, flood risk and air quality.

The proposal complies with national policy contained in PPS1, PPS4 and PPS5 and policies SP6, SP7, GP1, GP3, GP4a, GP11, NE1, HE2, HE3, HE4, HE10, E3b, T4, T5, T13a of the City of York Development Control Local Plan.

**5b West Offices, Station Rise, York YO1 6HT (10/00614/LBC)**

Consideration was given to a listed building consent application, submitted by York Investors LLP, for the refurbishment and extension of the former York railway station and station hotel to form new offices/headquarters for City of York Council.

Representations were received from a local resident who made reference to planning policy PPS5: Planning for the Historic Environment. He felt that modifications to the scheme would better achieve the aims of maintaining a heritage asset for the long term. He stated that the train shed should be made more accessible to the public rather than the proposed expensive move to an alternative location, which would place it out of context.

Further representations were also made by a resident who pointed out that she was speaking on behalf of disadvantaged groups in the city. She stated that although this was a laudable scheme that the costs of the provision should be considered and the project deferred in the current economic climate.

Some Members expressed concern at the proposal to dismantle the original roof structure and its re-erection for cycle storage. Officers confirmed that they considered that the approach to relocate and refurbish the canopy bringing it back into active use within public view and the subsequent gains outweighed the harm.

Members also questioned details of the glazed roof and confirmation was given that this contained opening panels for cleaning only and not for ventilation purposes.

**RESOLVED:** That the application be approved following referral to the Secretary of State.

**REASON:** In the opinion of the Local Planning Authority the proposal, as it would secure the long-term optimum viable use of a grade 2 star listed building currently at risk, and as the works proposed would not have an undue impact on the heritage asset, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of the listed building. As such the proposal complies with PPS5: Planning For the Historic Environment and Policy HE4 of the City of York Development Control Local Plan.

### **5c West Offices, Station Rise, York YO1 6HT (10/00615/FULM)**

Members considered a major full application, submitted by York Investors LLP, for the erection of a new 6 storey hotel building fronting onto Toft Green.

Officers circulated an update, which included information on the following points (a copy of the full update is attached as an annex to the agenda):

- Comments of English Heritage on the revised plans;
- Comments of the Micklegate ward members;
- Details of four additional objections received to the application.

Officers confirmed that, in response to the comments of English Heritage, the scheme had been amended to increase the use of brickwork with horizontal stone banding to strengthen the relationship with West Offices together with alterations to the upper windows to give a vertical emphasis to the building. Plans of the courtyard view showing the amendments made to the north east elevation together with photographs and plans of the original station were circulated at the meeting.

Representations in support were received from the Architect for the scheme. He confirmed that the scheme was for a quality hotel, which would revitalise the site, provide local jobs for local people and support tourism in the city. In relation to the sustainability measures he confirmed that the hotel would be the first BREEAM excellent rated hotel in the city. There was also a proposal to sell any surplus hot water from West Offices to the hotel.

Representations were also heard from the York Civic Trust who confirmed their in principle support for the hotel scheme and to the amendments reported at the meeting. Reference was made to the hotel footprint, which it was felt was too close to the listed building and relocated canopy. The Trust also asked if consideration had been given to the preservation and enhancement of railings on Tanner Row, which were listed in their own right.

Representations were received on behalf of the Micklegate Planning Panel. Their representative stated that the hotel would be overbearing and in too close proximity to the listed West Offices with the use metal cladding which was an alien material in the area. It was felt that the proposals required re-examination.

Members questioned a number of aspects of the scheme including:

- Materials;
- Details of the heights of surrounding buildings;
- Condition regarding visibility of plant and equipment on the roof;
- Condition to protect and enhance the listed railings.

Certain Members expressed concerns at the design, which was unsympathetic, and in close proximity to a listed building.

Councillor Pierce then moved and Councillor D'Agorne seconded that the application be deferred to allow further discussions to be undertaken with the developers regarding the design and materials and the Assistant Director (Planning and Sustainable Development) together with the Chair and Vice Chair of the Committee be delegated authority to approve any amendments. On being put to the vote this was lost.

Members expressed concern in relation to some of the materials to be used in the hotel and following further discussion it was

**RESOLVED:** That approval be granted subject to the conditions listed in the report and subject to the finish and materials being delegated for approval to the Assistant Director (Planning and Sustainable Development) together with the Chair and Vice Chair of the Committee.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting of

West Offices, the character and appearance of the conservation area, amenity, highway safety, archaeology and flood risk.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE3, HE10, T4, E3B and V3 of the City of York Development Control Local Plan.

**5d Dairy, 6-18 Hull Road, York YO10 3JG (10/00583/OUTM)**

Consideration was given to a major outline application, submitted by Uniliving Ltd, for the erection of student accommodation comprising of 332 student bed-spaces in 7 block and with a separate 1 no. flat with associated landscaping and access after the demolition of the existing dairy.

Officers referred to a letter forwarded to Members from the applicants Planning Consultant, which raised a number of issues and requested deferral of the application. The Consultants had pointed out that as the principle of the use was acceptable that time should be given for Offices to consider and re-consult on the recently submitted revised proposals rather than refuse the application which they felt would delay the development during a difficult economic time by at least 12 months. Officers circulated an update in response to the letter (copies of which are attached to the agenda for this meeting)

Officers went on to update Members on the following points and circulated plans of the proposed site layout:

- The second reason for refusal required the deletion of the first word 'Officer';
- Reason 3 for refusal was no longer required;
- If the application was approved an additional condition would be required in relation to remediation and piling works;
- Paragraph 3.1 - Highway Network Management comments - no agreement had as yet been reached on these points. If members were minded to approve consent then further negotiations would have to continue with the developer. These details would have to be agreed prior to any future development being approved;
- The Applicant had now confirmed that if tenants parked vehicles off site this would result in the termination of their tenancy agreement.

Officers confirmed that this matter was procedurally complex in that new plans had only recently been received from the applicant which contained substantial amendments to the original scheme.

The Legal Officer made reference to the agent's letter and request for deferral. He pointed out that it had been custom and practice for Members to accept and consider plans containing minor amendments however, if the changes were more fundamental, then it would be inappropriate to deal with them. He recommended that Members could either determine the



application with the plans as submitted with the original application or defer consideration pending receipt of a new application. He pointed out that either course of action would not materially affect timescales or disadvantage the applicant.

Officers stated that the substantial amendments made to the scheme would be better dealt with through a new application. They confirmed that they would work with the applicant as a matter of urgency to take the scheme forward.

Representations in support of the scheme were received from the applicants Planning Consultant. He referred to the difficult economic times and to this much needed development, which would free up family housing in the area. He referred to the proposed amendments to the scheme and pointed out that he felt the scheme could be progressed without the need to resubmit the application.

Members questioned details of the amendments and the following points:

- Details and siting of cycle and car parking;
- Waste disposal;
- Scheme density;
- Drainage and flood levels;
- Basement cycle parking and affects on archaeology;
- Concerns regarding siting of Block B in relation to the Hull Road Air Quality Management Area.

Following further discussion it was

RESOLVED: That the application be refused for the following reasons:

- REASON: 1. The development is considered an overdevelopment of the site. The excessive height and footprint of the proposed blocks close to the boundaries with residential properties on Devon Place and Nicholas Gardens in particular will further result in a development which will overlook and dominate these neighbours to a degree which seriously harms their outlook and privacy resulting in an unacceptable loss of their amenity. The overdevelopment of the site will also lead to sub-standard on-site separation distances between blocks and this, together with a poor level of on-site amenity space, will result in a poor living conditions for future occupiers of these units, whether students or otherwise. The development is therefore considered contrary to national planning guidance in PPS1 (Delivering Sustainable Development) and PPS3 (Housing) and local plan policies ED10 and GP1 of the Deposit Draft Local Plan (4th set of Changes).
2. Consider that the design, height and appearance of the development, in particular Blocks A-D, is

inappropriate in this location and will harm the character of the street scene of Hull Road and the wider context within which the development stands. It will consequently look incongruous and dominant within the more traditional pattern and scale of development of this part of the city. The massing of the buildings is overbearing both in relation to the internal courtyard and the wider street environment. The development is therefore considered contrary to national planning guidance in PPS1 (Delivering Sustainable Development) in particular paras 34 and 35 and PPS3 (Housing) and local plan policies ED10 and GP1 of the Deposit Draft Local Plan (4th set of Changes).

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].