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MEETING	PLANNING COMMITTEE
DATE	24 MARCH 2011
PRESENT	COUNCILLORS R WATSON (CHAIR), AYRE, BOYCE, D'AGORNE, FIRTH, FUNNELL, HORTON, HYMAN, MERRETT (VICE-CHAIR), MOORE, MORLEY, REID, SIMPSON-LAING, B WATSON, WISEMAN AND GILLIES (SUB FOR CLLR GALVIN)
APOLOGIES	COUNCILLOR GALVIN

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#### **40. 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 Merrett declared a personal non prejudicial interest in relation to Plans Item 4a (6-18 Hull Road, York 11/00050/OUTM) in respect of cycling issues as an Honorary Member of the Cyclists Touring Club, a member of York Cycle Campaign, a member of the Cycling England Board and as CYC Cycling Champion.

Councillor Ayre declared a personal non prejudicial interest in relation to Plans Item 4a (6-18 Hull Road, York 11/00050/OUTM) as a member of the Civil Service Cricket Club at the Outgang, Heslington.

Councillor Gillies declared a personal non prejudicial interest in relation to Plans Item 4b (Beetle Bank Farm, Moor Lane, Murton, York 11/00002/FULM) as the Council's representative on and Board member of Visit York.

Councillor Wiseman declared a personal non prejudicial interest in relation to Agenda item 5 (Three Conservation Area Appraisals for Strensall, Strensall Railway Buildings and Towthorpe Village Conservation Areas: Results of Consultation and Final Drafts for Approval) as the Local Member for the Stensall Ward.

#### **41. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 17 February 2011 be approved and signed by the Chair as a correct record subject to the amendment of Minute 39 – The University of York Travel Plan – 2010-15 in relation to bullet points one, three and four which should be amended to read:

- Concerns in relation to the travel plan and in particular to the base data which provided information on car parking which had clearly not been prior to *development* of the first phase *and appeared to have counted development related parking*.
- Science Park *now* required greater traffic penetration which breached the *original proposals permission approach*.
- Need to ensure cycle routes both on and off campus were adequate. Connectivity required to the west from Walmgate Stray/Millennium Bridge across *the west campus and a route to the north* with early implementation to provide a safe attractive cycle route.

## 42. PUBLIC PARTICIPATION

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

## 43. PLANS LIST

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

### 43a 6 -18, Hull Road, York (11/00050/OUTM)

Members considered a major outline application, submitted by Uniliving Ltd, for the demolition of an existing dairy distribution facility and the development of student accommodation comprising of 123 unit clusters (329 bed spaces) in 5 no. blocks plus ancillary office and warden studio with associated access and parking.

Officers circulated updates at the meeting which detailed the following (the full updates are attached to the agenda for this meeting):

- Recommend an additional condition to secure the implementation of the submitted travel plan.
- Inclusion of an additional informative to cover the issue of an affordable housing contribution.
- Amendment of recommendation to state 'that in the event of a satisfactory unilateral undertaking not being forthcoming that officers in consultation with the Chair and Vice Chair being delegated authority to refuse the application as not making provision for a financial contribution towards offsite open space'.
- Concern had been raised in respect of the level of cycle parking provision on the site. The applicant had confirmed that the same

ratio of 1:2 would be provided as adopted at the recent development of the University campus at Heslington East.

Representations were received on behalf of Osbaldwick Parish Council and Meadlands Area Residents' Association in objection to the proposed scheme. Reference was made to earlier applications for the site and to refusal of a scheme for 332 bed spaces on the grounds of overdevelopment which was felt still applied to this application. It was pointed out that Policy ED10 of the Council's Local Plan stated that any extra demand for student numbers would be accommodated within the Heslington East campus which it was pointed out did not appear to be the case.

Representations in support of the application were received from the applicant's agent who confirmed that, following receipt of outline approval for the site, further discussions had been undertaken with officers. A more contemporary design approach had now been undertaken with this scheme which made better use of the internal space available providing a better quality development. He confirmed that the scheme used an identical footprint, with no change to the height, scale and massing, enhanced sustainability and the use of high quality materials with a variety of finishes.

Members questioned a number of aspects of the proposals the main ones being:

- Concerns at the level of cycle provision and cycle access to the site.
- Although the new design was an improvement on the earlier scheme concern at the blank brick wall which would be visible to drivers entering the city. The applicant confirmed that he would be happy to re examine this issue with officers.
- Site density confirmed at 212 properties per hectare.
- Use of off site Section 106 open space contribution. Officers confirmation that this contribution could be used at any or all the following venues, Melrosegate Playing Fields, the Outgang, Heslington, Hull Road Park and the Sustrans cycle route.
- Possible adjacent parking issues. Confirmation from the applicant that this would be covered by the parking management plan, the tenancy agreement and travel plan together with an on site warden and resident bike offer.
- Confirmation that the principle of the bin store had not changed from the earlier application.
- Need to ensure that Condition 18 referred to conference accommodation being ancillary to the prime purpose of the scheme.

Following further discussion it was

RESOLVED: i) That the application be approved subject to the conditions listed in the report, the under mentioned amended and additional conditions and to the submission of an acceptable Unilateral Undertaking under Section 106 of the 1990 Town and Country Planning Act on behalf of the applicant covering the

payment of a commuted sum in respect of off-site open space provision on or before 11 April 2011. In the event of a satisfactory unilateral undertaking not being forthcoming that officers in consultation with the Chair and Vice Chair of this Committee be delegated authority to refuse the application as not making provision for a financial contribution towards offsite open space in line with York Development Control Local Plan Policy L1c.

**Amended Condition 18:** The development hereby approved shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary *or as an ancillary use*, who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupancy management plan to be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

**Amended Condition 20:** The development hereby approved shall be constructed to a BREEAM standard of "*excellent*". A Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a "*excellent*" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "*excellent*" rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

**Amended Condition 25:** The development hereby authorised shall be undertaken and operated in strict accordance with the submitted Operational Management Statement Vs 2, *specifically in relation to car and cycle parking arrangements* unless otherwise agreed in writing by the Local Planning Authority.

**Additional Condition:** The site shall not be occupied until a travel plan, developed and implemented in line with local and national guidance has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims measures and outcomes of the Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall thenceforth be submitted annually to the Local Planning Authority for approval.

**Additional Informative:** In the event that the premises hereby authorised should at any time cease to be used for student accommodation the applicant's attention is drawn to the need for a formal grant of planning permission for change of use to open

market housing at which point the need for a commuted sum financial contribution in respect of affordable housing will be considered.

- ii) That the Assistant Director Planning and Sustainable Development in consultation with the Chair and Vice Chair be delegated authority to hold further discussions with the applicant in relation to details of the elevational treatment of the gable facing the junction of Greendykes Lane and Hull Road.

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 development, affordable housing/occupancy, impact upon the character and appearance of the area, impact upon the living conditions of future occupants, parking and highway issues, open space issues, archaeological significance of the site and sustainability. As such the proposal complies with Policies ED10, GP1, GP4a) GP6, H10, L1c) and T4 of the City of York Development Control Local Plan.

**43b Beetle Bank Farm, Moor Lane, Murton, York YO19 5XD  
(11/00002/FULM)**

Consideration was give to a major full application, submitted by Ms Angela Serino, for the change of use of land to a visitor attraction comprising open farm and wildlife sanctuary with associated barn, two storey amenity building and car park.

Officers updated that following further discussions with the Highway Authority it had been confirmed that Reason 4 in the Officers report for refusal of the application could be adequately covered by condition in any approval. Officers therefore recommended removal of this reason from their recommendation.

Representations in objection to the application were received from a member of Murton Parish Council. She confirmed that the Parish Council felt that due to its overall scale the proposals would have a significant impact on the Green Belt. It was not considered that the road access was suitable for such large-scale use with much of the site being water logged in winter months. They also raised concerns that no exit strategy had been prepared in the event of the cessation of the proposed use.

Representations in support were then received from the applicant who outlined her intentions for the use of the land and its development as a visitor attraction. She referred to the suitability of the adjacent highways, discussions with the Planning Department and conservation bodies prior to submission of the application. She also referred to additional information

subsequently requested by the Planning Department and to the shortened lead in time for determination of the application.

Members questioned a number of aspects of the application including:

- Confirmation that Highways had agreed that there was now no requirement for a Traffic Impact Assessment.
- Information in respect of the creation of ponds.
- Size of wooded area required for red squirrels and its viability.
- Details of associated facilities ancillary to the farm and wildlife sanctuary.

Following further discussion it was

RESOLVED: That the application be refused for the under mentioned reasons:

- REASON:
1. It is considered that whilst the open farm and wildlife sanctuary elements of the attraction fall within the definition of essential facility for outdoor recreation, the play areas, seating area, coffee shop, party rooms and other associated facilities within the proposed amenity building fall outside the list of purposes set out under paragraph 3.4 of Planning Policy Guidance no.2 "Green Belts" and Policy GB1 of the City of York Draft Local Plan. As such they are considered to be inappropriate development in the Green Belt. Given their inappropriateness in the Green Belt they are, by definition harmful to the green belt, contrary to the national planning advice contained within Planning Policy Guidance no.2 "Green Belts" and Policy GB1 "Development in the Green Belt" of the City of York Draft Local Plan.
  2. By virtue of its overall height, scale, external appearance and massing together with its dominance when viewed from Moor Lane and Bad Bargain Lane to the north of the application site, it is considered that the proposed two storey amenity building would, if approved have a harmful and irreversible impact on the open character and visual amenities of York Green Belt and the purpose of including land within the Green Belt, contrary to, in particular paragraphs 3.5 and 3.15 of Planning Policy Guidance no.2, policies SP2 and GB1 of the City of York Draft Local Plan, and the guidelines set out in Murton Village Design Statement.
  3. Details regarding the numbers and types of farm animals/livestock including farm equipment to be accommodated within the proposed animal barn have not been provided, without which it is not possible to assess whether the scale of the proposed

development is proportionate to the size of the proposed visitor attraction and open farm and whether it complies with the national planning advice set out under paragraphs 3.5 and 3.15 of Planning Policy Guidance no.2, policies SP2 and GB1 of the City of York Draft Local Plan and the guidelines set out in Murton Village Design Statement.

**43c Hungate Development Site, Hungate, York (10/02527/OUTM)**

Members considered a major outline application, submitted by Hungate (York) Regeneration Ltd, for the variation of Condition 3 of planning approval 08/00737/FUL for mixed use redevelopment to amend the approved plans and documents to allow revisions to the phase 2 building and to the siting of the focal building and variations of Condition 6 to allow an increase in height of the phase 2 building.

In answer to Members questions the applicant's agent confirmed that the footprint of the focal building was identical to that agreed in the 2008 amended permission.

Following further discussion it was

**RESOLVED:** That the application be approved subject to a Section 106 Agreement and the conditions listed in the report.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to;

- implications on the comprehensive redevelopment of the Hungate site
- design and appearance
- landscaping
- affordable housing /mix of house types
- highway safety
- sustainability

As such the proposal complies with Policies GP1, GP4a, GP9, HE2, H2A, H3C and T4 of the City of York Development Control Local Plan.

**43d Hungate Development Site, Hungate, York (10/02534/REMM)**

Consideration was given to a major reserved matters application, submitted by Hungate (York) Regeneration Ltd, for the variation of Conditions 1, 6 and 8 of planning approval 07/01901/REMM for the erection of part 5, part 6 storey residential building with ground floor commercial units to allow revisions to the elevations, an increase in height, an increase in the number of residential units from 154 to 175 and reduction in the amount of commercial floorspace.

Officers confirmed receipt of amended landscaping plans for the courtyard area which provided more usable garden space and cycle parking. Details of riverside planting and landscaping work between the river wall and pavement work had also been received and was displayed at the meeting.

The applicant's agent made representations in support of the application. He referred to the phasing of the development and the need to amend the scheme in line with market changes. Confirmation was received that although an increase in the number of units was proposed it was not their intention to exceed the 720 units. Details of the various scheme changes were outlined including the proposed height increase to part of the building, which would result in increased levels of sustainability.

Members went on to question a number of points including:

- Amendments to the riverside walkway with reduced overlooking and the effect this could have on cyclists/pedestrian safety. Confirmation that the riverside footpath width had not been reduced as the ground floor properties had previously been recessed. Officer's confirmation that both the adjacent pedestrian/cycle bridge over the River Foss and the Friars Quay areas would be active areas providing additional safety for footpath users.
- Street lighting detail, which was confirmed would be identical to Phase 1, including diffused lighting.
- Confirmation that Pound Lane which was not within the site boundary.
- Details of commercial use cycle parking.
- Some concerns at building height increase.

Following further discussion it was

RESOLVED: That approval be granted subject to a Section 106 Agreement and 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:

- design and appearance
- landscaping
- affordable housing/mix of house types
- sustainability

As such the proposal complies with Policies GP1, GP3, GP4A, GP9, GP11, GP15, HE2, H2, H3C, T4 and S6 of the City of York Local Plan Deposit Draft.

**44. THREE CONSERVATION AREA APPRAISALS FOR STRENSALL, STRENSALL RAILWAY BUILDINGS AND TOWTHORPE VILLAGE**



## **CONSERVATION AREAS: RESULTS OF CONSULTATION AND FINAL DRAFTS FOR APPROVAL.**

Members considered a report, which presented the results of a public consultation exercise in respect of three separate draft Conservation Area Character Appraisals for the neighbouring Conservation Areas of Strensall, Strensall Railway Buildings and Towthorpe Village.

Details of the comments received to the three consultations together with officer's recommendations for proposed amendments had been set out at Annex C to the report. It was confirmed that all responses had been given full consideration and assessed in relation to government policy and English Heritage guidance. Network Rail were also now in support of the proposed boundary extension to include the former station site following amendments to the wording of paragraph 7.05.

Officers confirmed that a number of suggestions had been made during the consultation for amendment to the existing conservation area boundaries. However these had had to be assessed not only on individual merit but also whether they would make a special contribution to the character and appearance of the area as a whole. It was therefore only proposed to extend the boundaries of Strensall Railway Buildings and Towthorpe Conservation Areas as recommended in the draft appraisals and detailed on the plan at Annex E of the report.

The Chair thanked officers for their work in the preparation of these informative reports.

**RESOLVED:** That the Committee agree Option 1, to approve the three draft appraisals (Strensall, Strensall Railway Buildings and Towthorpe Village), as proposed in Annex D1, D2 & D3 and as amended by Annex C of the officers report, for planning purposes.<sup>1</sup>

**REASON:** The documents represent a thorough analysis of the character and appearance of each conservation area and they have been prepared in accordance with current guidance from English Heritage. The boundary reviews have been carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and they conform with the latest policy guidance on the historic environment - PPS 5 and the related planning practice guide. The documents are clearly written and accessible to a wide range of users. The consultation method and range accords with previous practice. Information and views of consultees have been carefully considered in the amendments proposed. The approval of the documents will assist with the formulation and determination of development proposals both within and adjacent to the 3no conservation areas.

Action Required

1. Commence use of appraisals for planning purposes.

KA, JR

**45. CHAIRS REMARKS**

As this was possibly the last Planning Committee meeting that Councillor R Watson would Chair prior to the forthcoming elections, he thanked both Members and Officers for their hard work over a number of years.

Members went on to thank Councillor Watson for his exceptional chairmanship of the Committee during the last 8 years.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.50 pm].