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Meeting	Planning Committee
Date	10 December 2015
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Shepherd and Warters
Apologies	Councillors Galvin, Funnell and Richardson

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**48. Site Visits**

Application	Reason	In Attendance
Hungate Development Site	To enable members to familiarise themselves with the site.	Councillors Cannon, D'Agorne, Dew, Reid & Shepherd
Sewage Works, Naburn Lane, Naburn, York	To enable members to familiarise themselves with the site.	Councillors Cannon, D'Agorne, Dew, Reid & Shepherd
Land Lying to the West of Knapton Lane, York.	To enable members to familiarise themselves with the site.	Councillors Cannon, D'Agorne, Dew, Reid & Shepherd

**49. Declarations of Interest**

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

Councillor Dew declared a personal interest in relation to agenda item 4c – Land Lying to the West of Knapton Lane as his son lives in Knapton.

**50. Minutes**

Resolved: That the minutes of the last meeting held on 19<sup>th</sup> November be approved and signed by the Chair as a correct record.

## **51. Public Participation**

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

## **52. Plans List**

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

## **53. Hungate Development Site, Hungate, York (15/01709/OUTM)**

Consideration was given to a major outline application by Hungate (York) Regeneration Limited for erection of two buildings (Block G and Block H) to comprise either residential units (use class C3), residential institution/elderly accommodation (use class C2), or a mixture of the two and flexible commercial uses (within use classes A1, A2, A3, A4, A5, B1 or D2) and associated infrastructure works. Full application for erection of part 5/part 6/part 7 storey building (Block D) comprising 186 residential units; erection of part 5/part 6/part 7 storey building (Block F) comprising 101 residential units, community centre (use class D1) and multi-storey car park; development of new public spaces (St John's Square and Friar's Quay) and riverside walk and associated infrastructure works.

Officers circulated a lengthy update to the committee report, full details of which are attached to the online agenda for this meeting, the main points were as follows:

- A policy update provided by City Development to confirm that the Council's calculations accord with the applicant's statement that up to 10,400 sqm of B1a office space could be provided in this part of the city.
- Safer York Partnership – the applicant confirmed a meeting had taken place with the police Architectural Liaison Officer and the only remaining issue was the open

spaces of St Johns Square and Friars Quay within the development.

- Bus stop improvements - Paragraph 4.95 of the Officers report should refer to improvements to the bus stops at Peasholme Green rather than Jewbury.
- Community facilities (revisions to text) - £100k commuted payment towards the development of integrated and jointly managed community facilities at Central Methodist Chapel on St. Saviourgate and the on-site community space and the transfer of completed on site community space to an appropriate management organisation as agreed by City of York Council in consultation with the Hungate Development Community Trust and the Central Methodist Chapel.
- Public Art - arts projects, works deriving from archaeology on the site and use of local artists to design elements of the scheme should be considered by the applicant.
- Additional conditions - Officers requested that if Members were minded to approve the application that delegated authority is given to the Assistant Director for minor amendments to the wording of conditions to take account of potential phasing issues.

Officers then advised of a number of other issues that had arisen since the committee report and update had been issued to Members as follows:

- Factual errors in the committee report - in reference to page 47 of the agenda, the text “Stonebow / Hungate Highways Street Improvement works £307,000” should be deleted. These works were not being secured by the Section 106 agreement but would be secured through Condition 27 and would be delivered at the developers expense through a S278 Highways agreement.
- An amendment to the text of Condition 27 to include reference to the provision of public art.
- On page 47 of the agenda, under the heading of Highways, it should state “bus pass to be provided to each occupier” rather than a commuted sum payment. The £264,000 is an overall cost to inform the viability appraisal.

- Archaeology is to be dealt with through the Section 106 rather than through a condition.

David Fraser had registered to speak on behalf of York Civic Trust. He advised that following the previous phases of the development, the Trust considered the application to be over development of the site. He praised the architects who he felt had produced a well designed scheme but questioned whether it was suitable within the medieval walls of York. He felt that the development should show regard for the scale and massing of its neighbours and that the citizens of York deserved a development which would enhance the historic environment.

Richard Cook had registered to speak for the applicant. He advised that a revised masterplan had been produced over the last 18 months which had learnt from the previous phases and addressed the current market conditions and focused heavily on improving the public realm areas. As a result a predominantly residential scheme was now being proposed with substantially improved public areas. The development will be highly sustainable.

Councillor Craghill had registered to speak as Ward Member. She raised concerns about the lack of provision for family housing and the height and massing of the scheme, particularly the blocks overlooking Stonebow. She advised that she welcomed play spaces and also questioned whether areas of the site would benefit from controlled parking and traffic regulation orders.

Members questioned the Officers and speakers on a number of points as follows:

- In relation to the suggested additional condition in the officers' update relating to the landscaping scheme, a Member queried whether the words 'within a period of five years' could be removed to ensure that landscaping is continually maintained.
- The lack of affordable family housing. The applicant confirmed that in previous phases, the family houses had failed to sell and had subsequently been split into

apartments so this phase would include a number of larger 3 bedroomed apartments rather than houses.

- Some members raised concerns about the cost of the service charge to residents and implications for the affordability of the homes.
- Concerns were raised over the potential for disruption to residents in the area during the construction period following a number of complaints during the previous construction periods at Hungate. Some Members queried whether a phone number direct to the Council's Planning Enforcement team could be provided to residents but this was not considered appropriate as it was the applicant's responsibility to address any immediate concerns and an out of hours planning enforcement service was not feasible. It was agreed that Officers would look into the possibility of receiving a regular update from the applicant on any complaints from residents in order to monitor the situation.

Following further discussion members agreed to:

Resolved:

- (i) Defer pending satisfactory completion of a Section 106 Agreement to secure the following
  - (a) Affordable Housing
  - (b) Open Space
  - (c) Highway Works and Sustainable Transport measures
  - (d) Community Facilities,and if not otherwise secured by way of condition, any required archaeological works and;
- (ii) On completion of the S106 Agreement delegated authority be given to the Acting Director of City and Environmental Services to GRANT permission subject to any necessary conditions including those outlined in the committee report, changes to conditions requested by members and updates circulated at the meeting.

Reason: The development would cause some minor and less than substantial harm to the setting of the adjacent Conservation Area and the listed Rowntree Wharf building, and 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 additional dwellings in the City outweigh the less than substantial harm identified. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy, subject to securing contributions to mitigate the impact of the development on infrastructure.

**54. Sewage Works, Naburn Lane, Naburn, York (15/01845/FULM)**

Consideration was given to a major full application by Kelda Energy Services Limited for the installation of solar photovoltaic (PV) array with associated infrastructure including solar panels and frames, new internal access track and temporary construction compound.

Paul Kelly spoke on behalf of the applicant. He advised that the scheme had been applied for in order to assist with the £50m per year energy bills the company incurs and it was hoped that the solar panels would help deliver savings for the company and reduce carbon emissions. He felt that the development would have a limited impact on the Green Belt and that the benefits the scheme would deliver would outweigh any impact.

Members queried a number of points, in particular whether the scheme would benefit the local community in any way and the impact of the proposals upon the Green Belt. It was confirmed that the energy generated would only be for use by the Sewage Treatment Works and that Officers considered that the development would cause significant harm due to the impact on the openness of the Green Belt and the views from the nearby cycle route.

Following further discussion, some Members felt that the development was inappropriate in the location, whereas other Members felt that they could support the application due to the proposed sustainable energy use. When put to the vote it was:

Resolved: That the application be refused.

Reason: Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site, south of the sewage treatment works in Naburn is located within the general extent of the York Green Belt. The site is also within the Green Belt as identified in the City of York Draft Development Control Local Plan (April 2005). It is considered that the proposed development consisting of a solar photovoltaic (PV) array with associated infrastructure constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework and particularly paragraph 91. As such, the proposal results in harm to the Green Belt, by definition, and by reason of any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within it. Whilst 'very special circumstances' have been put forward by the applicant being the generation of renewable energy, this does not clearly outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land' and City of York Draft Development Control Local Plan policies SP2 and GB1.

**55. Land Lying to the West of 41 Knapton Lane, York  
(15/01711/OUTM)**

Consideration was given to a major outline application by Novus Investments Ltd for the erection of 14 dwellings.

Officers provided a brief update to the committee report, full details of which are attached to the online agenda for information, the main points were as follows:

- The Council's Highway Network Management no longer raised objections following the receipt of an amended plan which introduced a footpath to the site frontage. They also sought sustainable transport measures through the Section 106 agreement.
- The Council's housing department objected to the lack of affordable housing being proposed.

Marcus Offer had registered to speak on behalf of The Friends of Knapton Lane Woodlands. He advised that he represented over 50 households and while many of the households enjoyed views of the woodlands, the main concern was regarding the removal of the site from the draft Green Belt, should the application be approved. He referred to the North Yorkshire Green Belt Local Plan Inquiry in 1994 in which the Inspector considered the site should be included in the Green Belt and reminded Members that the latest available draft of the Local Plan still shows the site as Green Belt.

Tony Chalcroft had registered to speak also on behalf of The Friends of Knapton Lane Woodlands. He referred to the applicant's assertion that the area to be cleared had low ecological significance and the fact that the Council's Ecology officer had refuted this. He advised that the woodland is valued locally and that a number of species including hedgehogs, amphibians and bats have been noted at the site.

Robert Dick had registered to speak on behalf York Natural Environment Trust (YNET). He advised that YNET concur with the comments made by the Officers in the committee report in relation to Ecology. He referred to the Ash trees which had withstood many years on the site and considered that they should be protected. He also raised concerns about the displacement of water should the site be built on and the impact this could have on nearby wetlands.



Simon Grundy spoke as the agent in support of the application. He advised that in his opinion, cities require room to grow and that greenfield land is required for development. In relation to the site he advised that as there was development on 3 sides already; this application would round it off the site. He felt that the site did serve a green belt function and was of little ecological importance. The development would be a small scale housing development in keeping with the area and in his opinion, would have minimum impact.

Members queried a number of points with the applicant's agent, in particular why the applicant did not accept that the site was considered to be green belt and why he felt it had no relevance. The applicant advised that in relation to green belt he felt the site did not serve any of the purposes of the green belt. In terms of the site having no relevance he advised that his comments related to the ecology and the fact that the planning assessment undertaken had found no evidence of any important species, including bats.

Members entered debate and felt that they had heard no reason to persuade them to vote against the Officer's recommendation.

Resolved: That the application be refused.

Reason: Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre . The site is identified as Green Belt in the City of York Draft Local Plan Fourth Set of Changes ( April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. The considerations put forward by the applicant (namely contribution to unmet housing need; creation of jobs in construction; built development on three sides of the site; provision of robust landscape buffer) do not clearly outweigh harm by reason of inappropriateness and any other harm,( such other harm being the impact on the openness

of the Green Belt and conflict with the purposes of including land within Green Belt, character and appearance of the area, loss of trees covered by a tree preservation order, ecology and access arrangement), and therefore do not amount to very special circumstances. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Draft Local Plan Fourth Set of Changes (April 2005).

Cllr A Reid, Chair

[The meeting started at 4.30pm and finished at 7pm].