

Meeting	Planning Committee
Date	17 October 2019
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Daubeney, Doughty, Fenton, Fitzpatrick, Hollyer, Kilbane, Perrett, Warters, Widdowson, Fisher (Substitute) and Melly (Substitute)
Apologies	Councillors Barker and Douglas

---

## **21. 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 might have in respect of business on the agenda.

Cllr Doughty declared a personal interest in Agenda Item 4a (Frederick House, Fulford Road) because he had sought clarification from officers on boundary and Green Belt issues as mentioned in the report.

Cllr D'Agorne wished to place on record that he had attended a ward committee meeting at which residents had spoken on the withdrawn application 18/02797/FULM referred to in Item 4a.

Cllr Fisher declared a personal interest in Agenda Item 4b (The Gardens, Malton Road) as his son ran a business in the vicinity, though not on the site of the application.

## **22. Minutes**

Resolved: That the minutes of the meeting held on 12 September 2019 be approved and then signed by the Chair as a correct record.

## **23. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on a matter not directly related to the Plans List at Agenda Item 4.

Dr Mick Phythian spoke in relation to the minutes of the last meeting (Agenda Item 2), objecting to the wording in the decision notice of the additional condition referred to in Minute 20a (Clifton Ings Flood Alleviation Barrier).

## **24. 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.

### **24a Frederick House, Fulford Road, York, YO10 4EG [19/00603/FULM]**

Members considered a major full application by Summix FHY Development Ltd. to erect 6 purpose-built 4-story student accommodation buildings (providing 368 bedrooms), associated change of use of, and alterations to, the existing 'Guard House' building to multi-amenity use associated with the accommodation, construction of an energy / plant facility, car and cycle parking, refuse / recycling storage, and landscaping (re-submission of withdrawn application 18/02797/FULM).

Officers provided an update at the meeting in relation to:

- The distance of the northern elevations of the proposed accommodation blocks from dwellings on Kilburn Road;
- Further objections made by local residents after publication of the report;
- A request by Highways to include funds for a Travel Plan Officer in the Section 106 agreement
- proposed amendments to conditions 3, 4, 5, 8, 10, 12 and 18 in the report.

Cllr D Taylor commented as a Ward Member for Fishergate. He expressed concerns about the height of the development, proposed access to the site and parking arrangements.

Angela Johnson spoke in objection to the application, on behalf of Low Moor Allotments. She highlighted the unsuitability of the path through the allotments as an access route to the site.

Mr Hopwood spoke on behalf of elderly relatives who lived directly behind Frederick House. He objected on the grounds of noise, light pollution, loss of privacy and car parking issues.

Written representations were received from:

- C J Marshall, urging refusal of the application, or deferral to find an acceptable solution to the southern exit to the site.
- Paula Smith, asking how developer contributions to Respark permits would work in Edgeware Rd., a private road.

Stuart Black, representing the Applicant, spoke in support of the application.

Members questioned speakers and officers on the matters raised and, during the lengthy debate that followed, Cllr Fenton moved, and Cllr Widdowson later seconded, that the application be deferred. Cllr Warters then moved, and Cllr D'Agorne later seconded, that the application be refused.

The Chair called a 5 minute adjournment at this point in order to take advice. Cllr Fenton's motion was then put to the vote and declared carried unanimously and it was

Resolved: That the application be deferred for further investigation of revisions to cycle access, sustainability measures, car parking restrictions, design, and impact on neighbouring properties.

Reason: To enable the concerns raised by Members and local residents to be addressed before the application is re-considered.

**24b The Gardens, Malton Road, Stockton On The Forest, York [18/01128/FULM]**

Members considered a major full application by Malton Road Developments Ltd. to erect employment units for B2 use following demolition of existing buildings, together with alterations to existing access and associated car parking and landscaping.

Officers provided an update at the meeting in relation to:

- amendments to paragraphs 1.5 and 4.43 of the report;

- further matters raised by Highways England, and proposed amendments to Conditions 13 and 14 in the report to address these;
- proposed additional conditions relating to drainage and a Construction Environmental Management Plan (CEMP).

Eamonn Keogh, the applicant's agent, spoke in support of the application.

With the consent of the Chair, representations were also heard from the following speakers:

- Alan Bell expressed concerns about the safety of the proposed new access arrangements, proximity to existing dwellings and security issues.
- Elaine Drummond raised concerns about the dumping of asbestos waste following demolition of a previous building on the site.

Following questions to officers and the applicant's agent and after debate, it was

Resolved: That the application be approved, subject to the conditions listed in the report and following amended and additional conditions:

Amended Condition 13

Prior to commencement of development, detailed design for the stopping up of the northern access subject to a full Road Safety Audit (RSA) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved details for the stopping up have been implemented.

Reason: In the interests of highway safety, as the proposed development takes access directly from the A64.

Amended Condition 14

Prior to the commencement of development, detailed designs for a single southern access subject to a full Road Safety Audit (RSA) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be

brought into use until the approved details for the single southern access have been implemented.

Reason: In the interests of highway safety, as the proposed development takes access directly from the A64.

#### Additional Condition 1

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's).

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the

York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must 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 must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

### Additional Condition 2

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the 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.

Note: The CEMP is required to demonstrate how the impact of site preparation and construction will be minimised to habitats and watercourse.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situations, including the location of positions, recording of results and identification of mitigation measures required.

For vibration: Details should be provided on any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and

include what was found and mitigation measures employed (if any).

For dust: Details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washers, road sweepers, storage of materials and stock piles, use of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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.

In addition to the above I would also expect the CEMP to 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.

Reason: In order that the amenity of the area, adjoining land uses and local habitats and watercourses are protected.

### Additional Condition 3

landscaping (including possibility of tree planting by A64)



- Reasons:
- (i) There have been substantial amendments to the application scheme since the initial submission. This includes the removal of a landscaping embankment and reducing the number of units/buildings to 6 additional B2 units (provided in two separate buildings). The application also involves landscaping in the form of a tree belt and surface water drainage attenuation pond, as well as the realignment of the internal access roads and alterations to the access including the stopping up of the northern access off the A64 and a continuation of the grass verge.
  - (ii) The application site is located within the general extent of the York Green Belt. National planning policy (para. 145) states that the construction of new building in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions. It is considered that the buildings comprising 1596sqm for B2 use represent limited infilling of previously developed land and due to their size, scale, form and position within the site would not have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore considered to fall within the exception in paragraph 145g) of the NPPF and is considered to be appropriate development in the Green Belt.
  - (iii) The other engineering operations presented in this application, namely the surface water attenuation pond, is considered to preserve the openness of the green belt and to not conflict with the purposes of including land within it. Therefore it does not constitute inappropriate development by virtue of paragraph 146b) of the NPPF.
  - (iv) While concerns have been expressed in respect to the stopping up of an access off the A64, this is outside the jurisdiction of the Local Highways Authority and the A64 trunk road is the responsibility of Highways England who have not raised any objections to the alterations of the access arrangements.

(v) The scheme, following substantial revisions and subject to appropriate conditions, is considered acceptable in terms of visual and landscape impact, residential amenity, design, ecology and in respect to other environmental considerations.

(vi) As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan policies subject to conditions.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 7.35 pm].