
Meeting	Planning Committee
Date	19 December 2018
Present	Councillors Reid (Chair), Boyce (Vice-Chair), Shepherd, Carr, Cullwick [for item 4c only], Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Richardson, K Taylor, Warters, Fenton (Substitute for Cllr Ayre) and Flinders [for item 4a only] (Substitute for Cllr Looker)
Apologies	Councillors Ayre and Looker

Site Visits

Application	Reason	In attendance
York Dance Works, 11 Redeness Street	To allow Members to familiarise themselves with the site	Councillors Reid, Boyce, Carr, D'Agorne and Galvin
Plainville Lane, Wigginton	To allow Members to familiarise themselves with the site	Councillors Reid, Boyce, Carr, Cuthbertson and Galvin

46. 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 they may have in respect of business on the agenda.

Cllr Flinders declared a personal non prejudicial interest in item 4a (Land To The South Of Field Lane, Heslington) due to him being a donor and alumnus to the University of York. Cllr K Taylor declared a personal interest non prejudicial in item 4a as he was an alumnus and was a former employee of the University of York (as Sabbatical Officer).

[Cllr Cullwick declared a personal and prejudicial interest in items 4a and 4b (York Dance Works, 11 Redeness Street, York)

and was therefore not present for consideration of those items. This was confirmed by the Chair at the beginning of item 4c].

There were no further declarations of interest.

47. Minutes

Resolved: That the minutes of the last meeting held on 15 November 2018 be approved and then signed by the chair as a correct record.

48. 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.

49. 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.

**50. Land To The South Of Field Lane, Heslington
[18/01416/REMM]**

[Note: Councillor Cullwick withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a Major Reserved Matters Application from the University Of York And Graham Construction Limited to approve the siting, design, external appearance and landscaping to provide student accommodation (providing 1,480 bed spaces) including the provision of two colleges and residential blocks within a central green space, the realignment of Lakeside Way following outline permissions 15/02923/OUT.

In their update, Officers advised that one letter of objection has been received from a resident of School Lane, Heslington. A summary of the objections raised by the resident was noted. Members were further advised of variations to Conditions 1 and 2. A Construction Environmental Management Plan (Biodiversity) had been submitted and agreed by officers and it was recommended that Condition 1 (plan references) be amended to include this. Condition 2 had been reworded following the submission of additional information. Officers advised that the additional information had been assessed and the planning balance and the recommendation remained unchanged from the published report.

In response to questions from Members, Officers confirmed that:

- Measures had been taken to negotiate on public access around parts of Cluster 4 with the Applicant.
- The University proposed that for the safety of students, it was proposed that access to both colleges would be through a central hub.
- Lakeside Way, the central green area and the pathway at the top of the site would be publicly accessible.
- With regard to the University guaranteeing accommodation to all first year and foundation year students (including overseas students), any remaining vacancies would be offered to returning students. The proposals will provide additional capacity for students to live on campus, rather than in private rented sector elsewhere in the City. The Council would want to see that accommodation was provided on campus as a first point of call.
- There were no Tree Preservation Orders (TPOs) and two oak trees would be removed. However, there was a substantial landscaping plan.
- The buildings had been moved further back and there would be a loss of grassland because of the nature of the buildings. Students would not be able to access the grassland and could only access the lakeside edge via the boardwalk. The detailed landscaping scheme was detailed in Condition 4.

Alan Richards spoke in objection to the application on behalf of a number of Badger Hill residents. He detailed the parking issues currently experienced by Badger Hill residents which had worsened over recent years. He noted that many vehicles were parked or badly parked by students and tutors, causing a safety risk. He suggested that this may be exacerbated by cars from

the new campus being parked in Badger Hill. He asked the Council to work with residents and noted that the residents group would report illegally parked cars.

Mr Richards was asked and explained that:

- In terms of liaison between the residents group and the University, two members of the residents group had rejoined the University's good neighbourhood group, which met 2-3 times a year.
- The residents parking zone covered half of Badger Hill and in his opinion having lived in the area for 30 years, the number and size of parked cars had increased.
- The University had not been specifically clear about who to contact about cars/parking and he did not agree that the new development would not have an adverse effect on parking in the area.

Stephen Talboys (Applicant - University of York) spoke in support of the application. He noted that the scheme aimed to reduce the number of students living off campus. He noted that the development had been given consent by the Secretary of State and that it was not possible to build at either end of campus. The aim of the accommodation was to close the gap between Campus East and Campus West. He explained that the University could take action on anti social behaviour and he added that the streetwise scheme had worked well. He noted the University was proud of its ecology and diversity and had green flag status. He noted the travel arrangements in place.

Mr Tallboys was asked and noted that:

- The University car parks were full most days
- The University would be happy to discuss the parking scheme in Badger Hill
- The vast majority of car parking was taken up by staff. Students were charged £35 per year and staff up to £400 a year for a parking permit. The permit allowed the holder to park anywhere on campus. The car parks were well used.
- There was no correlation between the number of beds in university accommodation and number of parked cars.
- Students did not have to declare to the university if they had a car.
- If the development did not go ahead, students would potentially live in the city.
- The good neighbourhood group had been in place since November 2016. The group began meeting again Summer

2018 and the University was hoping to reinstate another similar group that had previously met.

- If parking in Badger Hill was shown to be a problem, the University would be prepared to look at how this could be mitigated.
- There was a bus link between the two campuses and the 66 bus which ran between the university and city centre. There was a cycleway and University would be prepared to look at it.
- The good neighbourhood scheme was not the same as the Heslington East Forum and the University would like to see both groups meeting in the future.
- The 1480 bed spaces were not for additional students and it was explained how those spaces would be filled.
- Students were discouraged from using private vehicles to access the campus unless there was a medical or work placement reason.
- The three travel surveys had been undertaken annually and the results submitted to the case officer (this was confirmed by Janet O'Neill, Agent for the Applicant).

Julie White (Agent for the Applicant – Developer) spoke in support of the application. She advised that under the 2007 planning permission, the site had been allocated for development as part of the planning condition. The recently approved master plan had identified the site as a gateway to the other campuses, and the site provided an attractive space from the east when approached from the west. Ms White outlined the type of accommodation on offer and noted the biodiversity on the site which provided 5000 square metres of planting.

In response to Member questions, Ms White explained:

- The reason for the removal of the two oak trees. They were not specimen trees and it was not viable for them to be retained. If kept they would affect the location of the building and it was explained that the planting was in place to main the habitat value.
- The developer was confident that the biodiversity enhancements would replicate what was already there.

Cllr K Aspden (Fulford and Heslington Ward Councillor) spoke on behalf of Heslington Parish Council. He explained that the Parish Council objected to the siting of the accommodation and were concerned about Heslington residents' loss of amenity due to noise, litter and antisocial behaviour. He asked for a number

of conditions which included land mitigation regarding the parking nuisance, the continuation of the annual parking and travel survey and the continuation of the Heslington East Community Forum.

Cllr Aspden was asked and noted that:

- There was a consensus and disappointment that the accommodation and shops were not grouped together
- There was concern about low level anti social behaviour. There were schemes in place which occasionally made a difference but these needed to be all year round rather than term time only.
- There was a host of ongoing parking complaints in Fulford and Heslington village.
- With regard to biodiversity, Heslington village would like to see as much of a buffer around the site as possible.

Cllr Pavlovic (Ward Councillor) spoke on the application. He raised a number of points noting that the traffic survey would end in 2021, that the University's related parking exceeded thresholds in a number of areas, and that the parking restrictions in residents parking scheme only covered part of Badger Hill. He suggested that the impact of the existing scheme was that parking would get worse and he added that dealing with complaints about non residents parking constituted a large amount of time for Ward Councillors. He requested that the application be deferred.

In response to questions Cllr Pavlovic explained that

- The deferment of the application would enable a detailed traffic survey to be undertaken
- He would like respark to cover all of Badger Hill and the Newland Park estate
- The university could be allowed to build extra car parks.

Members debated the application in detail. Councillor Shepherd then moved and Councillor Carr seconded deferment of the application on the grounds that an up to date traffic survey needed to be undertaken.

On being put to the vote the motion fell.

Resolved: That the application be approved subject to the Conditions listed in the report and the following two

additional informatives, amended Condition 4 and variations to Conditions 1 and 2:

Additional informative

The university shall to ensure that meaningful discussions are held with the two residents' groups.

Additional informative

The university to introduce a scheme similar to Nightsafe.

Amended Condition 4

Notwithstanding what is shown on the approved plans, prior to the construction above foundation level of:

- i. North college
- ii. South college
- iii. Blocks 21 and 22

a detailed landscaping scheme shall be submitted in writing to the Local Planning Authority. For each point part of the development (i-iii) the landscaping scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants, seeding mix, sowing rate, hard landscaping materials, lighting, means of enclosure and street furniture, including the canopy walkways. The approved scheme shall be implemented within the first planting season prior to occupation of the college and/or blocks to which it relates and shall be for the lifetime of the scheme. Any trees or plants which within within the lifetime of the development from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Condition 1 (plan references) to include:

Construction Environmental Management Plan (Biodiversity) Ref R-3459-05 rev A.

Condition 2 amended to:

The submitted Construction Environmental Management Plan (Biodiversity) Ref R-3459-05 rev A shall be adhered to and implemented throughout the construction period of North and South Colleges and Gateway Green (including blocks 21 and 22).

Reason: The site is a constrained site in terms of its position adjacent to the Lake and Detention Basin edge which has an ecological value. The CEMP (Biodiversity) is required to minimise the impact of demolition, site preparation and construction on habitats and wildlife.

Reasons:

- i. The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007 (and subsequently amended). The application will comply with the requirement for the developed footprint not to exceed 23% of the total area. This reserved matters application is also in line with the updated Design Brief including Masterplan and generally the buildings heights will be contained within the mature tree canopy and conform to the height parameters set out in plan C(iii) of the outline consent. The outline consent also imposed a number of conditions, relating to construction noise, plant and machinery, sustainability requirements whilst also establishing highways and drainage strategies, which this application will conform to.
- ii. The provision of student accommodation on campus is supported by emerging policies (Publication Draft Local Plan 2018) H7, ED1 and ED3 whilst also complying with policy ED10 of the DCLP2005.
- iii. Throughout the application, negotiations and discussions have been undertaken in order that the proposed development addresses the concerns in respect to mitigating harm to the biodiversity and ecology at the Lake. This has resulted in revisions

to the position and density of development at South College; the residential blocks have been removed from the Lake edge and this will allow increasing areas of specific ecological mitigation. Whilst concerns have been raised through the application in regards to restricting public access to the Lake, which they can currently do at the moment, this has had to be balanced with the ecological enhancements.

- iv. Wider development impacts are controlled via conditions imposed on the outline consent, with specific conditions to the development of student accommodation recommended. These include a construction environmental management plan (CEMP) to minimise construction impacts, hard and soft landscaping scheme including management of the biodiversity of the site.
- v. In conclusion, it is considered that the proposed scheme would not have adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to other relevant conditions.

**51. York Dance Works, 11 Redeness Street, York
[18/01935/FULM]**

[Note: Councillor Cullwick withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major full application from Maple Grove Developments for the erection of a 4-5 storey student accommodation building consisting of 98 bed spaces with car parking spaces, access, landscaping and associated works.

Officers asked Members to consider the application based on a number of updated conditions which were minor changes to the wording of existing conditions only. Members were advised that the additional information had been assessed and the planning balance and the recommendation remained unchanged from the published report. It was confirmed that the car parking spaces were for the use of York Motorfactors.

Richard Frudd (Agent for the Applicant) spoke in support of the application. He noted that there had been good positive engagement with officers and there had been no objections to the application.

Mr Frudd was asked and confirmed that:

- The accommodation was linked to other student accommodation schemes
- The units would be operated by IQ student accommodation, who also ran the student accommodation next to the site.
- The accommodation would be purely student accommodation.

Members debated the application. During debate officers were asked and advised that unauthorised advertising would be subject to enforcement action. It was also confirmed that a travel plan could be conditioned.

Resolved: That the application be approved subject to the conditions and informatives listed in the report, amended conditions 2, 3, 10, 12 and 13 and two additional conditions below:

Condition 2: Plans

The development hereby permitted shall be carried out in accordance with the following plans:-

Drawings 2015-037 -

Location Plan 101

Site Plan 102D

Floor plans / roof plan - 200D, 201D, 202E, 203D

Elevations - 210D, 211D

Sections - 103C, 214D

Site levels - 802H

Landscape layout - 901F

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

Condition 3: CEMP

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority.

All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

For noise details are required on the types of machinery to be used, including consideration of use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc. Where particularly noisy activities are expected to take place then details should be provided on mitigation i.e. by limiting especially noisy events and their duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details are required on any activities which may results in excessive vibration, e.g. piling, and how the risk of vibration can be mitigated, including details of monitoring to be carried out. Where monitoring is necessary, locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken.

With respect to dust mitigation, measures shall include, but would not be restricted to, means of keeping the highway clean, such as on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction

traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust.

Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP shall provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: The condition is required prior to commencement, considering NPPF paragraph 55, to manage and mitigate

the impact of the construction phase of development.

Condition: 10 Noise

Prior to construction of the building envelope a detailed scheme of noise insulation measures for protecting the approved residential areas from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with adequate means of ventilation provided.

Reason: To ensure a satisfactory standard of residential amenity for future occupants. Such works are required prior to construction work as any such insulation will be integral to the structure of the building.

Condition 12 - Landscaping

The approved landscaping scheme (as shown on drawing 2015-037/901D) shall be implemented within a period of six months of the completion of the development *and shall be for the lifetime of the scheme*. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

Condition 13: Cycle Parking

The cycle parking facilities as shown on the approved plans shall be provided prior to first use of the development hereby approved and retained for its intended use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage, cycle use, in accordance with the National Planning Policy Framework.

Additional Condition 1

A travel plan, developed and implemented in accordance with National Planning Policy Guidance, shall be prepared for the development hereby permitted prior to first opening. The plan shall be updated annually thereafter.

The development shall operate in accordance with the aims, measures and outcomes of said Travel Plan.

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and management arrangements all of which should be proportionate. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met.

Additional Condition 2

The vehicle parking within the application site shall be occupied only by the adjacent business (York Motor Factors, as stated in the submitted planning statement) unless alternative arrangements have otherwise been approved in writing by the Local Planning Authority.

Reason: There is adequate justification to allow the loss of employment land in this case. The proposed development will add to recent and anticipated future regeneration of the Layerthorpe area, be of appropriate design and would make a positive contribution towards meeting demonstrable student housing need. The use of conditions can ensure adequate levels of residential amenity and no increase in flood risk. Overall the scheme accords with the principles of sustainable development (economic, social and environmental) and does not unduly conflict with any local policies.

51a Plainville Lane, Wigginton, York [18/02178/FUL]

[Note: Councillor Cullwick returned to the meeting for the consideration of this item.]

Members considered a full application from Mr and Mrs Batty for the erection of a of horse walker on Os Field 351 at Plainville Lane, Wigginton, York.

There was no officer update and no registrations to speak in relation to the application.

Resolved: That the application be approved subject to the conditions and informatives listed in the report.

Reasons:

- i. The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the restrictive policies in the NPPF relating to protecting the Green Belt.
- ii. The NPPF indicates that very special circumstances necessary to justify inappropriate development in the Green Belt cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF also states that in the

planning balance substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by way of inappropriateness of the proposed development. The presumption against inappropriate development in the Green Belt means that this harm alone attracts substantial weight. Additionally, the proposed development would reduce the openness of the Green Belt as a result of its scale and position in an open paddock when the most important attributes of Green Belts are their openness and permanence. The horse walker would also undermine one of the purposes of including land within the Green Belt by failing to preserve the setting and special character of the city. No other harm has been identified.

- iii. The applicant has put forward a number of factors to demonstrate very special circumstances to clearly outweigh these harms. Substantial weight has been given to the harm to the Green Belt through inappropriateness and additional harm though harm to openness and one of the purposes of including land within the Green Belt. It is considered however that the very special circumstances put forward by the applicant are sufficient to outweigh this harm and are unique and individual to the applicant.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].