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Meeting	Area Planning Sub-Committee
Date	10 December 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett

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### **34. Declarations of Interest**

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Crawshaw declared a personal prejudicial interest in Agenda Item 4b) 54 Scarcroft Hill [20/01561/FUL], in that he had called in this item for consideration at this sub-committee and had therefore predetermined his position. He also lived within the area of the ResPark zone under discussion. He left the meeting prior to consideration of that item and took no part in the debate or decision thereon.

### **35. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 25 November 2020 be approved and then signed by the Chair at a later date.

### **36. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

### **37. 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.

**2a) Electricity Sub Station, Windmill Lane, York [20/01473/FUL]**

Members considered a full application from the University Of York for the erection of 11kv substation with associated infrastructure and landscaping works.

Officers gave a presentation based upon the slides at pages 37 -47 of the Agenda and confirmed that there were no additional officer updates.

Dr S Mason, spoke in objection to the proposal highlighting the ecological importance of the trees, the societal importance of the woodland, and the disturbance that this work will cause to wildlife and residents.

Mr A Champion, spoke in objection to the application echoing the points made by the previous speaker. He considered that alternative site options had not been fully explored and that these green spaces needed to be protected for the benefit of the animals that use it and for peoples mental health.

Cllr George Norman, Ward Member for Hull Road, spoke on behalf of local residents, in objection to the scheme, on the grounds of the proposal's adverse impact on ecology and local amenity. He considered that this proposal had placed cost over the value of this vital TPO woodland and was not forward thinking.

Mr G Holbeck, Agent for the applicant, spoke about the planning balance. He was accompanied by the following panel of experts available to respond to questions from Members:

- Christopher Grantham (Northern Power Grid)
- Phil Dickson (Northern Power Grid)
- Michael Ross (University of York)
- Dan Robinson Arboriculturalist
- Mike Richardson - Director of Estates at the University

Key points arising from Mr Holbeck's submission and Members questions included:

- The substation at Windmill Lane is around 50 years old. This proposal is to replace the original switch gear, so it requires a location which is adjacent to the existing transformers.
- The substation is a Northern Power Grid facility. The need to replace the old switch gear has been accelerated by the University as they require a direct supply to campus east in

order to meet the increasing power demand. However, the benefits of replacing the old switch gear, in terms of reliability of service, will be shared by the local area.

- Regarding alternative options – the substation is known as the Windmill Lane primary, so it is one tier up in the supply chain from a distribution substation and a much more significant piece of infrastructure, which serves the south east area of the city.
- To give a measure, the cost of relocating a primary substation would be in the region of £5m. It was established that the cost of this proposal was also around £5m.
- In determining the precise location of the new switch room, the University has worked with Northern Power Grid to investigate the options near to the existing substation, the aim being to reduce its impact. However, the adjacent car park at Smith and Nephew contains a large water trunk main, which runs all the way along the northern boundary and effectively rules out this option. There is less tree cover on the land to the north west of the transformers but this is because it already hosts a significant amount of underground gas and electricity services. This leaves the proposed site to the south.
- The overall number of trees to be removed to facilitate the proposal is 27, all but 3 of them are either young or low-quality specimens. In 2020, the University has already planted over 1000 trees throughout their estate and an additional 30 mainly young trees of varying sizes, shade tolerant, will be planted within the application site to compensate for the losses. The woodland will also benefit from much better management in the future, under the provisions of the University's woodland management plan.
- Mr Holbeck confirmed that replacing the switch gear in-situ could create a vulnerability to the electricity service in that area for around 18 months.

After debate, Cllr Webb moved, and Cllr Melly seconded, that the application be refused, overturning the officer recommendation, for the following reasons: that the need for development does not justify the harm to the woodland through the loss of trees and harm to wildlife due to the loss of this green corridor and is contrary to the following policies of the City of York Draft Local Plan (incorporating the fourth set of changes, April 2005) Policies: NE1, G11, DP3, G14 and to section 15 of the National Planning Policy Framework regarding protecting the natural environment.

Cllrs: Craghill, Melly, Perrett and Webb all voted in favour of this motion Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer voted against this motion and the motion was declared **lost 4:7**.

Cllr Galvin then moved, and Cllr Cullwick seconded, that the application be approved in accordance with the officer recommendation as set out in the officer report. Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Orrell, Waudby and Hollyer voted in favour of this motion. Cllrs: Craghill, Melly, Perrett and Webb voted against this motion and the motion was declared **carried 7:4**. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report.

#### Reason for Approval

In considering this application, the presumption in favour of sustainable development does not apply as the scheme involves harm to the woodland TPO through the loss of trees. The University have justified the need for the development through existing supplies being at capacity and to support the further build out of Campus East. Officers are satisfied that the primary substation cannot be relocated elsewhere, because of the significant cost, or the Yorkshire Water pipe and easement to the immediate west. The switchroom will be located in the woodland adjacent to the existing facility and positioned to cause least harm to those trees of value. The minimum number of trees of value would be lost and there are adequate mitigation measures in terms of protecting the surrounding woodland habitat, replanting and ecological mitigation such that the least harm is caused. Therefore giving significant weight to supporting economic growth (Section 6 of the NPPF) and the continued development of the University of York (Policy ED1 of the Publication Draft Local Plan), on balance, the need for the substation extension, and the small degree of harm overall to the woodland, with no loss of amenity for users of the PRow, it is concluded that planning permission should be granted.

*[There was a short break from 6.30pm until 6.45pm in order to enable registered speakers to join the meeting].*

**2a) 54 Scarcroft Hill, York, YO24 1DE [20/01561/FUL]**

Cllr Crawshaw, Vice-Chair, left the meeting having declared a prejudicial interest in this item.

It was proposed and seconded that Cllr Webb act as Vice-Chair for this item only.

Resolved: that Cllr Webb would be Vice-Chair for this item only.

Members considered a full application from Mr Webster for retrospective permission for the change of use of 54 Scarcroft Hill from a dwellinghouse (use class C3) to a 6 bedroom house in multiple occupation (use class C4).

Officers gave a presentation based upon the slides at pages 59-63 of the Agenda and confirmed that there were no that there were no additional officer updates.

Mr T O'Hagan, a neighbouring resident, spoke in objection to this application on the grounds that the multiple occupancy had adversely impacted upon his amenity in terms of noise nuisance and overcrowded parking.

Mrs P Gill a neighbouring resident, spoke in objection to this application on the grounds that the multiple occupancy had adversely impacted on her amenity in terms of noise levels and disturbance and that local residents had not found the property agent to be forthcoming or communicative regarding their concerns.

Mr A Bennett, Managing Agent for this property was available to respond to Members' questions.

After debate, Cllr Galvin moved, and Cllr Orrell seconded, that the application be approved, in accordance with the officer recommendation, with an amendment to condition 3. Cllrs: Craghill, Cullwick, Galvin, Melly, Orrell, Perrett, Waudby and Hollyer all voted in favour of this motion. Cllrs: Fisher and Webb voted against this motion and the motion was declared **carried 8:2**. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended condition (amendment indicated in bold text):

Amended Condition 3

A management plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours, **to include a system for responding to complaints from neighbours**
- i) Garden maintenance
- ii) Refuse and recycling facilities
- iii) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

Reason for Approval

On balance and subject to conditions, it is considered that the use of the property as a HMO within the C4 use class is acceptable in terms of the balance of the community, impact on the conservation area, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 7.55 pm].