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Meeting	Planning Committee
Date	21 January 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
Apologies	Councillors S Barnes

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**56. Site Visits**

Application	Reason	In Attendance
York Caravan Park, Stockton Lane	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, D'Agorne, Dew, Galvin, Reid, Richardson & Shepherd
The Retreat, Heslington Road	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, D'Agorne, Dew, Galvin, Reid, Richardson & Shepherd
St Lawrence Working Mens Club, Lawrence Street	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, D'Agorne, Dew, Galvin, Reid, Richardson & Shepherd

**57. 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 Doughty declared an interest in agenda items 4b,4c and 4d as his partner was the former Director of The Retreat. Although not a prejudicial interest, he preferred not to participate in those items.

Councillor Richardson declared a personal interest in agenda item 4e as a member of Foss Drainage Board.

Councillor Cullwick declared a personal and prejudicial interest in agenda items 4f and 4g as manages a number of student properties in York. He left the room for this item.

## **58. Minutes**

Resolved: That the minutes of the last meeting held on 10<sup>th</sup> December 2015 be approved and signed by the Chair as a correct record.

## **59. Public Participation**

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

## **60. 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.

## **61. Site Adjacent to Frog Hall Public House, Layerthorpe, York (14/00112/FULM)**

Consideration was given to a major full application by Tiger Developments for the erection of a five storey hotel (class C1) and a drive through restaurant (Class A3) at ground floor level, with associated parking, landscaping and access including extension to James Street/Heworth Green Link Road.

Officers provided an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- Since the report had been published, a 29 signature petition had been received from residents of Mill Lane and Heworth Parade who wished to see the Link Road completed in order to relieve traffic on Mill Lane.
- A re-word of Condition 10 to reflect that the roof top plant issues had now been resolved.
- A variation to Condition 8 to ensure the development will not be occupied until the James Street Link and connections to Eboracum Way are completed.
- Additional conditions to cover delivery/service vehicles and method of works.

Trevor Rowell had registered to speak on behalf of a number of residents who had signed a petition requesting the completion of the Heworth Green-James Street Link Road in order to reduce traffic into Mill Lane by signposting “No Turn-Off” from Heworth Green. He advised that Mill Lane was not built for 7000 vehicles a day, which it is currently experiencing, and residents are suffering from harmful pollutants and also have concerns about road safety. He noted that there were no objections from highways about the link road and felt the scheme was good for residents.

Members queried a number of points as follows:

- Whether a number could be provided to local residents for any environmental or noise concerns. It was confirmed this could be added to a condition if thought necessary.
- An explanation of the words ‘reasonably safe’ from flooding in relation to the site. Officers confirmed that the site meets all requirements of policy with floor levels well above highest recorded flood levels, but it can not be guaranteed that the site would not flood in the future.

Resolved: That the application be approved subject to the Section 106 agreement.

Reason: The site is derelict and the proposed scheme will deliver both a river walkway along the Foss and the James Street Link Road; two aspirations within the 2005 Draft Local Plan. The building would be constructed to meet sustainable construction requirements and

**62. The Retreat, 107 Heslington Road, York, YO10 5BN  
(15/00419/FUL)**

Consideration was given to a full application by The Retreat for the erection of a patient day care centre and associated landscaping within a walled garden.

Officers provided an update to conditions and informatives, full details of which are attached to the online agenda for this meeting for information.

Emily Roberts had registered to speak as the agent on behalf of the applicant. She advised that the application was part of a wider master plan for the site and the intention was to restore the wall and buildings in order to provide much needed patient facilities.

Members commented that they were pleased to see the garden wall and the buildings being restored and that the site was very much worth preserving. Members also welcomed the new hospital facilities.

**Resolved:** That the application be approved subject to the conditions outlined in the committee report and the committee update.

**Reason:** The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. This harm to openness and purposes of the Green Belt must be afforded substantial weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

It is considered that the other considerations set out in the committee report together with mitigation of other harm through planning

conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm substantial weight. This, therefore, amounts to the 'very special circumstances' necessary to justify the development.

The proposal is considered to comply with national and local planning policies and is recommended for approval.

**63. The Retreat, 107 Heslington Road, York, YO10 5BN  
(15/00420/LBC)**

Consideration was given to a listed building consent application by Mr Robert Brownlow for the erection of a patient day care centre and associated landscaping within a walled garden.

Discussion on this item took place under the previous related item and following a separate vote it was:

**Resolved:** That the application be approved subject to the conditions outlined in the committee report and officer's update.

**Reason:** On the basis of the information submitted and subject to conditions covering the detailed design, the proposal would not cause harm to this curtilage listed building and the grade II listed buildings on site and is considered to be acceptable. The application for listed building consent is, therefore, recommended for approval as the proposal preserves the grade II listed building, its setting and its features of special architectural or historic interest, as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and accords with national and local planning policies.

**64. The Retreat, 107 Heslington Road, York, YO10 5BN  
(15/00421/FUL)**

Further to paragraph 4.29 of the report which referred to the impact of the proposed building on a Beech Tree, it was recommended that this application be deferred until the issue was resolved.

Resolved: That the application be deferred to the next meeting of Planning Committee.

Reason: To enable the outstanding issues regarding the Beech tree to be resolved satisfactorily.

**65. Land to the Rear of York Caravan Park, Stockton Lane, York (15/02071/FUL)**

Consideration was given to a full application by Mr Richard Wilson for the erection of a 3 metre high earth bund with a 7 metre wide base at land to the rear of York Caravan Park, Stockton Lane, York.

Members queried how effective the bund would be in reducing sound levels at the caravan park. The Council's Public Protection Officer responded to advise that the proposed bund would be unlikely to reduce any traffic noise sufficiently for a reduction to be detected by the human ear.

Resolved: That the application be refused.

Reason: The application site, is considered to be within the general extent of the Green Belt as defined in the RSS. The erection of an earth bund on the site is considered to be inappropriate development in the context of section 9, paragraph 90 of the NPPF.

The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of

inappropriateness and any other harm is clearly outweighed by other considerations.

The very special circumstances put forward by the applicant, that the bund will protect the caravan park from noise from Monks Cross, is not substantiated by Public Protection and does not constitute sufficient other considerations to outweigh the harm by reason of inappropriateness and other harm (that is harm to the purposes of Green Belt, openness, the character and appearance of the area and harm arising from insufficient information regarding ecological and drainage impacts of the development) identified in the committee report.

**66. St Lawrence Working Men's Club, 29-33 Lawrence Street, York, YO10 3BP (15/02440/FULM)**

Consideration was given to a major full application by S. Harrison Developments Ltd for the change of use of 29-31 Lawrence Street and 37 Lawrence Street to student residential accommodation with associated demolitions and alterations and part two/part three storey block to rear (with accommodation in roof) (use class C2).

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting, the main points being that two further objections had been received stating that there were too many student homes in the area, concerns about harm to the character of Lawrence Street and a takeaway operator querying the impact upon his property.

Roger Pierce had registered to speak as a local resident in support of the scheme. He advised that he was encouraged to see the proposals for the building having first noticed it was derelict many years ago. He referred to the historic importance of the one time owners and residents of the building, the Tuke family, and welcomed the building being restored as sympathetically as it could be. He also welcomed the addition of student homes which he felt would help relieve the pressure on family homes in the area.

Chris Hale, for the applicant, had registered to speak in support of the application. He advised that he was pleased to note that there was support for the scheme after the building had stood empty for a decade. The application for purpose built student housing had been made as no other viable uses had come forward and should the application not go ahead, it was unlikely any other use for the building would be found due to the level of work required. He confirmed that the building would be restored which would significantly improve the streetscape.

Members entered debate and while some members felt that there were already too many student homes in the area, other members felt that the building required saving before it was beyond repair and in view of no other suitable uses coming forward, were happy to approve the application.

Resolved: That the application be approved subject to

Reason: Whilst the proposal would give rise to a less than substantial level of harm to the significance of the listed building it is considered that such harm is more than outweighed by the clear public benefit of bringing the building back into a use which is consistent with its viability and conservation, and improvement to its setting, even when considerable weight and importance is attached to that harm. The setting of the conservation area will be enhanced and there will be some improvements to highway safety. Planning conditions can be used to ensure there would be no adverse effect in terms of residential amenity, flood risk and the impact on heritage assets. Overall the scheme is policy compliant and is welcomed by officers.

**67. St Lawrence Working Men's Club, 29-33 Lawrence Street, York, YO10 3BP (15/02441/LBC)**

Consideration was given to a listed building consent application by Harrison Developments Ltd for alterations and partial demolition in connection with proposed use as student accommodation.

Discussion on this item took place under the previous related item and following a separate vote it was:

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

Reason: There is significant public benefit in bringing a building which is at risk back into viable use, consistent with its conservation. The building's external appearance and setting will be vastly enhanced. Giving due consideration to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the scheme has officer support, because there would be no undue effect on features of special architectural or historic interest and significant public benefit as a consequence of the application

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.50 pm].