

Meeting	Planning Committee
Date	4 June 2015
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters

1. **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 Derbyshire declared a personal interest in agenda item 4b as she is the Director of a business located within the University.

Councillor Funnell declared a personal interest in agenda item 4b as a lay member of the pharmaceutical council.

Councillor Cuthbertson declared a personal interest in agenda item 4b as a part time student at the University of York.

Cllr Barnes declared an interest in agenda item 4b as he works for the NHS at the CCG North Leeds.

Councillor Ayre declared a personal interest in agenda item 4b as his family use one of the surgeries in the Heslington area which could be affected by the opening of a new surgery at the University.

2. **Minutes**

Resolved: That the minutes of the last two Planning Committee meetings held on 19th March 2015 and 27th March 2015 be approved and signed by the Chair as correct record.

3. Public Participation

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

4. Plans List

Members then considered 5 reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning application, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

4a York Barbican, Paragon Street, York, YO10 4NT (13/02135/FULM)

Consideration was given to a major full application by persimmon homes for a 1 part 4/part 5 storey building comprising of 175 apartments and a 3 storey building comprising of 12 apartments with associated access, parking and landscaping.

Robin McGinn had registered to speak on behalf of Persimmon Homes. He advised that the site comprised of two parcels of land and that permission had been granted in 2007 for 240 units. The site would maintain the layout previously approved but there would now be 187 units. The number of parking spaces reflected the sustainable location. The scheme had been designed to reflect the local area. Following negotiations with officers, it had been agreed that the site would be able to support 10% affordable housing.

Members questioned a number of points as follows:

- The landscaping at the site, in particular the lack of trees proposed for the smaller of the two areas of land. The applicant confirmed that if trees could have been realistically supported on the site then they would have been included. Officers advised that as part of the consideration of the landscaping proposals required by condition, they would seek appropriate tree or other planting adjacent to the Fawcett Street/ Kent Street development.

- Whether there would be provision for car parking spaces for use by a car club scheme and whether the applicant would be willing to promote such a scheme to residents. It was confirmed this could be investigated by officers.
- Members sought assurance archaeology at the site had been thoroughly investigated. It was confirmed it had.

Resolved: That the application be approved subject to conditions outlined in the committee report and issues raised by Members above.

Reason: There is an extant planning permission for residential development at this site. The scheme is of comparable layout and scale to the approved scheme; development would regenerate a prominent brownfield site and provide much needed housing in a sustainable location. There would not be harm to designated heritage assets. The scheme is policy compliant and has officer support.

Approval is recommended, subject to an S106 legal agreement to secure 10% affordable housing, and conditions, in particular in the interests of visual and residential amenity, drainage, and archaeology.

5. East of Field Lane Roundabout and Kimberlow Lane, Heslington Campus, York (15/00049/FULM)

Consideration was given to a major full application for the erection of a doctors surgery (use class D1) and shopping parade (use classes A1 (shops), A2 (office), A3 (restaurant/cafe), A5 (hot food takeaway) and D1 (dentist)) with associated access, car and cycle parking and earthworks. Officers provided an update to the committee report, full details are attached to the online agenda for this meeting. The main points were as follows:

- The site now falls within the Hull Road Ward following a boundary review.

- An additional consultation response had been received from North Yorkshire Police who recommended an additional condition to ensure the development is carried out in accordance with the Crime Prevention Statement dated 10th March 2015.
- A number of amendments to conditions.

Mr Telfer had registered to speak on behalf of Badger Hill Residents Community Group. He advised that residents objected to the location of the application rather than the application itself. Residents felt that the application was a departure from originally approved plans. He referred to the associated retail which is being included in the scheme and advised that a central campus location would be more suitable but it wouldn't be profitable. He felt that Members were being asked to consider commercial and financial issues rather than planning issues and considered that there were no special circumstances on planning grounds.

David Duncan had registered to speak on behalf of the University of York. He advised that the University required a new health centre as the existing one is too small. In relation to the retail aspect he advised that there is a lack of shops for students based on Heslington East and currently students have to cross a dual carriageway to access a shop. He acknowledged the argument that the facility should be in the centre of the campus but advised that this is not practical or financially viable.

Sam Maguire spoke as the President of York University Students Union. He advised that currently, students on Heslington East travel 1 mile to the nearest shop and for a number of years, students have voiced their dissatisfaction with the existing facilities on campus. In relation to health care, the current health centre is too small and students and residents have to wait 2 to 3 weeks for an appointment.

Janet O'Neil spoke as the agent on behalf of the applicant. She referred to the expansion of the University and advised that current health and retail facilities could no longer cope with the numbers using them. She advised that Members should not think that this application in this location was the easiest conclusion and outlined the sequential test undertaken and the lack of other suitable sites within the campus that are viable.

Members queried a number of points in particular the arrangements for healthcare contained in the University master plan and whether the requirement for a health centre was foreseen. The agent confirmed it was included in the master plan but the document did not detail where it should be located. As the University population has expanded it had become apparent there was not the available space at the centre of the campus for such a facility. Members also queried the arrangements for the community to use the proposed surgery and the impact on existing facilities in nearby suburbs.

Members entered debate and made the following points:

- Some Members acknowledged that although the development was in the Green Belt, the University needed to improve facilities to enable more students to live on campus. The location and retail element would enable the venture to be viable year round.
- New facilities that could be shared with the community were welcomed.
- Concerns were raised regarding landscaping and the impact of the development upon nearby residents and the green belt.
- Some members had concerns about the amount of proposed parking and the additional traffic that would be generated.
- Some Members felt that very special circumstances for development in the Green belt had not been demonstrated.

Resolved: That the application be approved after referral to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009.

Reason: The applicant has advanced the following other considerations, which they consider to amount to very special circumstances in respect of the proposal:

- The proposed development is required to meet an existing and growing need for health services and convenience shopping for University of York students and staff. Very few students have access to cars and many staff utilise non-car

modes to arrive at work. The university community needs on-site facilities so that the campus is established as an appealing place to live, work or study.

- The University has an obligation under the section 106 agreement to make their student housing as attractive as possible in order to reduce the pressure on the city's housing stock. The lack of facilities for the student population has led to negative perceptions of living on this campus.
- It is essential that it is accessible to the local community due to the need to maintain viability during University vacations. Therefore the development is located outside of the barriered access roads and is thus outside of the allocated area designated for development in the approved masterplan.
- A sequential test has failed to identify an alternative an alternative location which could be conveniently located for the University community and still be viable and deliverable for the operators of the health and retail facilities.

The proposal constitutes inappropriate development for the purposes of para 88 of the NPPF, and by definition causes harm to the Green Belt. Because of its location the proposed development would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at para 80 of the NPPF. More significant harm would be caused to the landscaped setting at the Field Lane entrance to the campus of the East Campus, however the layout, design and proposed landscaping will help to mitigate this harm to some degree.

It is considered that the other considerations put forward by the applicant outlined above, together with the mitigation of other harm through planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very

special circumstances to allow the inappropriate development in the York Green Belt.

6. Land Adjacent to and to the Rear of Windy Ridge, Brecks Lane, Huntington, York (15/00473/FULM)

Consideration was given to a major full application for a residential development of 87 dwellings with associated access and public open space. The application was to revise the layout and vary house types previously approved by planning permission 12/02979/FULM dated 27.02.2013.

Officers gave a brief update to advise that the key changes were as follows:

- A reduction in affordable homes from 30 to 26
- A change in some house types
- An increase in the number of four bedroom dwellings primarily replacing three bedroom houses
- Modest changes in the layout of the houses including some additional garages and alternative car parking arrangements

Some Members expressed disappointment at the reduction in affordable homes.

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

Reason: Residential development has commenced on site in line with the previous planning permission. The revised plans allow for relatively modest changes to the previous planning permission. There are no significant changes in the overall layout of the proposal and house numbers are unchanged. The positive aspects achieved through the previous planning permission such as a layout which reduces vehicle speeds, pedestrian priority, substantial publicly accessible open space, a decent range of house types with some key focal units to provide interest and legibility, and policy compliant affordable

housing numbers are brought through to this new proposal.

For the reasons outlined in this report this application is recommended for approval subject to conditions and completion of a Section 106 agreement. The draft conditions set out below reflect those applied to the previous planning permission with the exception that renewable energy and Code for Sustainable Homes conditions have been removed as this is now consumed into Building Regulations and conditions regarding electric vehicle recharge points as referenced in paragraph 3.2 are included. A Section 106 agreement will be required to secure pedestrian crossing facilities, education contribution, affordable housing, open space nature conservation land delivery and maintenance, and sustainable transport initiatives.

7. Former Terry's Factory, Bishopthorpe Road, York, YO23 1NA (15/00456/FULM)

Consideration was given to a major full application for the conversion of a multi-storey factory to a maximum 173 residential apartments and a ground floor retail unit; the erection of additional roof storey and balconies to southern elevation; public open space and car parking.

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

- To clarify the reference in the report to the need for Section 106 commuted sum contributions towards sustainable transport measures includes the level of contribution towards the City Car Club Car Sharing Scheme ordinarily associated with this type of development.
- A number of submitted application drawings had been amended following negotiations. Condition 2 of the

application and Listed Building Consent will need to be amended to show correct plan references.

- A detailed consultation response had been received from the Council's Environmental Protection Unit who had no objection subject to a number of conditions.

Kate Bailey spoke as the agent on behalf of the applicant. She advised that no other alternative use had come forward for the factory since 2006 and the current plans had been heavily publicised and all comments received taken into account.

Some Members commented that they had noted the bad state of repair of the building on the site visit. Members were happy to support the application.

Following further discussion it was:

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

Reason: The Terry's Multi-Storey Factory has lain vacant since operations at the site ceased in 2006. Following removal of the roof top plant the structural integrity of the building has become compromised and it is deteriorating rapidly. Planning permission has previously been given for a mix of flexible uses however planning permission is now sought for the conversion of the building into a maximum of 173 apartments with a retail unit on the ground floor. It is felt that the proposal would give rise to harm to the evidential value and significance of the building both in respect of the proposed roof top extension and in terms of the proposed internal works where the harm may be quantified as being substantial. However, balancing against this the applicant has undertaken to address in detail and amend each area of concern. Even when the harm is given considerable importance and weight, it is considered to be outweighed by the benefits of bringing such a substantially important Listed Building within the context of the York City sky line back into a beneficial

use within an existing derelict site of major townscape importance with minimal additional development to the exterior area, in a sustainable location.

The impacts of the proposal in terms of the need for playing pitch provision, the provision of primary school places and sustainable transport and off-site highway works can be addressed through a legal agreement. Approval is therefore recommended for the scheme subject to a Section 106 Agreement to cover these issues.

8. Former Terry's Factory, Bishopthorpe Road, York, YO23 1NA (15/00457/LBC)

Consideration was given to a listed building consent application for internal and external alterations in connection with the conversion of a multi-storey factory to residential apartments and the erection of an additional roof storey and balconies to southern elevation

This item was taken in conjunction with the previous agenda item for the same premises.

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

Reason: The Multi-Storey Factory building, the subject of this application, has been vacant for 10 years and its condition has deteriorated substantially giving rise to serious concern. In this context it is important to secure the optimum viable use compatible with the building's conservation to ensure its survival for future generations. The proposed conversion for residential use would sustain the historic, aesthetic and communal significance of the building. The evidential significance illustrated by the openness of the interior, its environment and finishes, would to

an extent be lost (except for a small area) and this can clearly be assessed as giving rise to substantial harm to the listed building. Although the internal alterations proposed would be regarded as substantially harmful they do not lead to unacceptable loss of significance of the building overall.

Providing the remaining issues of detail are addressed as indicated by the applicant, even when affording considerable importance and weight in the planning balance to this harm, it is considered that the public benefit of having the heritage asset in active use as residential accommodation outweighs the identified harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community, and approval is therefore recommended.

9. Any other business which the Chair considers urgent under the Local Government Act 1972.

The Chair raised two issues as follows:

- The proposed change of start time for the next meeting on the 25th June to 3.30pm. Members noted the change but asked that Democratic Services staff look into the possibility of an alternative room to enable the meeting to remain at 4.30pm.
- The time of the site visits for the committee which are currently at 10am. Members confirmed they were happy for them to remain at 10am.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].