City of York Council	Committee Minutes
Meeting	Planning Committee
Date	25 March 2019
Present	Councillors Reid (Chair), Ayre, Brooks, Carr, Crawshaw (Substitute for Cllr K Taylor), Cullwick, Cuthbertson, D'Agorne, Dew (Substitute for Cllr Doughty), Funnell, Galvin, Looker and Warters
Apologies	Councillors Boyce, Doughty, Shepherd and K Taylor

69. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in respect of business on the agenda. No interests were declared.

70. Minutes

Resolved: That the minutes of the meetings held on 24 January 2019 and 21 February 2019 be approved and then signed by the Chair as a correct record.

71. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

72. Plans List

Members considered a report of the Assistant Director, Planning and Public Protection, relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

73. York Central

Members considered a Major Full Application Environmental Statement (16 weeks) from Network Rail and Infrastructure Limited And Homes England for an outline planning application with all matters reserved for the redevelopment of York Central, Leeman Road, to provide a mixed-use development of up to 379,729 m2 of floorspace Gross External Area (GEA) primarily comprising up to 2,500 homes (Class C3), between 70,000 m2 and 87,693 m2 of office use (Class B1a), up to 11,991 m2 GEA of retail and leisure uses (Classes A1-A5 or D2), a hotel with up to 400 bedrooms (Class C1), up to 12,120 m2 GEA of non-residential institutions (Class D1) for expansion of the National Railway Museum, multi-storey car parks and provision of community uses all with associated works including new open space, ancillary car parking, demolition of and alterations to existing buildings and associated vehicular, rail, cycle and pedestrian access improvements.

Officers provided an update, clarifying or correcting the following points in the report:

- Para.16.90 - reference to the *s.106 agreement* should be to *s.38 of the Highways Act*.
- Flood risk and Drainage - the EA had now removed its objection, after submission of a revised WFD assessment.
- Habitat Regulations - Natural England had confirmed there was no requirement for an assessment.
- National Planning Policy (para.11) - officers were satisfied that there were no material considerations altering the presumption in favour of sustainable development.
- Public open space – description of the path in paras. 23.11 & 28.6 should read: *a path approximately 750m in length from Water End alongside and parallel to the south bank of the river Ouse and in the direction of Scarborough Bridge on land owned by CYC.*

Officers also proposed amendments to the recommended Conditions nos. 41, 74, 77, 79, 45 and 52, and presented three further representations received; one in support of the application and two in objection.

The following speakers made comments in support of or in objection to the application, as indicated, with reference to the topics set out in the headings below:

Strategic benefits and regeneration

Cllr Gillies, Executive Leader and Member for Rural West York ward, spoke in support of the application.
Dr David Fraser, Chief Executive of York Civic Trust, spoke in objection.
David Kerfoot MBE, Chair of the York, North Yorkshire & East Riding LEP, spoke in support.
Roger Pierce spoke in objection.
Kate Ravilious, of York Central Action, spoke in objection.

Employment and Economic Growth

Andrew Sharpe, of Make it York, spoke in support of the application.
Stephen Hind, of Network Rail, spoke in support.
Judith McNicol, of the National Railway Museum, spoke in support.

Housing Provision

Richard Clarke spoke in objection to the application.
Nick Bosanquet spoke in objection.
Marie Kiddell, of Homes England, spoke in support.

Highways and Sustainable Transport

Prof. Tony May, of the York Civic Trust Transport Advisory Group, spoke in objection to the application.
Dave Merrett, of York Environmental Forum, spoke in objection.
Graham Collett, of York Bus Forum, spoke in objection.
Peter Sheaf, of York Cycle Campaign, spoke in objection.
Andrew Dickinson spoke in objection.
Alastair Gordon spoke in objection.
Richard Bickers, of Arup, spoke in support.
Niall Bourke, of Arup, spoke in support.

Urban Design and Heritage

Andrew Stephenson spoke in objection to the application.
Philip Crowe, of York Environment Forum and Treemendous York, spoke in objection.
Jason Syrett, of A & M, spoke in support.
Tom Pearson, of Arup, spoke in support.

Environmental Protection

Caroline Lewis, of Clean Air York, spoke in objection to the application.
Kerry Whalley, of Arup, spoke in support.

Sustainability

Chris Jones, of Avison Young, spoke in support of the application.
Cllr Kramm, member for Micklegate ward, spoke in objection.

The Planning Balance

Ian Anderson spoke in objection to the application.
Cllr K Taylor, Member for Holgate ward, spoke in objection.
Kate Thompson, of Leeds City Region Enterprise Partnership, spoke in support.
Craig Alsbury, of Avison Young, spoke in support.

In response to questions from Members, speakers objecting to the application stated that:

- There was a need to construct a sustainable development that did not rely on one-off funding;
- Deferral would enable a better outline application to be prepared;
- The application lacked detail in respect of schools, GP surgeries and affordable housing;
- A detailed economic strategy was required to demonstrate the economic impact of York Central;
- The traffic modelling was confused; what was needed were high quality public transport links and cycling / pedestrian access to the site;
- Providing a bus lane on Leeman Road would alleviate traffic congestion.

and speakers supporting the application stated that:

- To defer the application would risk loss of HIF funding and put elements of the scheme at risk;
- York Central would provide a substantial number of jobs and deliver 100,000 square metres of office space;
- The proposed arrangements for car parking would occupy less space on the site than the existing managed car park;
- Car parking requirements had been benchmarked against other sites in northern England;

- Reducing traffic lanes to prioritise cyclists through Marble Arch would result in a 60-100 queue of vehicles during peak hours, at a conservative estimate;
- Routing buses along Leeman Rd. would displace traffic and create congestion in other areas;
- Traffic modelling was based on estimates for 2033 and not for the construction phase in 2021;
- Monitoring had indicated that air quality standards were acceptable;
- York Central would deliver 2,500 homes, in accordance with the Local Plan;
- Housing density was appropriate for the location, as a brownfield site.
- A 3-month delay would be unlikely to result in any meaningful changes to the proposed scheme.

In response to further questions from Members, officers confirmed that:

- York Central was included in the overall Economic Strategy for York currently being prepared by the council;
- The development was an opportunity to provide quality office space, with a balance between office and community space;
- A robust position had been taken to traffic modelling, and mechanisms were in place to manage, monitor and address traffic impacts;
- Officers were confident that a segregated pedestrian / cycling route could be achieved along the front of the P.O. sorting office;
- Provision of healthcare facilities was addressed in Condition 35, off-site open space in Condition 6 and drainage/flood risk in the revised Conditions 74, 77 and 79; there was also a proposal for a linear park.

After Members had debated the proposals, Cllr Warters moved, and Cllr Looker seconded, that consideration of the application be deferred for a period of 6 months. On being put to the vote, this motion was declared LOST, with 5 Members voting for the motion and 8 voting against it. At this point, Cllr Warters left the meeting.

Cllr Carr then moved, and Cllr Galvin seconded, that the officer recommendations at paragraph 31 of the report be approved, subject to the amendments to conditions reported by officers at

the meeting and the addition of further conditions in respect of community space and landscaping. On being put to the vote, this motion was declared CARRIED by 9 votes to 1, with 2 abstentions, and it was

Resolved: That authority be delegated to the Assistant Director of Planning and Public Protection to refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990 and, should the application not be called in by the Secretary of State, to then APPROVE the application, subject to:

i. the conditions set out in the report, with the following amendments to Conditions 41, 74, 77, 79, 45 and 52 *(amended / additional text is in italics)*:

Condition 41 - the reference to *Station Avenue* in the first sentence to be replaced by *Station Rise*.

<u>Drainage Conditions</u>

Condition 74 - Prior to any surface water discharge into Holgate Beck the existing surface water discharge shall first be proven and agreed by the Local Planning Authority. Surface water may then be discharged at a rate of 70% of the existing proven areas that drain to Holgate Beck*. Attenuation volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 30% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to calculate the worst-case volume required.*

Reason: To prevent increased flood risk elsewhere as a consequence of the development in accordance with NPPF paragraphs 155 and 163.

Condition 77 – There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical;
b) evidence of existing positive drainage to public sewer and the current points of connection,
c) the means of restricting the discharge to public sewer to a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker but based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change, *and*
d) attenuation volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 30% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to calculate the worst-case volume required.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Condition 79 – Each phase of drainage works shall include details of the proposed means of access and management for maintenance and repair work of the proposed watercourses, swales, ditches, surface water attenuation features and drainage systems *within the site.* The details shall include appropriate landscaping within areas required for maintenance.

The details shall be approved in writing by the LPA prior to commencement of the relevant drainage

works and the development shall be carried out in accordance with the approved details.

Reason: To allow sufficient access for maintenance and repair *work and to ensure that the attenuation volume is available* at all times.

Highways

Condition 45 – The text should be amended to read: *Prior to the closure of Leeman Road for pedestrians and cyclists a scheme for a new alternative route for pedestrians and cyclists and details of a pedestrian access through the National Railway Museum extension shall be submitted to and approved in writing by the Local Planning Authority.*

The approved alternative new access for pedestrian and cyclists shall be implemented before Leeman Road is close for pedestrians and cyclists. The pedestrian access through the National Railway Museum shall be implemented on the opening of the extension and made available during hours of opening.

Reason: to encourage sustainable travel in accordance with section 9 of the NPPF.

Condition 52 - The text should be amended to read: *A strategy for providing electric vehicle charging facilities for each phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant phase and the development shall be carried out in accordance with the approved details.*

The strategy shall demonstrate each residential dwelling with dedicated off-street parking would incorporate a suitably rated electrical socket to allow charging of an electric vehicle. At least 2% of all on street and commercial parking shall be for the exclusive use of electric vehicles.

The approved facilities for electric vehicle charging points shall be provided prior to first occupation of any building within that phase or sub-phase and shall be appropriately maintained.'

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy ENV1 of the City of York Publication Draft Local Plan and Paragraph 110 of the NPPF.

Condition 24 – The reference to replacing dead, diseased, etc planting within 5 years of substantial completion in the first sentence of paragraph 4 to be substituted with: *Any trees or plants which from the substantial completion of the planting and development phase, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season in perpertuity.*

ii. *The following additional condition requiring the provision of indoor community space:*

Condition 83 - Prior to the occupation of the 500th residential dwelling a scheme for on-site indoor community space, shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented before the occupation of the 750th dwelling. The space shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To meet the community needs of occupiers of the development in accordance with policy HW2: New Community Facilities of the City of York Publication Draft Local Plan.

And;

iii. completion of an agreement under section 106 of the Town and Country Planning Act to secure the planning obligations detailed in the report.

Reasons:

(i) This outline planning application seeks approval for the principle of a mixed use development of this substantial brownfield site. The site forms part of an important strategic land allocation in the emerging local plan and would make a major contribution to the provision of housing and employment land in the city, for development over the next 15 to 20 years whilst also making provision for the expansion of the National Railway Museum.

(ii) It is an outline planning application with all detailed matters reserved for subsequent consideration. The future details of development can be controlled and determined at the appropriate times through the submission of “reserved matters” applications together with the specific requirements of planning conditions and S106 legal obligations.

(iii) This major development proposal will clearly result a range of environmental and other adverse impacts and whilst measures can be put in place to mitigate against some of the adverse impacts, those which would remain should be properly assessed against the positive benefits of the scheme when assessing the planning balance. Both the impacts and the benefits are identified in detail in the committee report and are summarised above.

(iv) These benefits, which are very significant when assessed against national planning policy in the NPPF and local planning policy in the emerging plan, demonstrably outweigh the adverse impacts scheme and justify consent.

Cllr C Cullwick, Chair
[The meeting started at 4.00 pm and finished at 9.33 pm].