

Notice of a public meeting of

Planning Committee

- To:** Councillors Horton (Chair), Cunningham-Cross, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Williams and Wiseman
- Date:** Thursday, 25 October 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point, members are asked to declare any personal, prejudicial or disclosable pecuniary interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 16)

To approve and sign the minutes of the meeting of the Planning Committee held on 20th September 2012.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 24th October 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning application.

- 5. 16:35 - Presentation by Persimmon Homes regarding Reserved Matters for the Germany Beck Development.**
- 6. 17:05 - Presentation by University of York St John regarding Haxby Road Playing Fields.**
- 7. 17:35 - Presentation by Askham Bryan Colleage for Development Proposals.**
- 8. Former Terry's Factory Site, Bishopthorpe Road, York, YO26 1NA (09/01606/OUTM). (Pages 17 - 22)**

Proposed variation of the provisions of the legal agreement in respect of affordable housing to accord with the Council's interim policy in respect of the following application:

Mixed use redevelopment scheme for a range of uses to include business use (Classes B1a, b and c), hotels with ancillary leisure (Class C1), community facilities including a health centre / doctor's surgery (Class D1), a nursery (Class D1), galleries and museum (Class D1), leisure uses (Class D2), retail (Class A1), food and drink (Classes A3 and A4), assisted living accommodation and residential institution (Class C2) and residential units (Class C3) with new means of access, associated servicing, car parking and highways works. [Micklegate Ward].

- 9. Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
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City of York Council

Committee Minutes

MEETING PLANNING COMMITTEE

DATE 20 SEPTEMBER 2012

PRESENT COUNCILLORS HORTON (CHAIR),
CUNNINGHAM-CROSS, GALVIN (VICE-
CHAIR), AYRE, BOYCE, BURTON,
D'AGORNE, DOUGHTY, FIRTH, KING,
MCILVEEN, REID, RICHES, SIMPSON-
LAING, WILLIAMS AND WISEMAN

11. INSPECTION OF SITES

Site	Reason for Visit	Members Attended
James Ashton Playing Field, Water End, York (12/02373/FULM)	To enable Members to view the site of the new flood embankment and associated works in relation to neighbouring properties and existing landscaping.	Cllrs Horton, Boyce, Galvin, McIlveen and Wiseman
Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York (12/02429/FULM)	To enable Members to view the siting of the realigned junction, proposed internal layout and the designated Village Green.	Cllrs Horton, Boyce, Galvin, McIlveen and Wiseman
Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, York (12/02459/FUL)	To enable Members to view the site in relation to concerns raised regarding traffic and piecemeal development.	Cllrs Horton, Boyce, Galvin, McIlveen and Wiseman
Proposed University Campus Lying between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (12/02306/FULM)	To enable Members to view proposals for the second phase of the sports village, the adjacent Public Right of Way and landscaping.	Cllrs Horton, Boyce, Galvin, McIlveen and Wiseman

12. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

Councillor Simpson-Laing declared a personal non prejudicial interest in relation to Plans item 4c (Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York 12/02306/FULM) as her daughter was a member of York Athletics Club.

Councillor D'Agorne declared a personal non prejudicial interest in relation to Plans item 4c (Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York 12/02306/FULM) as a member of the CTC.

Councillor Simpson-Laing also declared a prejudicial interest in relation to Plans item 4d (James Ashton Playing Field, Water End, York 12/02373/FULM) as she was directly affected by the proposed flood alleviation scheme living in close proximity and she left the room and took no part in the discussion or voting thereon.

Councillor Riches declared a personal non prejudicial interest in relation to Plans item 4d (James Ashton Playing Field, Water End, York 12/02373/FULM) as a tenant of a property in the Leeman Road area.

Councillor Williams declared a personal non prejudicial interest in relation to Plans item 4f (Land Including Huntington Stadium, to the west of Jockey Lane, Huntington 12/02545/REMM) as an employee of Yorkshire Water in view of their extensive requirements for the site.

Councillor Cunningham-Cross declared a personal non prejudicial interest in relation to Plans item 4g (Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, York 12/02459/FUL) as a visitor and user of the site.

Councillor Williams declared a personal non prejudicial interest in relation to Plans item 4g (Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, York 12/02459/FUL) as an occasional user of the site.

Councillor Ayre declared a personal non prejudicial interest in relation to Plans item 4g (Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, York 12/02459/FUL) as his son and daughter were occasional users of the site.

13. MINUTES

RESOLVED: That the minutes of meetings of the Committee held on 26 July and 23 August 2012 be approved and signed by the Chair as correct records.

14. PUBLIC PARTICIPATION

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

15. PLANS LIST

Members considered the reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

15a Hungate Development Site, Hungate, York. (12/02216/FULM).

Members considered a major full application, by Hungate (York) Regeneration Ltd, for the conversion of 6 no. townhouses (unit numbers 49, 70, 71, 73, 74 and 75) to 12 no. duplex apartments within Phase 1 of the Hungate redevelopment scheme.

In answer to a Members question, the applicant's agent confirmed that all the duplex apartments converted from townhouses in 2011 had now been sold.

Following further discussion it was

RESOLVED: That the application be approved subject to the conditions outlined in the report.

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 design of the development, mix of house types / number of units and parking provision.

As such the proposal complies with paragraphs 17, 49 and 50 of the National Planning Policy Framework and Policies GP1, HE2 and H3C of the City of York Development Control Local Plan.

15b Hungate Development Site, Hungate, York. (12/02282/OUTM).

Consideration was given to a major outline application, by Hungate York Regeneration Ltd, to extend the time period for implementation of permission 02/03741/OUT to redevelop 4.1 ha. of land for residential, (720 units) Class B1 business (total floorspace 12,062 sq. m), Class A1 retail, A3/A4/A5 food/drink uses (total 6,392 sq. m), focal building, enhanced Nature Reserve/Riverside, public spaces, landscaping, car/cycle parking, access routes, bridge to Navigation Rd and sewer realignment.

Officers updated the following in relation to the application:

- An Environmental Impact Assessment (EIA) screening had been undertaken for the original application.
- Timescales detailed for the development to commence, in paragraph 1.2 of the report, were incorrect. The timescales detailed in Condition 1 were the correct dates for application to be made for approval of reserved matters.
- Paragraph 4.7 listed the variations proposed to the original outline application.

The Applicant confirmed that they were committed to completing the development, despite the current economic climate. He went on to thank both Members and Officers for their support throughout the development.

Members confirmed that, with such a large scheme and the timescales involved, it was not unusual for circumstances to change and therefore

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

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: highway and pedestrian safety, the Central Historic Core Conservation and adjacent listed buildings, archaeological deposits at the site, ecology at or adjacent to the site, residential amenity, affordable housing considerations, air quality, noise and construction related disturbance, security and designing out crime considerations, flooding and drainage, sustainability and impact on Local Education provision.

As such the proposal complies with Policies H9,E4,R1 and E5 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP6, GP11, HE2, HE9, HE10, T4, T13, T14, T20, H1, H2 a, H3 c, H4, H5, L1(c), C3,NE1, NE2, NE3, NE7, NE8, and ED4 of the City of York Local Plan Deposit Draft.

15c Proposed University Campus Lying Between Field Lane and Low Lane A64 Trunk Road and Hull Road, York. (12/02306/FULM).

Members considered a major full application, submitted by Mr Jon Greenwood, for an athletics track and closed road racing cycle circuit with ancillary parking, lighting and fencing, including the re-routing of a public right of way.

Officers circulated a Committee update and master plan for the site,(a full copy of which has been published with the online agenda for the meeting) the main points of which were:

- Details of typographical errors in paragraphs 3.9 and 4.14.

- The applicant had asked that recommended Condition 13, requiring a noise survey be deleted.
- Revisions had also been requested to Conditions 3, 4, 5, 6, 7 and 8 regarding the time limit for submission of detailed works.
- Further information on the timing of the pavilion and grandstand proposals.

Members then went on to question a number of points including:

- YNET's comments in relation to improving wildlife in the centre of the track.
- Further information on the timescales for the erection of the grandstand and pavilion.
- Details of the two options for the diversion of the Public Right of Way.
- Information on the funding and confirmation that the cycle track would be completed by 31 March 2013.
- Confirmation received that, prior to completion of the pavilion and grandstand, that the changing facilities provided for the sports pitches would also be available for the sports clubs use.

The Applicants Agent spoke in support of the scheme, particularly in relation to the cycle racing track and its use by local clubs for cyclists at all levels. Confirmation that this would provide a top class sports facility and that the Ramblers Association had no objections to diversion of the PROW around the perimeter of the track.

Following further discussion Members thanked both the University and Officers for their work in providing an impressive facility for the city.

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

Delete Condition 13 (Noise Survey)
In Conditions 3, 4, 5, 6, 7 and 8 – replace the words '*within three months of planning permission being granted*' with '*within three months of the commencement of work on any phase of the approved proposals.*'

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 principle of the use, visual amenity, landscaping, environmental protection, transport, drainage, and provision of leisure facilities. As such the proposal complies with the National Planning Policy Framework and policies ED9, GP1, GP9, GP15A, NE1 and L1a of the City of York Local Plan.

15d James Ashton Playing Field, Water End, York. (12/02373/FULM).

Consideration was given to major full application, submitted by Ms Helen Tattersdale, for the Water End Flood Alleviation Scheme, incorporating: construction of a flood wall along the crest of Water End road embankment; construction and operation of a demountable flood defence barrier across the east entrance to Landing Lane from Water End; raising the existing Leeman Road earth flood defence embankment; construction of a new earth flood defence embankment extending from the Leeman Road embankment to Cinder Lane; construction of two flood walls and a ramp at Cinder Lane; establishment and use of one main temporary construction compound, two satellite compounds, material storage areas and haul routes; reinstatement of construction working areas; and associated landscaping works.

Officers presented a Committee update, full details of which have been published online with the agenda for the meeting, the main points of which were:

- Paragraph 4.19 related to a resident's concerns regarding access by intruders to her property. The applicant now proposed to discuss possible options to alleviate the concerns.
- Paragraph 4.12 questioned the need to erect a rail along the top of the flood wall along Water End. The EA had reviewed the need and would confirm their findings in a Public Safety Risk Assessment prior to confirmation of the final design.

- A request had been made for the deletion of the steps proposed over the embankment at Lincoln Street. The applicant had agreed to replace these with a gradual ramp.
- It had been recommended that all the above were made a condition of approval.
- For the avoidance of doubt the end-use proposals for the bowling green and BMX track, post construction, would be agreed in consultation with local residents and groups.
- The Council's Countryside Officer had no objections to the proposals.
- Revisions to the list of plans for approval.

Members went on to question a number of points including:

- Further information on the 'demountable' flood barriers.
- YNEP's suggestion of a green bund with underlying concrete structure rather than a brick wall along Water End. Officers confirmation that this was not feasible owing to there being insufficient distance between the road and river.
- Reassurance that adequate warning would be given by the EA of the need to erect flood barriers on Landing Lane.

Following further discussion, Members expressed their pleasure in supporting the provision of new flood defences for York and in particular for the residents of the Leeman Road area.

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

Amended Condition 2 – The development hereby permitted shall be carried out only in accordance with drawings 108983-00000/C, 108983-00001/C, 108983-00002/C, 108983-00003/C, 108983-21001/C, 108983-21002/D, 108983-24001/D, 108983-24002/C, 108983-24003/C, 108983-80001/A, 108983-80002/A, 23001/C, 23002/C, 23003/C, 23004/C, River Ouse map1-email.mpd, 108983-22001/C, 108983-22002/C, 108983-22003/C, 108983-22004/C, 108983-81001/A, 108983-81002/A, 108983-81003/A, 4.7.5a, 4.7.5b and 4.7.5c

Additional Condition: Notwithstanding the approved plans the following proposed works shall not be erected until details have been submitted to and approved in writing by the local planning

authority. The works shall be carried out in accordance with the submitted details.

- a. The replacement wall and railings between Cinder Lane and the properties in Regents Court;
- b. The rail along the new flood wall on the north-west side of Water End;
- c. The pedestrian access ramp across the raised flood embankment at the northern end of Lincoln Street.

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 principle of the use, visual appearance, landscaping, environmental protection and neighbour amenity. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP9 and NE1 of the City of York Local Plan.

15e Proposed Site for Poppleton Bar Park and Ride, Northfield Lane, Upper Poppleton, York. (12/02429/FULM).

Consideration was given to a major full application, submitted by City of York Council, for the variation of condition 2 of planning permission 09/02294/FULM to alter the layout of the park and ride facility.

Officers reported that the plan reference in recommended Condition 24 in the report should read BBHAEL501 Rev J.

Following discussion Members confirmed their support for this long awaited Park and Ride scheme.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amendment of the plan reference in Condition 24.

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 impact upon the open character and purposes of designation of the York Green Belt, appropriateness of the location of the proposal and impact upon highway safety and the free flow of traffic along the A59 and adjoining roads. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1; SP8; GP1; GP3; GP4a), GP9 and T6 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

15f Land Including Huntington Stadium, To The West of Jockey Lane, Huntington, York. (12/02545/REMM)

Members considered a major reserved matters application, submitted by Oakgate (Monks Cross) Ltd, for details of appearance, landscaping, layout and scale of mixed-use development comprising, the demolition of existing buildings and the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non-residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5) recreation and amenity open space, with associated vehicular access roads, car parking, servicing areas and hard and soft landscaping granted under outline permission 11/02581/OUTM.

Officers circulated an update, the full details of which have been attached to the online agenda for the meeting, the main points of which were:

- The development description in the report was incorrect and did not include the stadium and proposed uses.
- Revised list of modified plans.
- Condition 3 has been reworded to confirm that the ground surface materials were also covered in this condition.
- Comments had now been received from Highway Network Management which were reported in relation to the internal pedestrian and cycle access, cycle and car parking.
- Confirmation that work was ongoing with the applicant's to devise an acceptable scheme for the community open space plaza. Condition 3 required the applicants to agree

the detailed design for this space with the Local Planning Authority.

Members then went on to comment on and question a number of aspects of the application including:

- Confirmation that the Yorkshire Water Authority conditions were already covered in the outline application
- Details of the cycle strategy, particularly in respect of the pedestrian boulevard
- Car share spaces, confirmed as parking for vehicles which contained more than one occupant

Representations in support of the application were then made by the Applicant who was accompanied by colleagues to answer member's questions on technical issues. He reported on the progress of the development and consultation undertaken. It was confirmed that occupiers of the large retail units were close to legal agreement and that Heads of Terms were in place for the restaurant outlets. Thanks were offered to Officers and Members for their support with this challenging project.

Members confirmed their support for the well thought out scheme and speedy submission of the reserved matters application.

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

Amended Condition 1 - Site Layout 2009-216/GEN/100 L, 2009-216/GEN/890A Servicing Site Wide Proposal, 2009-216/GEN/820C Fences and Barriers, 2009-216/GEN/100/Cycles Rev A Cycle Strategy, 2009-216/GEN/810B Proposed levels

- Landscaping Plans - 9010-019-136E - 9010-019-137E - 9010-019-138G - 9010-019-139F - 9010-019-140F - 9010-019-141F
- Unit A - 2009-216/ZONE A/201L Ground Floor Plan, 2009-216/ZONE A/202H First Floor Plan, 2009-216/ZONE A/203M Roof Plan, 2009-216/ZONE A/210R Elevations, 2009-216/ZONE A/350E GA Sections, 2009-216/ZONE A/890D Delivery Area and Swept Path

- Unit B - 2009-216/ZONE B/201G Ground Floor Plan, 2009-216/ZONE B/202C First Floor Plan, 2009-216/ZONE B/203B Roof Plan, 2009-216/ZONE B/210D Elevations, 2009-216/ZONE B/350D GA Sections
- Unit C - 2009-216/ZONE C/201Q Ground Floor Plan, 2009-216/ZONE C/202M First Floor Plan, 2009-216/ZONE C/203H Roof Plan, 2009-216/ZONE C/210N Elevations, 2009-216/ZONE C/350E GA Sections, 2009-216/ZONE C/890E Delivery Area and Swept Path
- Kiosk, restaurant and security office - 2009-216/GEN/201E Kiosk and Restaurant GA Plan, 2009-216/GEN/202D Kiosk and Restaurant Roof Plan, 2009-216/GEN/203A Security Office Ground and Roof Plan,, 2009-216/GEN/210F Kiosk and Restaurant Elevations and Ground and Roof Plan, 2009-216/GEN/211A Security Office Elevations, 2009-216/GEN/350B Kiosk and Restaurant 1:50 Sections, 2009-216/GEN/355A Security Office 1:50 Sections.
- Tree Pit Details – 9010-019-111B, 9010-019-112B, 9010-019-113B, 9010-019-114B, 9010-019-115B.

Amended Condition 3 - Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including external building materials, roads, footpaths, shared spaces, car parking areas, and within the Community Plaza, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

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 layout, scale, appearance, and landscaping. As such the proposal complies with Policies GP1, GP3, GP9, NE1, NE7, and T4 of the City of York Development Control Local Plan.

15g Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, York. (12/02459/FUL).

Consideration was given to a full application, submitted by Mrs Janice Dunphy, for the change of use of part of the reception building to childcare facility including outdoor space.

Officers updated with the following information, full details of which are attached to the online agenda:

- Clarification that the area shown on the submitted plan showed the full extent of the nursery's outdoor play space.
- Details of an additional condition specifying that the development should be carried out in accordance with the approved plans.

The applicants agent spoke in support of the development referring to the wide range of activities and experiences already offered at the site which had proved popular with local residents. Reference was also made to the shortage of nursery places in the area which the development would help address.

Representations were received from a representative of Wigginton Parish Council who raised concerns in respect of traffic issues including highway safety and the lack of safe pedestrian access both on and off the site. Reference was also made to the piecemeal development of the site and a request made for an overall plan and a Section 106 agreement.

A number of members expressed concerns at the increase in traffic this proposal would generate with access via a busy road close to an existing roundabout.

Officers confirmed that work had been carried out to help access to and from the site and that it was felt that, as the current proposal was relatively minor, it would not have a material impact on the operation or safety of the adjacent highway. Officers did however confirm that they would undertake further discussions with the Parish Council and landowner in an effort to improve access arrangements. Following further discussion it was

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

Condition 2: The development hereby permitted shall be carried out in accordance with the approved plans 005/G and 006/B received by the council on 10 July 2012.

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 impact on the green belt, highway safety and provision of nursery facilities. As such the proposal complies with the National Planning Policy Framework and policies GP1, GB3 and C7 of the City of York Draft Local Plan.

CLLR D HORTON, Chair

[The meeting started at 4.30 pm and finished at 6.00 pm].

COMMITTEE REPORT

Date: 25 October 2012 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 09/01606/OUTM
Application at: Factory, Bishopthorpe Road, York, YO23 1NA
For: Mixed use redevelopment scheme for a range of uses to include business use (Classes B1a, b and c), hotels with ancillary leisure (Class C1), community facilities including a health centre / doctor's surgery (Class D1), a nursery (Class D1), galleries and museum (Class D1), leisure uses (Class D2), retail (Class A1), food and drink (Classes A3 and A4), assisted living accommodation and residential institution (Class C2) and residential units (Class C3) with new means of access, associated servicing, car parking and highways works
By: GHT Developments LLP
Application Type: Major Full and Outline Planning Permission
Recommendation: That officers be authorised to vary the provisions of the legal agreement in respect of affordable housing to accord with the Council's interim policy.

1.0 PROPOSAL

1.1 The application for the mixed use redevelopment of the former Terry's Factory site was approved by the Council's Planning Committee on 3 February 2010 subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act to secure (amongst other things) 82 no. affordable housing units. As currently drafted the agreement specifies that the mix of the affordable provision should be 32no. two bed flats; 7no. two bed houses and 10no. three bed houses for affordable rent together with 28no. two bed flats; 1no. two bed house and 4no. three bed houses for discounted sale. This provision equates to 30.3% of the total number of dwellings (271) proposed for the site.

1.2 Whilst the provisions of legal agreement have been generally agreed by the various parties it remains unsigned by the developers. As such the planning permission has not been issued.

1.3 The applicant has written to request that the affordable housing provision be reduced to 25% of the total number of dwellings on the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

The Racecourse and Terry's Factory Conservation Area

Grade II Listed Building Terry's of York Factory Bishopthorpe Road

Grade II Listed Building Terry's of York Head Offices Bishopthorpe Road

Grade II Listed Building Liquor Factory Terry's Factory Bishopthorpe Road

Grade II Listed Building Terry's of York Clock Tower Bishopthorpe Road

Grade II Listed Building Terry's of York Time Office Block Bishopthorpe Road

2.2 Policies:

Revised Terry's Development Brief 2009

CYCH2A Affordable Housing

3.0 CONSULTATIONS

3.1 Given the nature of the request which is in accordance with council policy, no consultations/notifications have been undertaken.

3.2 For information the following responses regarding affordable housing were reported to Members when the application was originally submitted:

- Yorkshire Forward - The provision of affordable housing on this site is important in achieving a balanced and stable residential community, and planned provision should be aligned to the RSS target for affordable housing in York of 40%. It is therefore regarded as important that the council continues to strive to maximise the level of affordable housing that may viably be achieved on this site.
- Leeds, York and North Yorkshire Chamber of Commerce - urges the Planning Committee to take account of the prevailing economic conditions whilst considering an appropriate level of affordable. It considers that the Council currently has a policy of up to 50% affordable housing, but believes this policy was never the subject of public consultation. In comparison, the Regional Spatial Strategy (RSS) recommended a policy in the order of 40% affordable housing, and that the RSS was in fact put out to public consultation. It urges Committee to be realistic over the proportion of affordable housing that is required to be incorporated into the development and remains concerned that if too high a proportion of affordable housing were required, development might become unviable and might not proceed, which, in its view, would be nothing short of a disaster for York.

- An objection was received from a local resident objecting to 50% affordable housing as it would have a negative effect on area.

4.0 APPRAISAL

4.1 The aim of section 6 of the National Planning Policy Framework “Delivering a wide choice of high quality homes” is to boost significantly the supply of housing. At paragraph 203 the NPPF states that “where (section 106) obligations are being revised, local planning authorities should take account of market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”

4.2 The original agreement provided for 30.3% of housing on the site to be affordable. It was acknowledged in the 3 February 2010 Committee Report that this was below the Council's 50% target within local plan policy H2A but concluded that

“in the current economic climate and seen together with other substantial developer contributions for local school and recreation facilities and improvements to the local highway network, (it) represents the maximum level achievable without impacting on the residual value of the scheme so much that development would be extremely unlikely to go ahead.”

4.3 At its meeting on 14 December 2010 The Council's Executive approved the Fordham Affordable Housing Viability Study (AHVS) and an interim 25% affordable housing target on brownfield sites of 15 homes and above, in line with the targets in the AVHS. Following the withdrawal of the Local Development Framework Submission Document, this remains the Council's most up to date planning policy in respect of affordable housing.

4.4 It is recommended that the agreement be amended to require that the total amount of affordable housing to be provided shall meet the council's affordable housing target for brown field sites (currently 25%). In addition it is recommended that the legal agreement links the provision of affordable housing on the site to the council's dynamic viability model (DVM). The DVM allows the targets to remain aligned with market conditions based on house prices, build costs and alternative use values of land. If, for example, house prices fall and/ or build costs increase then viability will fall and affordable housing targets will be lowered, based on a detailed matrix of values. The variables are updated annually based on information from established sources. The proportion of affordable housing to be provided would be calculated at the date of the first Reserved Matters Approval for that part of the residential development land.

4.5 The tenure mix of the affordable housing will remain as 60% affordable rent and 40% discounted sale. In addition it is proposed to amend the legal agreement to

address consequential changes to the provisions in respect of size, type and specification of the affordable housing to be constructed.

5.0 CONCLUSION

5.1 The applicant's request to vary the legal agreement in respect of affordable is reasonable given the council's interim planning policy. The proposed amendment would link the provision of affordable housing on the site to the council's affordable housing target for brown field sites (currently 25%). The proposed use of the dynamic viability model within the legal agreement allows the amount of affordable housing to be determined at the point of the approval of the reserved matters application for the housing land which will take into account any further changes in viability of the development.

6.0 RECOMMENDATION: That officers be authorised to vary the provisions of the legal agreement in respect of affordable housing to accord with the Council's interim policy.

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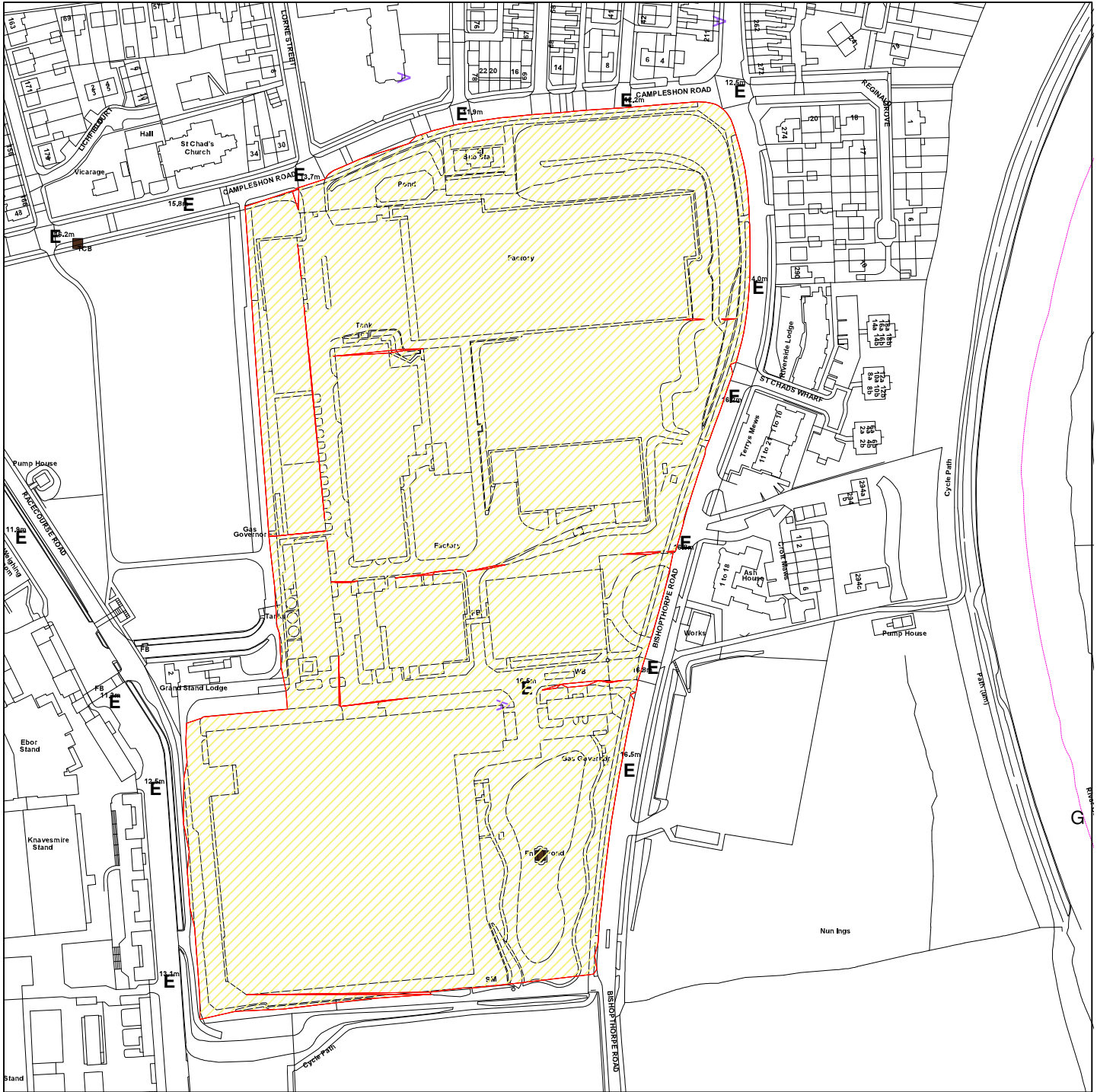
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Factory, Bishopthorpe Road



GIS by ESRI (UK)



Scale : 1:3000

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