
MEETING	PLANNING COMMITTEE
DATE	23 SEPTEMBER 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), AYRE, D'AGORNE, FIRTH, FUNNELL, HYMAN, MOORE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON, WISEMAN AND GALVIN (SUB FOR CLLR HUDSON)
APOLOGIES	COUNCILLORS HORTON, HUDSON AND MORLEY

11. 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 Ayre declared a personal non prejudicial interest in relation to Plans items 4a (6-18 Hull Road, York) and 4b (32 Lawrence Street, York) as Executive Member for Leisure, Culture and Social Inclusion.

12. MINUTES

RESOLVED: That the minutes of the last meeting of the Planning Committee held on 22 July 2010 be approved and signed by the Chair as a correct record.

13. PUBLIC PARTICIPATION

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

14. PLANS LIST

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

14a 6-18 Hull Road, York (10/01743/OUTM)

The Committee considered a major outline application, submitted by Uniliving Ltd, for the erection of student accommodation comprising of 282 bed spaces within 75 unit clusters in 5 blocks with associated landscaping and access after the demolition of the existing dairy (resubmission).

Officers circulated the following information in an update (full details of which are set out in the annex attached to the agenda):

- Two further letters of objection had been received from residents.
- Comments had been received from the Authority's Sustainable Project's Officer supporting the proposals subject to prior approval of a renewable energy strategy.
- No commitment to the Institute of Civil Engineers Demolition Protocol had been received from the applicant but he had now confirmed his commitment to the protocol.
- Additional archaeology comments had been received which sought the replacement of draft conditions 14 and 15 for one bespoke condition for the site.
- Amendment of draft condition 7 to also include details of the stack height.

Representations in support of the application were received from the applicant's agent. He referred to extensive negotiations undertaken with Officers since refusal of the application in June, which had involved a new design approach and a reduction in bed spaces. He referred to the large amount of private student accommodation in the Hull Road/Fishergate Ward and pointed out that this development would release around 100 family dwellings onto the market. The environmental management plan and permanent on-site management presence would be confirmed reduce noise and anti social behaviour issues in a highly sustainable location.

Representations in objection were received from a local resident who referred to the rapid spread of the University campus and subsequent loss of family housing to students. He pointed out that local residents and Parish Councils felt that the University should provide student accommodation on campus.

The Local Member also pointed out that the University had failed to build sufficient accommodation on campus. He referred to residents concerns in relation to the earlier scheme and confirmed that he had no objections to the present application just a number of questions. These related to the green wall screening, parking and the strength of draft condition 24 which should include dark sky compliant lighting.

In answer to Members questions the applicant's Architect confirmed that Uniliving had a similar occupancy management plan in operation in a development in Hull which had worked well in maintaining control of occupants.

Members went onto question a number of aspects of the scheme including;

- Details of the green wall screening;
- Confirmation that the development was not tied to a specific University;
- Letting of accommodation out of term time;
- Details of bus routes using the proposed new bus shelter;
- Confirmation that the site would have a 24 hour management presence;

- Confirmation that discussions with the Police Architectural Liaison Officer would be undertaken at the reserved matters stage;
- Open Space contribution and its use in the locality rather than at the University

Following further lengthy discussion it was

RESOLVED: i) That the application be approved subject to the conditions set out in the report and the following amended conditions:

Amendment of Condition 7 to read “Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 14.8 metres, to ridge height and 15.8 metres to maximum stack height, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.”

Deletion of Conditions 14 and 15 and their replacement with “No demolition shall take place until the applicant has secured the written approval of the Local Planning Authority for the content and implementation of an archaeological mitigation strategy which consists of: demolition and level reduction to the top of surviving archaeological deposits under archaeological supervision; archaeological excavation of features and deposits associated with the 19th Century tannery and its subsequent development; analysis, reporting and publication of the results of the excavation; deposition of the archive with the Yorkshire Museum; an archaeological watching brief on all other ground disturbances; and community access and involvement in the project.”

Condition 31: That the Chair and Vice Chair in consultation with the Assistant Director of Planning and Sustainable Development be authorised to agree the details of the siting of the proposed bus stop on Lawrence Street.

ii) That under Section 106 of the Town and Country Planning Act 1990 the financial contribution towards off site provision of open space should specify that the contribution should be used for provision in the locality of the site and not at the University.

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 the development, affordable housing /occupancy, impact upon the character and appearance of the area, impact upon residential amenity, 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, H1, HE10, L1c) and T4 of the City of York Development Control Local Plan.

14b 32 Lawrence Street, York (10/01359/FULM)

Consideration was given to a major full application, received from Blacklion Ltd, for the erection of 6 no. blocks for student accommodation after the demolition of an existing car showroom (resubmission).

Officers circulated an update, which informed Members of the following (the full updated is attached to the online agenda):

- The actual number of units was 237 rather than 238
- English Heritage had no further comments in relation to the amended scheme
- 8 further letters of objection had been received covering a number of new points
- St Lawrence Church had withdrawn its objection to the scheme subject to a number of points
- York Civic Trust had continued concerns regarding the density, scale and massing and particularly the design of the buildings
- Further comments of the Environmental Health Officer including a request for the addition of a noise condition
- Highway request for amendment to draft condition 18 to relate to the provision of cycle parking
- Lifelong Learning and Leisure had confirmed that the commuted sum for off site open space would be a total of £76,432. They had also confirmed that there was a deficiency of sport provision within the area and that the money would be spent as part of the community accessible facilities at Heslington East.
- Following receipt of additional drainage information the Engineering Consultancy had requested the addition of a number of additional conditions and an informative note
- Details of the plan numbers for inclusion in draft condition 2.

Representations in support of the application were received from the Planning Consultant. He thanked Officers for their assistance with the application and pointed out that the site was in a central location making it ideal for student accommodation. He stated that the provision of

accommodation in the city had not kept pace with student numbers and that the site would be covered by a management plan. He went onto refer to a number concerns raised during the site visit in relation to car parking and he reiterated that highways had raised no objections to the proposals.

Representations were received in objection from a local resident who pointed out that the plans displayed at the meeting were not the same as the plans he had purchased from the Authority when the application had been submitted.

The Planning Officer confirmed that, since the application had been submitted, a number of revisions had been made to the scheme on which residents had been reconsulted. Officers detailed the major changes made to the scheme since it had originally been lodged.

The local resident went onto express concerns regarding the proposed height of the student accommodation blocks and to the gap left in fencing adjacent to Lawrence Lane and the site access. He also referred to drainage issues in an area where the drains were already overloaded.

Representations in objection were also received from an Osbaldwick resident who expressed concern at the pressure being put on Green Belt land for housing development. He referred to the high level of objections to the proposals for the site, which he hoped Members would note. He again felt that student accommodation should be provided within the University campus.

Representations were then received from a representative of the York Civic Society. The representative stated that the Society had a number of concerns including that this development was purely speculative and had not been requested by the University. He stated that, in their opinion, the present scale, design and materials were not suitable for the area. The access road would be sited against the Ellen Wilson Homes and affect the amenity of vulnerable residents.

The Local Member expressed concerns at the proposals particularly in relation to its affect on the Conservation Area and the adjacent listed buildings. He felt that there was insufficient car parking and the massing would also have a detrimental impact on the Tannery and Barbican Mews. He requested the Committee to refuse the application.

Members went onto question a number of aspects of the application and areas of concern, which included:

- Width between the accommodation blocks for emergency services, which it was confirmed would be covered by building regulations
- Use of the open space contribution at the University
- Further details of the occupancy management plan
- Lawrence Lane access to site via keypads and confirmation that this would also include CCTV both inside and outside the properties
- Parking provision and potential parking displacement in the surrounding area

In answer to Members questions Officers confirmed that it was not necessary to specify where the contribution for off site open space should be used. It was pointed out that Officers in Life Long Learning and Leisure would take account of Local Plan policies and direct monies to any identified needs in the area.

Following further lengthy discussion Councillor D'Agorne moved and Councillor Potter seconded refusal of the application on the grounds of overdevelopment of the site, its impact on the Conservation Area and its affect on the amenity of adjacent residents. On being put to the vote it was

RESOLVED: That the application be refused.

REASON: 1. It is considered that as a consequence of their location and density as well as their excessive scale, height and massing, the proposed student blocks, would be detrimental to the character and appearance of the Central Historic Core Conservation Area and the setting of adjacent listed Ellen Wilson Almshouses and St Lawrence Church. The development is therefore contrary to advice in Planning Policy Statement 5 'Planning and the Historic Environment' and the accompanying Historic Environment Planning Practice Guide (March 2010), which highlight the importance of the protection of heritage assets, and to the following – Development Control Local Plan (Approved April 2005) policies:-

GP1 (Design) which states, inter alia, that development proposals will be expected to:

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building material;

HE2 (Development in Historic Locations) which states that within or adjoining conservation areas and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials;

HE3 (Conservation Areas) which states development proposals will be expected to:

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials.

HE4 (Listed Buildings) which states consent will only be granted for development in the immediate vicinity of listed buildings where there is no adverse effect on the character, appearance or setting of the building (s).

2. It is considered that as a consequence of their location and density as well as their excessive scale, height and massing, the proposed student blocks, would dominate and overlook existing residential development to the south, west and east of the site, and would therefore be detrimental to the residential amenity of adjacent dwellings. This is contrary to Development Control Local Plan (Approved April 2005) Policy GP1 (Design), which states that development proposals will be expected to, inter alia:-

- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

15. APPEALS PERFORMANCE AND DECISIONS SUMMARY

The Committee considered a report, which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30 June 2010. The report also provided a summary of the salient points from appeals determined in that period together with a list of outstanding appeals as at 31 July 2010.

Members expressed their thanks to the Planning Officers for efforts in this area.

RESOLVED: That the reports content be noted.

REASON: So that members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference in determining planning applications.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.45 pm].