
MEETING	PLANNING COMMITTEE
DATE	28 AUGUST 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, D'AGORNE, FIRTH, FUNNELL, GALVIN, HORTON, MOORE, PIERCE, POTTER, REID, SIMPSON-LAING, VASSIE, R WATSON (CHAIR), WISEMAN, HYMAN (SUB FOR CLLR JAMIESON-BALL) AND GILLIES (SUB FOR CLLR HUDSON)
APOLOGIES	COUNCILLORS HUDSON AND JAMIESON-BALL
IN ATTENDANCE	COUNCILLOR FRASER AND GUNNELL

17. SITE VISIT

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Factory, Bishopthorpe Road, York YO23 1NA (06/02560/OUT and 06/02562/CAC)	Due to comments received and to allow Members to familiarise themselves with the site.	Cllrs R Watson, Crisp, D'Agorne, Funnell, Galvin, Gillies, Horton, Moore, Pierce and Wiseman

18. 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 Hyman declared a personal non-prejudicial interest in agenda items 4a and 4b (Factory, Bishopthorpe Road York) as a member representative of Science City York.

Councillor D'Agorne declared a personal non-prejudicial interest in agenda items 4a and 4b (Factory, Bishopthorpe Road York) as an employee of York College and as a regular user of the Sustrans cycle track adjacent to the site.

Councillor Fraser declared a personal non-prejudicial interest in agenda items 4a and 4b (Factory, Bishopthorpe Road York) as a Governor of Knavesmire Primary School situated on Campleshon Road adjacent to the site.

19. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 24 July 2008, be approved and signed by the Chair as a correct record.

20. 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 issues within the remit of the Committee.

21. PLANS LIST

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

21a Factory, Bishopthorpe Road, York YO23 1NA (06/02560/OUT)

Members considered an outline application, submitted by GHT Developments LLP, for the redevelopment of the former Terry's site for a comprehensive mixed use scheme. These uses were 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) and a Children's Gym and play centre (Class D2), 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.

The application also included full details of: conversion, alterations and extension of the former Main Factory building as residential units; business uses, retail units, workshop/studios or galleries and café uses; erection of two 4 storey office buildings (Buildings C4 and C10); conversion, alterations and extension of the former Headquarters Building for use as a hotel with ancillary leisure facilities; Change of use of the Former Liquor Store to retail, food and drink, leisure or community uses and the Clock Tower to management and security suite, sustainable energy generation plant and or a museum. Full details of Phase 1 Highways Infrastructure works including basement car parking were also proposed.

Officers referred to two planning updates that had been prepared relating to additional details/information submitted and additional correspondence received since the report had been published. The following documents were circulated at the meeting:

- 2 Planning updates including proposed amended conditions;
- Email in support from york-england.com;
- Copy of Masterplan 21 detailing the redevelopment proposals;

- Letter from Cllr Merrett, Local Member, requesting the Committee to reject the application;
- Letter from residents of Trentholme Drive expressing concerns regarding traffic at the junction of Knavesmire Road and Mount Vale/Tadcaster Road;
- Document from residents of Mount Vale regarding their concerns at the suggested mitigation measures proposed by the developer for additional traffic generated by the scheme;
- Copy of comments to be made by the speaker, on behalf of the residents of Mount Vale.

Officers explained that this was a 'hybrid' application as the applicant was applying for outline planning permission but that they were also seeking consideration of some detailed matters. The application had been submitted in this manner to enable consideration of the general principle of development with respect to the whole site and at the same time to give detailed approval of particular elements of the scheme.

The Highway Officer referred to the highway issues, which constituted the majority of the objections. He went on to highlight a number of key issues, which included the proposed development putting a strain on a road network that was already at net capacity, that Officers were seeking a more sustainable approach and that although some mitigation measures had been secured Officers still had a number of concerns. Officers were also disappointed that the applicants had been unable to secure an increase in the frequency of the No 11 bus service that ran along Bishopthorpe Road.

Representations were then received from the Chair of the Conservation Area Advisory Panel who pointed out that their comments on the application had been made in September 2007. At that time the representatives from the North Yorkshire Chamber of Trade and the City of York Council had not been members of the Panel and she asked that they be disassociated from the comments made. She confirmed that the Panel had no objections to development of the site but objected to what they felt was overdevelopment and the overloading of the highway network. She also expressed concern at the harm that would be caused to the Tadcaster Road Conservation Area and the trees along its length and on site. Reference was also made to the layout of the buildings which they felt could be improved by moving the housing to the southern end of the site closer to the existing main residential area. The Panel also suggested that a model of the scheme would have been particularly useful.

Representations were also received from the Church Warden of St Chad's Church who stated that if parking were to be restricted along both sides of Campleshon Road this would have major implications for the Church. He explained that the Church had a small car park and that their facilities were very well used by playgroups, mother and toddler groups, wine circle, karate, slimming groups, children's parties

and Brownies with no other car park available in easy walking distance.

Representations in objection were received on behalf of Mount Vale residents who referred to the affect of the development on the junction of Mount Vale and Knavesmire Road and the mitigation measures proposed. The residents stated that they had no confidence that the mitigation measures were fit for purpose. They requested that the application be rejected on the grounds of overdevelopment of the site.

Representations were then received from the Clerk to the Micklegate Planning Panel who fully supported the concerns of local residents regarding the scale, density and massing of the development. With regard to the traffic issues he stated that it was proposed to provide three times the amount of parking on site compared to that available when Terry's was fully operational with an access opposite Knavesmire Primary School. He also urged the Committee to reject the application.

Representations were also received on behalf of residents of Bishopthorpe Road who raised concerns regarding the impact the traffic mitigation measures would have on trees, increased noise pollution and the reduction in residents parking on Bishopthorpe Road. She stated that there was a need for increased community and leisure facilities in the area and that further consultation should be undertaken with residents prior to approval being granted.

Representations were also made on behalf of Bishopthorpe Parish Council. Their representative indicated that the Parish Council supported the objections and comments made by Cllr Merrett, as Local Member, and that their main concern related to traffic generation. This particularly related to Sim Balk Lane, which led into Bishopthorpe village as no traffic mitigation measures were proposed to protect the village from additional traffic. The Parish Council therefore fully supported the objections raised to the development and requested that consideration should be given to the construction of a new road linking the site to the A64.

Representations were then heard in support of the application from the Managing Director of Grantside, the applicants. He reminded Members that they had purchased the site in April 2006 with the intention of providing a prestigious scheme on the site. A substantial investment had been made in the scheme at regional and national levels which would enable them to generate 2500 quality jobs on site. He confirmed that they had spent some time with Officers of the Council producing the mixed use scheme and overcoming numerous challenges. The scheme involved the bringing back of a listed building into viable use. He also confirmed that they had engaged with the local community through meetings, presentations and leaflet drops. He urged the Committee to support the scheme, which would be a major employment site.

Representations in support of the scheme were also made by the Development Director of Grantside, who confirmed that the scheme would benefit the site and the city and that they had undertaken a significant amount of consultation prior to submitting the application. They felt that the scheme would deliver transport solutions and that it provided sustainable travel with support given to public transport, cycling and jogging. He confirmed that there was a need to change people's behaviour with regard to travel and with this in mind a Travel Plan Officer would be employed to ensure that the measures contained in the Green Travel Plan were fully implemented. He went on to detail their proposals in relation to sustainability measures to be used in the design and construction, which they hoped, would provide a greener and healthier living environment for residents.

Cllr Fraser, as Local Member, expressed his support for employment led development of the site but he considered this proposal as overdevelopment. He did however stress that any development should meet a number of criteria and be in accordance the Planning Brief, which included the protection of the listed buildings, be a high quality development and provide innovative solutions to the transport issues. He went on to refer to the number of objections received particularly from the statutory consultees and stated that he felt that the proposals before the Committee were disappointing and unambitious.

Cllr Gunnell, also as Local Member, confirmed her objections to the application and her support for Cllr Merrett's letter. She stated that Local Members had met with a large number of local residents and attended various meetings in relation to residents concerns. It was felt that the proposal for predominantly B1 office use did not meet the Planning Brief, that the proposed leisure facilities would not benefit local residents, that the housing mix was not in line with the Housing Market Assessment and the traffic implications would have a major detrimental impact on the surrounding area. They had no wish for the site to remain derelict but agreed that it was important that the site was be improved for all residents.

Regarding some of the major points raised by speakers Officers made the following comments:

- Full design proposals had been submitted for buildings C4 and C10;
- The site was not listed in the Local Plan as a premier employment site, but as requiring employment led mixed use development, which met the Planning Brief;
- That the parking restrictions proposed along the northern side of Campleshon Road and the western side of Bishopthorpe Road would be part of a separate Traffic Regulation Order which would be advertised and consulted on with any comments being reported back to members.

Members expressed their support for the development of the site and their concerns regarding the following aspects of the application:

- It had been indicated at the site visit the previous day that a plan would be available at the meeting detailing the trees that it was proposed to fell and retain;
- The reference by the applicant's transport consultant that "they had sought to create a situation where the operation of a junction following the introduction of development traffic was no worse than would be the case if compared with the fall-back situation, i.e. when Terry's was operating at full capacity";
- The applicants traffic consultants had used 90% saturation levels on the road network as their upper level in their traffic study which was higher than the 85% level used by this Authority;
- The omission of the community hall from the scheme;
- Location of residential area isolated from existing residential development on Campleshon Road;
- Proposed service charge to be levied on all houses on the site would impact on their affordability;
- Impact on air quality arising from increased traffic levels;
- Proximity of the housing development to the existing tree belts;
- Details required in relation to access points for pedestrians and cyclists into the site;
- Details of the proposals for the Health Centre
- Shuttle bus proposed during peak hours linking the site with York Railway Station and the Askham Bar Park and Ride site only being provided for a five year period;
- No increase had been agreed in the frequency of the No 11 bus service, which passed the site;
- Architectural Liaison Officers concerns raised regarding access and security on the site.

Members thanked Officers for all their work over a long period of time in relation to this complex application and thanks were expressed in particular to the case officer.

Following further discussion it was unanimously

RESOLVED: That the application be refused for the following generic reasons and that the Assistant Director (Planning and Sustainable Development), in consultation with the Chair and Vice Chair be delegated authority to agree the final wording of these reasons:

1. Overdevelopment

Overdevelopment of the site with consequential impact on the surrounding highway network

Inadequate mitigation measures

- Engineering solution
- Sustainable alternatives (cycling, walking)

- Bus service (400m)

2. Detrimental impact upon Racecourse/Terry's Conservation Area (No.10)

Detrimental impact of the development on the Conservation Area on site and the setting of the Conservation Area.

3. Detrimental impact upon Tadcaster Road Conservation Area (No.9)

detrimental impact of the development on the Conservation Area on site and the setting of the Conservation Area.

4. Detrimental impact upon landscaping

Detrimental impact upon existing on-site landscaping, in particular proximity of development to mature trees

5. Inappropriate location of housing

Location of housing on site in relation to racecourse and isolated from established surrounding communities.

6. Insufficient information provided regarding design elements

Insufficient information has been provided regarding the design elements of the scheme, the LPA cannot therefore properly assess the proposed scheme.

7. Secure by Design

The proposed scheme fails to adequately address secure by design principles. In particular the play area and footpath (which joins to the cycle route on the south side) would create vulnerable areas and do not satisfy secure by design principles.

8. Detrimental impact upon the setting of the listed buildings

The proposed scheme would have a detrimental impact upon the setting of the listed buildings, in particular the former factory building (R1) due to obstructing important views from the north side of the site.

Action Required

1. Following agreement with the Chair and Vice Chair on the wording of the reasons for refusal, issue the decision notice and include on the weekly planning decision list within the agreed timescales.

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21b Factory, Bishopthorpe Road, York YO23 1NA (06/02562/CAC)

Consideration was also given to a Conservation Area Consent, submitted by GHT Developments LLP, for the selective demolition of

utilitarian modern extensions to some of the listed buildings within the Conservation Area (Amended Masterplan 21).

Officers confirmed that, in view of the refusal of the previous application, it would not be possible to determine the conservation area consent at this stage.

Members expressed concern that the buildings concerned adding nothing to the site and that delay would lead to their further deterioration.

RESOLVED: That consideration of the Conservation Area Consent be deferred pending receipt of a further application for the redevelopment this site.

REASON: That it would be inappropriate to consider the demolition of various attachments to listed buildings without an acceptable scheme for the redevelopment of the whole being agreed by the Council.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 8.40 pm].