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Meeting	Planning Committee
Date	19 February 2015
Present	Councillors Galvin (Vice-Chair), Ayre, Boyce, Burton, Cuthbertson (Substitute), D'Agorne, Doughty, King, Looker, Merrett (Substitute), Funnell, Reid (Chair), Richardson, Riches (Substitute), Simpson-Laing and Warters
Apologies	Councillors Horton, Crisp, Firth and McIlveen

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#### 47. Site Visits

Site Visit	Reason for Visit	Members Attended
4b Fulford School	To enable members to familiarise themselves with the site.	Boyce, Galvin, Funnell, King, D'Agorne, Watson, Warters and Reid.
4c&d St Josephs Convent, Lawrence Street.	To enable members to familiarise themselves with the site.	Boyce, Galvin, Funnell, King, D'Agorne, Watson, Warters and Reid.
4e Biology Department, University of York.	To enable members to familiarise themselves with the site.	Boyce, Galvin, Funnell, King, D'Agorne, Watson, Warters and Reid.

#### 48. 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 Looker declared a personal and prejudicial interest in agenda item 4b, Fulford School as Cabinet Member for Education, Children and Young People.

**49. Minutes**

Resolved: That the minutes of the last meeting held on 22<sup>nd</sup> January be approved and signed by the Chair as a correct record.

**50. Public Participation**

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

**51. Plans List**

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

**51a Ivy House Farm, Hull Road, Kexby, York, YO41 5LQ (14/2008/FULM)**

Consideration was given to a major full application for the erection of a wind turbine (maximum height to blade tip 78 metres) with associated access tracks, crane pad, sub station building, underground cabling and temporary construction compound.

Officers gave a brief update to advise that since the Committee Report was prepared and published a further letter of representation has been received objecting to the proposal on the grounds of impact on the open character of the Green Belt and the habitat of rare birds of prey.

Lynn Wilmore had registered to speak as a Local Resident. She raised concerns about the potential for low frequency noise and the impact this could have on residents. She felt that the noise assessment had not gone far enough and the appropriate limit would be breached at the nearest noise sensitive property.

Fergus Wilmore had registered to speak as a Local Resident. He advised that turbines were not suitable for flat land and

raised concerns about the potential for strobing effects from the reflection as the blades rotate.

Mrs Ward had registered to speak as a Local Resident. She advised that the turbine would have far reaching consequences for Kexby and Dunnington and queried why this site had been chosen when it wasn't viable in terms of wind speed. She felt that none of the residents concerns had been fully addressed by the applicant.

John Ray spoke as a Local Resident and as the County Mammal Recorder. he raised concerns about the impact of the turbine on wildlife in the area, in particular on Owls and Bats. The applicants bat survey had focused on numbers of bats in the area rather than the impact on individual bats and the fact there is evidence from other areas of the UK that turbines are harmful to bats.

Marianne McCallum spoke as the applicants agent. She advised that the Government applies significant weight to renewable energy resources and York as an area is underperforming in terms of renewable energy and the turbine offers an opportunity for York to play a part. In her opinion the proposed location of the Green Belt would not impact on the rural setting and there had been no issues identified relating to ecology or radiation.

Julian Sturdy MP spoke to advise that the National Planning Policy Framework advises against wind turbines being located within Green Belts. In relation to very special circumstances and the financial viability of the farm, no information had been supplied by the applicant relating to this, nor any information to suggest other options had been considered such as solar energy sources which may be less prominent.

Councillor Brooks had registered to speak as Ward Member. She advised that the turbine would be a blight to one of York's important green corridors. She referred to a nearby nature reserve and rare birds such as buzzards that may be harmed. She pointed out that the nearest property to the turbine would be 700m away and that Scotland does not allow turbines within 1km of property and that there must be a reason for that.

Members queried a number of points as follows:

- The likely impact of noise from the turbine upon local residents. The Council's Environmental Protection Officer

spoke in depth to provide Members with information on acceptable noise levels at night and advised that if noise was a problem it could be dealt with by way of condition.

- Further details regarding the Ministry of Defence response to the application. Officers advised that the MOD had agreed that conditions could be imposed to ensure any impact from the turbine be adequately mitigated.
- The risk to health from strobe and flicker caused by turbines. Officers confirmed that this is an area which is still being studied but it is understood that measures such as matt paint can help prevent it.

Members entered debate and made the following comments:

- Concerns about setting a precedent for turbines in the Green Belt.
- It was acknowledged that York does need renewable energy supplies but it was questioned if this was the right location for a turbine.
- Although a number of objections had now been overcome since the application was deferred, the turbine is still close to property and the officers advice is to refuse due to the green belt location.
- The reasons for refusal since the application came before the committee previously, still remained.

Resolved: That the application be refused.

Reason: The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to paragraph 91 of the National Planning Policy Framework and Policy GB1 of the Draft 2005 York Development Control Local Plan . It would furthermore cause serious harm to the purposes of including land within the Green Belt specifically the safeguarding of the setting of the historic City and the prevention of encroachment upon open countryside by virtue of its extreme height and solid engineered urbanised appearance.

**51b Fulford School, Fulfordgate, York, YO10 4FY  
(14/02167/GRG3).**

Consideration was given to a general regulations application for the erection of a two storey classroom block and single storey sports hall and changing rooms.

Officers gave an update to the committee report, full details of which are attached to the online agenda for this meeting, the main points were as follows:

- An additional condition requiring a formal pre-design BREEAM assessment for the design and procurement stages of the development.
- Details of the Community Use Policy for the proposed Sports Hall.
- Two further letters of support had been received and one in objection.
- Further representations had been received from Fulford Parish Council expressing concern in respect of the proposed access from the Germany Beck development and the need to ensure it is constructed in a timely fashion.

Mr Gamston spoke as a Local Resident. He advised that he lived near to the entrance of Fulford School and the school has doubled in size in comparison to when it was first built but no other access arrangements have been made. He asked that officers look into the possibility of reserving the necessary land to implement an access road from the Germany Beck site to the school.

John Haewood spoke on behalf of himself and other residents. He raised concerns about residents not being consulted on the plans in good time. He advised that although residents support the school, he asked that obscure glazing be installed in the higher floors of the teaching block as this would be appreciated by residents.

Mark Ellis, Principal Education Officer spoke on behalf of the Council. He advised that the Council has a responsibility to ensure there are enough school places and the expansion of the school was necessary in order for pupils within the catchment to get a place.

Lorna Savage spoke as Head teacher at the school. She advised that additional capacity was required as currently not all pupils can be accommodated at the site for PE lessons and as a result teaching time is being lost as pupils travel between the University and the school to access facilities. She advised that there are 7 points throughout the school week where the school is operating at maximum capacity.

David Ashton spoke as Chair of the School Governors. He advised that the school had contacted residents about the plans as soon as it was clear that funding for the improvements had been agreed. Discussions had taken place with the Ward Councillor and the Parish Council and access from the Germany Beck site is being offered.

Mary Urmston spoke on behalf of Fulford Parish Council. She advised that the Parish Council was sympathetic to the schools desire to expand but considered that the proposed sports hall building is very large and nothing in the plans suggested that the conservation area had been taken into account. The Parish Council supported Fulfordgate residents in their comments about the need for an additional access road.

Councillor Aspden spoke as Ward Member. He advised that the comments attributed to him in the committee report related to the first application submitted last year by the school and were not based on the current plans. He reiterated his support for the school and recognised that improvements were necessary. He welcomed the inclusion of a number of planning conditions, including protection for residents against any lighting scheme, ensuring any materials and finishes for the Sports Hall design are appropriate, the community use of the Sports Hall, a bond to support the regulation of parking in the area if necessary and a protected alignment to ensure no unauthorised development on the space earmarked for an access road from Germany Beck into the school site.

Members queried a number of points as follows:

- The issue of an access road from Germany Beck and the impact on trees. Officers confirmed that the road, if it was to go ahead, would require a separate access planning application.
- Lighting in the car park and whether it would be possible to provide re-active lighting so that lights were not on

overnight when the sports hall was not in use. It was confirmed that a condition could be added to require details of lighting.

Members entered debate and were supportive of the application subject to conditions being agreed on lighting and hours of use for the Sports Hall.

Resolved: That the application be approved.

Reason: Although Fulford Parish Council considers that the proposal should have been screened under the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations, as in their view the development falls within Schedule 2, as the development is less than 0.5 hectares, it falls below the minimum threshold and the development is not within a defined sensitive area, therefore screening under the 2011 Regulations is not required.

Both the teaching block and the sports hall elements of the proposal are modest in scale and would not give rise to any material harm to residential amenity. At the same time they reflect the existing pattern of scale and massing adopted at the School and would not give rise to any issue of harm to the visual amenity of the wider street scene. Concern has been expressed in respect of the prospect of increased harm from on-street parking and traffic generation in adjoining side roads. A detailed Transport Statement has however been submitted with the proposal which clearly demonstrates that there would not be a material increase in traffic and on-street parking over and above the existing situation, a view supported by the Highway Authority. A link road to the Germany Beck residential development to the south has previously been discussed but does not form part of the present application although a potential route

has been reserved. The application is considered to be acceptable.

In terms of any impact on the Germany Beck residential development, the school development proposal does not prevent a link road in the future, and meets highway standards on its own merits. It is therefore considered to be acceptable. Overall any impacts on the school proposal arising from the residential development on Germany Beck, and vice versa have been examined and found to be within acceptable levels. The proposal is felt to be acceptable in planning terms and approval is therefore recommended.

**51c St Josephs Convent, Lawrence Street, York, YO10 3EB (14/02404/FULM).**

Consideration was given to a major full application for the conversion, part demolition and extension of existing convent buildings and the erection of 14 three and four storey buildings to provide student accommodation with vehicle access to Lawrence Street.

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

- Further information on students and car ownership and the legality issues of not allowing private car ownership.
- Landscape officer comments on trees for removal.
- Further comment on the access arrangements to the cemetery for the Nuns to confirm they are happy with the proposals.

Natasha Rowland spoke as the agent on behalf of the applicant. She circulated a document to show the intended finish of the buildings. She advised that the Diocese chose the applicant as the preferred developer due to the sympathetic proposals put forward and the nuns have been fully consulted. The student accommodation would be comfortable, practical and high specification. Intensive consultation had been carried out with



Officers and English Heritage. The aim of the proposals was to create a car free environment but to address concerns a travel plan and management plan had been produced with a heavy focus on discouraging student to bring cars. Trees and orchard retained. Conversion of listed buildings with minimal intervention.

Councillor Watson spoke to advise that too many student units were being approved in the city and raised concerns about the impact of the materials being used upon the listed building. He also asked that if possible, a separate entrance be put in place for the nuns to access the cemetery as they were unlikely to object to the current plans themselves.

Members queried a number of points as follows:

- Some Members queried why an additional pedestrian and cycle refuge was not being provided at the front of the site.
- Whether any units would be provided for families within the site. The applicants agent confirmed that some units are larger and that this could be looked at.
- Some Members agreed with Councillor Watsons' comments that the nuns may not be fully happy with the current arrangements for access to the cemetery and asked if the applicant could re-visit the access situation if current circumstances surrounding the land ownership changed. It was confirmed this could be done.

Members entered debate and made the following comments:

- The application was positive in terms of use and would help towards easing the pressure on local housing.
- Some Members had concerns about access and egress into the site on Lawrence Street and considered that slow moving cyclists and pedestrians would need something in the middle of the road to aid them.
- Members were pleased to see a sympathetic design in keeping with the history of the site.
- Some Members felt that the proposed cladding being used within the scheme was not sympathetic to the historic surroundings and that better access to the cemetery was required for the nuns, despite the applicant stating that the nuns were happy.

Following further discussion it was moved and seconded to approve the application subject to further plans to address concerns raised by members regarding cycle and pedestrian access and egress on to Lawrence Street. When put to the vote this motion was carried.

Members also noted that the applicant was agreeable, by way of informative, to investigate further the access arrangements to the cemetery for the nuns once land ownership issues were resolved.

Resolved: That officers be given delegated authority to approve subject to revised plans to address traffic concerns raised by members.

Reason: The site is classed as previously developed land and within a sustainable location. There is a demonstrable need for the type of housing proposed and therefore according to national planning policy, there is a presumption in favour of the proposed development, subject to a satisfactory impact on heritage assets. The scheme should be approved unless the development is deemed to be unsustainable.

The proposed development would be of good quality; fit for purpose, sustainable (achieving a BREEAM rating of very good), and sensitive to heritage assets (the impact on listed structures would be acceptable) and biodiversity. The application has a level of detail which demonstrates the scheme is based upon a comprehensive understanding of both the history of the site and its landscape values, and the development proposed is distinctive and harmonious with its setting. There is adequate mitigation for any impact on biodiversity. There would be no conflict with planning policy and no undue effects, in particular upon residential amenity and the highway network. Approval is recommended.

**52. St Josephs Convent, Lawrence Street, York, YO10 3EB (14/02405/LBC).**

Consideration was given to a listed building consent application for internal and external alterations to Convent buildings to provide student accommodation and ancillary facilities with the erection of a two storey extension to the infirmary wing.

This item was considered in conjunction with related agenda item 4c.

Resolved: That the application be approved.

Reason: The proposals reasonably preserve the heritage assets on site; the convent buildings and the boundary walls. The alterations proposed have a low impact, which is outweighed by the overall benefits of the proposals. The proposals are compliant with the National Planning Policy Framework in this respect.

The site has been marketed and other interested parties proposals, such as private housing, did not include re-use of the convent building. The proposals within this application retain the listed buildings on site and give them a new use which is consistent with their conservation and in the interests of their long-term viability. The new buildings proposed would reasonably retain the landscaped setting and provide new development which is of high quality and respectful of its context.

In consideration of the proposals the Local Planning Authority has given adequate consideration to the requirements of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**52a Biology Department, Wentworth Way, University of York (14/02881/FULM).**

Consideration was given to a major full application for the erection of a three storey building for the biology department at the University of York.

Philip Holmes had registered to speak as the agent on behalf of the applicant. He advised the proposed scheme was for a bio-medical and natural sciences building which would replace the current departmental building which dates from the 1960s. Views from Walmgate Stray would not be obstructed and trees would be retained at the site. He acknowledged that 88 parking spaces would be lost.

Officers gave an update to the committee report, full details of which are attached to the online agenda for information, the main points were as follows:

- The Council's Environmental Protection Unit had provided a consultation response and suggested a number of additional conditions.
- Heslington Parish Council had confirmed they do not object to the application.
- The site layout had been amended to deal with concerns in terms of impact upon trees.

Members questioned a number of points, in particular the loss of 88 parking spaces in relation to 40 new jobs being created. The agent confirmed that the University would monitor the parking situation for both cars and cycles and would provide more spaces if there was a need. The University was also intending to renew its travel plan over the summer. In response to concerns raised by Members about landscaping and the impact on trees, it was reported that following a revision to the site layout since the committee report was prepared, the Council's landscape architect was now satisfied with the scheme.

Members entered debate and commented that they recognised the important work being carried out at the University and providing the landscaping issues were addressed with conditions they were happy to approve the application.

Resolved: That the application be approved subject to the conditions detailed in the report and update to the committee.

Reason: The current Biology Department comprises a mix of single storey CLASP concrete panel buildings with more recently constructed curtain wall clad buildings including Biological Sciences Phase 1 directly to the south. Planning permission is sought for the erection of phase II of the expansion of Biomedical and Natural Sciences to the north west of the main complex. It would be linked to phase 1 by a high level bridge and it would reflect the same pattern of scale, massing and palette of materials. It is felt that the proposal would not have an adverse impact upon the visual amenity of the wider street scene and that it would not have an adverse impact upon the setting of Walmgate Stray. The proposed building would furthermore form an additional component of the wider programme to improve the quality and range of Science teaching and research at the University in order to develop it further as a centre of excellence.

Following the receipt of revisions to address the issues raised by the Landscape Architect, the proposal was therefore felt to be acceptable in planning terms.

### **53. Appeals Performance Update**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and which provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date was also included in the report.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 8.10 pm].