

Meeting	Planning Committee
Date	7 October 2021
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Hollyer, Looker, Melly, Warters, Waudby, Cuthbertson (Substitute) and Crawshaw (Substitute)
Apologies	Councillors Fenton and Lomas

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#### **45. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or discloseable pecuniary interests they may have in respect of business on the agenda.

Cllr Crawshaw acknowledged that he had spoken in objection to item 4b. as a ward councillor when it was first presented to the committee, however it had been agreed that the application presented to the committee in this meeting was fundamentally different and thus Cllr Crawshaw was not predetermined.

Cllr Daubeney declared a personal interest in item 4b., in that he had received treatment for a brain injury and did not feel that he could be impartial. He therefore stated that he would withdraw from the meeting when that item was to be discussed.

Cllr Doughty declared a personal non-prejudicial interest in that his partner had previously been a director at The Retreat. He stated that this did not predetermine him and that he would participate in discussion of the item.

#### **46. Minutes**

Resolved: That the minutes of the meeting held on 1 July 2021 and 5 August 2021 be approved and signed by the Chair as a correct record.

#### **47. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

Johnny Hayes spoke on general planning matters, but specifically about the Committee returning to in person site meetings for more contentious and complex applications where he felt an in person site visit would be beneficial. Mr Hayes felt such visits increased public confidence in the deliberations of the Planning Committee and gave members the chance to better understand the site. He also stated that it was a good opportunity for the public to question members and officers on planning applications.

The Chair stated that he would discuss with potentially returning to in person site visits with the Chair of the Area-Planning Sub-Committee, Head of Planning and Development Services and committee members.

#### **48. Plans List**

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

#### **49. Os Field 2800, Eastfield Lane, Dunnington, York [20/01626/FULM]**

Members considered a major full application from Mr Tate for the erection of 83 dwellings, landscaping, public open space and associated infrastructure at OS Field 2800, Eastfield Lane, Dunnington, York. The Head of Planning and Development Services gave a presentation on the application.

In response to questions from members, officers noted that:

- The acceptable number of dwellings per hectare was determined on case specific basis.
- Allocations within in the Local Plan for number of houses in an area that could be developed were indicative, not definitive.

- The reasons they determined the application was not premature were detailed in the report.
- Proposed road improvements included in the development were to continue the 30mph section of road across the site's frontage while adding access points and pathways.
- The emergency services were consulted during the application process, and did not raise any concerns around emergency access.
- The Council's landscape architect had not raised objection to the removal of hedgerows on the application, but had merely commented on it.
- There had been an identified need for smaller one or two bedroom affordable housing provision through the Strategic Housing Market Assessment, which was why they had been prioritised in this application.
- The first 3 stages of archaeology work on the site were for creating a methodology, carrying out field work and then a report back to the archaeologist. If these findings justify further archaeological work, then there was a possibility for two more stages
- When the report noted a 'high level of local need' for housing, this was referring to the local area of Dunnington as determined by the Strategic Housing Land Availability Assessment.
- It was not considered necessary or reasonable to close Eastfield Lane as part of the development. However, it had been agreed with the applicant to impose a no-right turn from the development down Eastfield Lane. The junction was not considered dangerous by officers.
- Education officers had not raised concerns around that there was no physical additional space to teach more pupils at Dunnington School.
- It was not considered reasonable for the Construction Environment Management Plan for the development to be brought to the ward councillors and local parish council for consultation before approval since the decision was solely to local planning authority's to make, although they could be consulted.

[Cllr Barker joined the meeting at 17:29]

### Public Participation

Peter Moorhouse spoke in objection to the application. He stated that he was opposed to building on the green belt, he felt

there were inadequate plans for the drainage of surface water and sewage, and he felt the site was poorly laid-out and constituted overdevelopment. He spoke on housing density, and he felt that the proposed development was too high for the surrounding area and would create precedent. Mr Moorhouse also referred to the National Planning Policy Framework (NPPF), and stated that he believed the application to be premature and not in compliance with policy.

In response to questions from members Mr Moorhouse stated that he felt the net area should be used to calculate housing density, not the total area.

Cllr Rowley, Ward Councillor spoke in objection to the application. He stated that although the Local Plan sought to change the designation of the land the application proposed to develop, it had not yet been approved and was still green belt land, which the NPPF sought to preserve. Cllr Rowley did not believe that there were exceptional circumstances to justify the application and he also felt that there were several brownfield sites in the city which would be better locations for development.

In response to questions from members, Cllr Rowley stated:

- He was not party to discussions of the local plan by the previous administrations.
- He believed that there were adequate greenfield sites within the A64, and that if the green belt had to be built on, he would prefer it was done within that boundary.

Cllr Andrew Dykes, on behalf of Dunnington Parish Council spoke in objection to the application. He stated that he felt the application was premature, and that since the local and neighbourhood plans had not been finalised the land should be regarded as fully part of the green belt. Cllr Dykes also raised concerns around the sustainability of the new development, and highlighted its distance from village transport links to the city centre, which he described as already inadequate. Finally, he expressed the long-standing opposition of the local parish council to building on this site.

Stuart Natkus, agent for the applicant, spoke in support of the application. He stated that housing density was a statistic which was easily manipulated, and suggested the members judge the application by examining the plans. He explained that the land in question was within the general area of the green belt, but

had never been specifically examined until the emerging local plan determined that it ought not to be in the green belt. Furthermore, he stated that the development would not negatively impact any of the five stated purposes of green belt land stated within the NPPF. Finally, he stated that brownfield sites did not exist in numbers large enough to meet York's need for housing.

In response to questions from members, Mr Natkus stated:

- The applicants had been promoting the development of the land in question for at least 5 years.
- The applicants did not wait to submit the application under after the local plan was adopted because he believed it unlikely that it would be fully confirmed for at least two years.
- That he would be willing to discuss the creation of a Construction Environment Management Plan.
- That demand for affordable housing was 30% higher in York than the average, and there was also a high demand for smaller one or two bedroom properties, which necessitated the increased housing density.
- He could not comment on the specific amounts of services charge which might be imposed for public open spaces.
- That the houses were likely to be heated with gas.

[Break between 18:10 and 18:20]

In response to further questions from members, officers noted:

- That they had yet to receive notification from planning inspectors about the timeframe of the local plan, but that issues relating to the principle and boundaries of the green belt were due to be discussed.
- That they considered the housing density of the proposed to development to be acceptable and not vastly out of character with its surroundings.
- They felt that the special circumstances of the proposed application outweighed any potential harm it may cause.

During debate, it was moved by Cllr Waters, and seconded by Cllr Doughty to defer the application until the objections made against it could be resolved in discussion of the local plan. A vote was taken, with two members in favour and eleven against. The motion was defeated.

Following further debate, it was moved by Cllr Pavlovic and seconded by Cllr Melly to approve the application subject to the conditions set out below. A vote was taken, with nine members in favour, three against and one abstention.

After members voted, the Chair commented that he abstained because he would never vote for development on green belt land, which some other members considered to pre-determine him for future applications.

The motion carried and it was therefore:

Resolved:

- i. That the application be approved subject to the conditions in the report with below amendments and completion of a Section 106 Agreement.
- ii. That amendments to conditions 11, 12 and 19 be made as outlined in the additional information, condition 9 be amended to remove referral to two storey extension, that the Traffic Regulation Order be amended to ensure that there is no right turn out of the site and that the landscaping condition be amended to ensure that landscaping in public areas be maintained for the lifetime of the development.
- iii. That the Section 106 Agreement and final wording of the conditions be delegated to the Head of Planning and Development Services and Chair and Vice Chair of the Planning Committee.

[Cllr Daubeney left the meeting at 19:05]

[Break between 19:05 and 19:10]

**50. Land South Of The Residence, Bishopthorpe Road, York  
[21/01758/FULM]**

Members considered an application for the erection in Micklegate Ward of a single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping. The Head of Planning and Development Services gave a presentation on the application.

[Cllr Cuthbertson joined the meeting at 19:10]

In response to questions from members, officers stated that:

- That it was difficult to attempt to exactly match the brick colour of surrounding historical buildings, therefore it was thought safer to choose contrasting colours.
- The roads in the development will be primarily paved with tarmac.
- They did not consider access to the proposed development to be an issue, and that the Highways department had not raised any objections to the application.

### Public Participation

Johnny Hayes spoke in objection to the application. He spoke on the historical significance of the site in question and stated that although he had initially supported the proposal, he now felt that the design was not of high quality and did not respect its historical surroundings. He felt that the site was too small for a development of this nature and urged members to discuss deferring the application until physical site visits could be begun again.

Mary Urmston spoke in objection to the application. She stated that although the proposal was lower in height than previous applications for this site had been, she believed its negative impact on the area would be great. Ms Urmston felt that Historic England had not been consulted until very late into the application process and that symmetry in the design should have been insisted upon, as with previous applications. She raised concerns about the amount of open space that the development would build on and stated that the site was too small for proposals. Finally, she felt the design was inappropriate and expressed the need for conditions around lighting.

Celia Smith stated that she was not speaking in objection to the application, but raising concerns about aspects of it. She felt that the application contained a number of flaws, raising concerns about a lack of amenities, its large footprint, and she felt it was not in keeping with the character of the local area. Ms Smith believed that the roadway would not be appropriate for the development and had concerns about drainage, flooding and noise pollution. She asked that if the application were approved that the advice from Historic England around landscaping and green space be adopted.

Keeley Mitchell spoke in support of the application support on behalf of The Disabilities Trust, the proposed occupier. She stated that residential care at The Retreat, which housed 40 vulnerable patients and employed 145 staff was closing, and they had been searching for alternative facilities for years. Ms Mitchell stated that if approval was not granted, the patients would have to be moved out of York and all staff would lose their jobs. She emphasised the need for a female-only ward in York with rising demand, and explained that patients were no threat to the public, but needed extensive support from health professionals.

In response to questions from members, Ms Mitchell stated that:

- There had been 36 patient rooms at The Retreat, while the proposed development had 40.
- While many residents were from York and surrounding areas, there was no formal catchment area they were drawn from. It was explained that patients brought in from other areas were funded by their original local authority.
- There were large communal spaces for residents, as well as specialist rooms for those at high risk, e.g. of suicide.
- The female-only ward was one of only a few in the UK.
- A built for purpose development better served the needs of residents and staff than a historic building such as The Retreat, especially in facilities such as the gym and sensory garden.
- The shift pattern operated was a day and night shift of 12 hours each, with fewer staff on duty at night than in the day. Some staff such as administrators, speech therapists and psychologists worked Monday to Friday, 9-5.
- Staff were encouraged to walk or cycle to work for their own health and wellbeing, and the proposed provision of parking spaces had been made clear to them.
- The frequency of visits to residents varied greatly, but they were organised to not overlap as much as possible. Video conferencing technology was also being encouraged as an alternative to in person visits.

Carys Swanick support spoke in support of the application on behalf of the Residence (York) Management Company Ltd. She stated that the proposed development would bring benefits to all residents, and she supported it in principle, but she raised concerns around the submitted plans, which she stated were inaccurate with regards to the number and position of trees on the site. Ms Swanick requested that members add an

informative note to the applicant requesting a collaborative approach to create a tree screen boundary for the site. She also requested reconsideration of the road surface, as she believed the planned black tarmac was not in keeping with the local surroundings. Ms Swanick also requested a condition on requiring a full noise survey report.

In response to questions from members, Ms Swanick stated that she recognised that cost was a factor in determining the road surface, but felt that preserving the character of the conservation area was more important.

Officers noted that the tree boundary mentioned by Ms Swanick was not related to the application, but was a previous issue related to the developer of The Residence and was not within the boundary of the land in question.

Joanna Gabrilatsou, Agent for the Applicant, spoke in support of the application. She stated that the site was ideal for this development, and this application was different to previously refused applications for the land which had been opposed by local groups, while this application was supported by the community. She further stated that the development was in keeping with the character of the area while incorporating everything it needed to serve residents. Ms Gabrilatsou also spoke on York's history in providing care for those with mental ill-health and stated that this development would continue that legacy. She believed that noise impact of the development would be minimal and stated that spaces for electric cars and bikes would be provided. Finally, she stated that the proposed development met the objectives of the NPPF and would protect jobs in the city.

She was joined by a number of colleagues to answer questions from members regarding the application, during which they stated that:

- The visual impact of the tarmac will be reduced as the car park will be full most of the time.
- Conversations around the boundary as mentioned by previous public speakers were ongoing, and the applicants were committed to resolving the issue.
- The roof was not fully sedum because some parts had to be accessed by maintenance staff.

- The design of the building was created with the needs of residents and staff in mind, but was not solely based on any 'NHS aesthetic'.

In response to further questions from members, officers noted that:

- The Retreat had 48 parking spaces, while the proposed development would have 47. A travel survey of staff showed that 96 travelled by car, which when the shift pattern was accounted for meant the car park was the correct size.
- It would not be reasonable for members to members to attach an informative note regarding the tree boundary since it was not within the bounds of the land for development.
- Historically the land was occupied by warehouses which were described as white industrial buildings typical of the 1970s.
- The Public Protection Officer not raised concerns about lighting around the development and the Ecology Officer had not raised concerns around the effect of lighting on local wildlife.

Following debate, it was moved by Cllr Crawshaw and seconded by Cllr Pavlovic to approve the application subject to the below conditions. A vote was taken with thirteen members in favour. The motion was carried unanimously and it was therefore:

Resolved:

- i. That the application be approved subject to the conditions set out in the report.
- ii. That condition 16 be amended to retain landscaping for the lifetime of the development and an additional condition be attached with regard to external lighting to ensure it is acceptable in terms of protected species and the conservation area.

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.36 pm].

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