City of York Council	Committee Minutes
Meeting	Planning Committee
Date	18 August 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Cullwick, Cuthbertson, Dew, Doughty, Funnell, Galvin, Richardson, Shepherd, Warters and Orrell (as a Substitute for Cllr Ayre)
Apologies	Councillors Ayre, D'Agorne and Looker

19. Declarations of Interest

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they might have in the business on the agenda.

Councillor Reid declared a personal and prejudicial interest in plans list item 4a (Coal Yard, Mansfield Street) as she had a business connection with the applicant's family. Councillor Reid left the room for consideration of this item and took no part in the debate or vote on this application.

Councillor Reid also declared a personal non-prejudicial interest in plans list item 4c (Herbert Todd and Son, Percy's Lane) as her son lived in an adjacent council flat.

20. Minutes

Resolved: That the minutes of the meeting held on 14 July 2016 be approved as a correct record and signed by the chair.

21. 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 Planning Committee.

22. Plans List

Members considered the following 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.

23. Coal Yard, 11 Mansfield Street, York, YO31 7US (15/01571/FULM)

Members considered a full application by Horwell Bros Ltd for the erection of a four storey block to provide student accommodation (84 units) following demolition of the existing building.

Officers advised that they had received a flood evacuation plan as set out in paragraph 4.44 of the report but as yet they were not fully satisfied with the details of the plan. They advised that they would like to seek a deferral in order that they could review the evacuation plan more clearly and then come back to Members at the next meeting.

Resolved:

That the application be deferred to a future meeting.

Reason:

To enable further liaison to take place between the applicant and officers in order to seek satisfactory details of a flood evacuation plan.

24. NFU Mutual Ins. Society Ltd, Zenith House, Clifton Park Avenue, York, YO30 5PB (16/00957/FUL)

Members considered a full application by Mr Mark Hanson for the formation of additional car parking spaces with associated lighting and security fence to the north boundary.

Officers advised that they had received two further consultation responses. Public Protection had advised that insufficient information had been submitted regarding the lighting. They

stated that information should include a site plan showing the lux levels from the lighting on different planes, ground level and 1.5 metres in height, which also included the location of properties within 100m of site, and that the lighting complied with the Institute of Lighting Professionals guidance on obtrusive lighting.

The Environment Agency noted that a Flood Risk Assessment had not been submitted but advised that they would have no objection to the proposed development provided there was no raising of ground levels and excess spoil was removed from the site. They also felt that the developer should produce/update a flood evacuation plan and that surface water run-off from the proposed development site should be managed using sustainable drainage techniques to ensure that flood risk was not increased either on-site or elsewhere.

Officers asked Members to note the following corrections to the report:

- In paragraph 4.9 reference is made to paragraphs 4.17 and 4.18 this should read 4.14 to 4.15.
- In paragraph 4.16 reference is made to paragraphs 4.33 and 4.37 this should read 4.30 to 4.34.
- Para 1.1 and 4.13: the number of trees to be removed for the southern most car park would be 5 (Horse Chestnut, Robina, Plane, Sycamore, and Beech) rather than 3.

Officers informed Members of the Court of Appeal's advice on the approach to be taken in determining applications for development which involved elements which were inappropriate development and elements which were appropriate in the Green Belt and the advice was that the correct approach was to consider and assess the whole of the development as inappropriate development.

It was noted that cars currently parked on the main access road and some members felt that expanding the car park by a small amount would help alleviate this problem and would not cause any harm to the greenbelt.

Councillor Galvin moved and Councillor Richardson seconded a motion to approve the application with the increased need for car parking being considered as very special circumstances, and a condition to protect trees and for the parking surface to be permeable. On being put to the vote this motion fell.

Members noted that the site already met the required standard for the number of parking spaces and that no increase in employment had been shown. They considered that the applicant had only offered very weak reasons for the need for more parking and suggested that a travel plan and analysis of travel to work should be carried out. Members felt that the proposals constituted inappropriate development in the greenbelt and that very special circumstances had not been demonstrated to justify the proposals.

Resolved:

That the application be refused.

Reason:

The considerations put forward by the applicant in support of the proposals do not clearly outweigh the harm to the Green Belt and other harm (harm to visual amenity and character of the area, unsustainable development) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

Development of the site would further erode the essential parkland landscape character of the business park and former hospital grounds and would result in visual harm and as such would be contrary to the NPPF and local plan policies relating to protection of the landscape and quality of the environment.

25. Herbert Todd and Son, Percy's Lane, York, YO1 9TP (16/01263/FULM)

Members considered a full application by S Harrison Developments for the erection of two student accommodation blocks, part 3-storey, part 4 storey, comprising 106 units following demolition of existing buildings at Percy's Lane, York.

Officers provided an update on consultation responses which had been received from:

Public Protection: With regard to site remediation, officers had assessed the site investigation report which sufficiently informed the mitigation necessary to make the site fit for the proposed use. Therefore the requirement for a site investigation may now be omitted from proposed condition 4.

Highway Network Management: requested deferral based on reduction of cycle provision from 50% and the need for a plan showing the extent of adopted highway to be stopped up.

Officers drew members attention to paragraphs 4.45 and 4.46 of report which provided actual evidence of usage at adjacent similar developments which was shown to be much lower than 50%. They also advised that the applicant has confirmed pre-application approach to and agreement from Highways regarding the stopping-up of the segment of land on the corner of Percy's lane and Navigation Road.

Conservation Areas Advisory Panel: objected to this proposal on the grounds that it was not only over-development of the site but also that the building would dwarf and detract from the adjacent Grade I church.

A note on behalf of the Civic Trust was referred to and passed to officers by a representative of the Early Music Centre. The comments stated the Trust supported the student redevelopment but was opposed to the height of the development that would impact on the setting of St Margaret's Church and the conservation area. Design modification to reduce the height was suggested.

Officers advised that the following information should be added to Paragraph 4.10 after 2nd sentence "There were 20,005 students in FTE in 2013/14 and the figure is projected to grow in future. The universities provide accommodation for approx 6,000 students, the private sector will provide a further 2,447 spaces in purpose built accommodation when current schemes under construction are complete at Hull Road/Lawrence Street and George Hudson Street."

Officers advised of the following amendments to conditions and the requirement for a further condition as follows:

- Condition 2: PLY 3055 P13-04d to PLY 3055 P13-04c (cycle store roof to fall into the site so that the rainwater can be more easily managed).

- Condition 4: Amended to omit the site investigation requirement.

- Additional condition: Requirement for occupational management plan

Officers advised that at the site visit concerns had been raised about inadequate street lighting on Percy's Lane. Officers informed Members that there were 3 street lights already on Percy's Lane, with one removed when the Hotel Indigo had been developed. The development would increase activity and amenity lighting, with bulk head lights under the projecting bays. They advised that CCTV and lighting were proposed at the entrance to the amenity area, rear cycle storage area and refused storage area and it was noted that the Police Designing Out Crime Officer was content with the scheme as proposed.

Mr Paul Murphy addressed the committee on behalf of the National Centre for Early Music (NCEM). He expressed concerns over the height and massing of the development and the impact this would have on the setting of the church, which was a Grade 1 listed building. He went on to explain that in addition to the desire to preserve the existing roofline, the NCEM also had concerns about noise levels during construction and explained that the centre held an annual festival, which would be celebrating its 40th year in 2017, as well as hosting wedding receptions on Saturday afternoons throughout the year. He explained it was of great concern that building work would have a negative impact on these events. The NCEM hoped that there could be some agreement as to how to mitigate this and suggested that a condition could be added to prevent construction noise during the 9 days of the event and on Saturdays.

Mr Chris Hale, from S Harrison Developments, spoke on behalf of the applicant. He advised Members that there was still a significant need for purpose built student accommodation within the city, and stated that the development would be an improvement to the current site with the layout, scale and design compatible with the setting and in line with design advice. In response to the concerns raised by the NCEM he

expressed the developer's desire to minimise disruption and explained that the company had signed up to the 'Considerate Constructors Scheme' and would be monitored to ensure their compliance. He said that the developers hoped that the foundations would be complete by May 2017, which was before the NCEM festival was held, although this could not be guaranteed. In respect of the wedding receptions Mr. Hale explained that Saturday working would not be the norm but that, again, this was dependant on deadlines and he could not guarantee that no Saturday work would take place. He agreed to maintain a close dialogue with NCEM and other neighbours during the development.

Mr Hale referred to correspondence with officers in which the above had been explained and which referred to previous discussions with NCEM regarding their concerns. It was suggested by Members that the assurances offered in the correspondence be referred to in an informative.

Members agreed that there was a need for additional student accommodation and this could help prevent more family homes being lost to become HMOs. In response to concerns over the development being higher than the nearby church, Members acknowledged the need to use the whole of the site and to make best use of site which meant increasing the height of the proposed building. Members agreed that the statement submitted to the planning officer from the applicant regarding completion of foundations to avoid the Music Centre Festival in July 2017 and close liaison with neighbours during construction should form the basis of an informative to be added to the planning approval.

Resolved:

That the application be approved subject to the conditions listed in the report and the following amended and additional conditions and additional informative.

<u>Amended Condition 2</u>
The development hereby permitted shall be carried out in accordance with the following plans:-
Drawings PLY 3055
Site plans - P11-01C,
Floor plans - P11-04e, P11-05c, P11-06c, P11-07c, P11-08c,

Elevations and sections - P12-01c, P12-02c, P13-02c, P13-03c, *P13-04d*, P13-05c, P14-03b

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Amended Condition 4 (Land contamination)
Remediation Scheme
Prior to commencement of development (apart from demolition), a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Additional Condition
An occupational management plan for the student accommodation shall be submitted and approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be occupied in accordance with the approved document at all times.

The occupational management plan shall include details of site operation/management, car parking, change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement. The plan shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: In the interests of the amenity of surrounding occupants.

Additional Informative

1. Demolition & construction
In order to prevent disturbance to local business it is recommended the programme of construction adheres to the following where possible -
- Pile foundation by best practical means considering avoidance of
noise/vibration disturbance
- Foundations completed before the Early Music Centre Festival on 7-16 July 2017.
- Contractor to maintain close liaison with the NECM and other neighbours throughout the project timeframe.
- Any works undertaken outside typical working hours to only take place once the building is watertight and nearing the end of the project where fit-out works (a quiet activity) can be undertaken inside the building.

Reason:

The application site is underused and the proposed replacement student accommodation, which would achieve a BREAAM rating of very good, would have a positive effect on the vitality of this part of the city centre. As such in principle the proposals are compliant with national and local polices on the vitality of city centres and housing. There would be a low adverse impact on the setting of the grade I listed church. This is less than substantial harm which, even when attaching significant weight to the desirability of preserving the setting of the church, as required by the 1990 act, would be clearly outweighed by the public benefits. Re-development would otherwise improve the character and appearance of the conservation area. The use of conditions can ensure the scheme accords with national and local planning policy in respect of amenity, risk from flooding and contamination, archaeology and the highway network.

26. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2016 and provided them with a summary of the salient points from appeals determined in that period.

Officers advised that the first sentence of paragraph 4 of the report should refer to 1 April to 30th June 2016 and that the last sentence should state “dismissed” application and not “major” application.

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 5.40 pm].