

Meeting	Planning Committee
Date	11 February 2020
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Douglas, Fenton, , Hollyer, Kilbane, Perrett, Warters, Widdowson, Melly (Substitute) and Rowley (Substitute)
Apologies	Councillors Fitzpatrick and Doughty

39. 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. None were declared.

40. Minutes

Subject to a correction of the Chair's name on the bottom of the Minutes of the meeting held on 11 July 2019 that it be:

Resolved: That the Minutes of the last meeting held on 16 January 2020 and a previous meeting held on 11 July 2019 be approved and then signed by the chair as a correct record.

41. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

Mr Michael Hammill spoke regarding the decision by the Planning Inspector to uphold his appeal against a refusal for solar panels on the roof at 'The Back House'. He considered that this roof could barely be seen. He stated that the cost of this appeal had been thousands of pounds for both him as the applicant and, also for the Council in defending its position, a

position counter to the Council's declared Climate Emergency. He expressed disappointment that officers had not made contact with him to see if a compromise could be reached. He considered that this had contradicted the National Planning Policy Framework guidelines. He urged the Planning Department to change and to adopt an approach which says 'yes we can' and to learn from cases such as his.

A Member responded that whilst they could appreciate Mr Hammill's frustration, the Planning Department lose approximately 17 per cent of appeal applications and were working together with developers, conservationists, environmentalists - a whole host of opinions were taken into consideration where officers make a recommendation. The Planning Department were moving in the right direction.

42. 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.

42a. Vacant Site, Eboracum Way, York [19/01467/FULM]

Members considered a major full application from Tiger Developments Limited, for the erection of a five storey apartment building with basement, comprising 62 residential units (use class C3) with associated car parking and landscaping works. The application had been previously considered at this committee and deferred for further information.

Officers reported that there were no further updates to the information set out in their report.

Cllr Craghill, Ward Member for Guildhall was spoke with comments in support of the s106 agreement to secure obligations in relation to: affordable housing, car club, off-site sport, open space amenity and children's play. She did not understand the reasons behind not securing contributions in relation to education. She considered that the building had an over-bearing impact to the amenity of houses at Layerthorpe

and suggested that any reduction to the height and massing of the proposed building would be an improvement.

The Agent for the applicant, Mr Rupert Litherland spoke in support of the application explaining how they had worked closely with Planning and Conservation officers to make amendments to their proposal which had enabled them to submit a good scheme.

Officers confirmed that the previous request for a planning condition as part of the landscaping scheme regarding the lighting on the site would be added.

It was moved and seconded that delegated authority be given to the Assistant Director of Planning and Public Protection to Approve the application with the conditions and s106 agreement obligations as set out in the officer report, with an additional condition in relation to the lighting on the site and it was therefore:

Resolved: That delegated authority be given to the Assistant Director of Planning and Public Protection to Approve the application subject to:

- (i) the conditions set out in the officer report;
- (ii) the addition of a suitably worded condition with regard to lighting at the site;
- (iii) completion of a s106 agreement to secure the obligations set out in the officer report in relation to: affordable housing, car club, off-site sport, open space amenity and children's play.

Reasons:

- (i) At the January planning committee members requested further information in terms of the provision of open space, early years education and the amended condition to require approval of where contractors and construction vehicles would park during the construction period.
- (ii) Officers have identified where off site sports facilities, children's play and amenity space could be enhanced at local sites.

- (iii) Relevant councillors have been consulted on the provisions identified – Guildhall Ward Councillors and the Executive Member for Culture, Leisure and Communities. Councillors agreed that Monk Bridge is an area local residents wish to see open space enhanced. With regards children’s play the use of s106 money at Park Grove School and St Nick’s fields were suggested. In response to this officers have confirmed that it would be appropriate to enhance publically accessible space at the school. St Nick’s however is too far away (over 480 m) to be considered.
- (iv) No contribution towards early years is sought. Although there is demand for places in the Guildhall Ward, the contribution involved would be minor, even in terms of resourcing project management and procurement work, for example, required in conjunction with releasing fees to any private developers for early years expansion projects. A contribution would not be regulation compliant; officers could not at this time identify a deliverable project in the locality, with the contribution involved, and as it would not lead to any tangible benefit for the development. As such it would fail the tests of being necessary to make the development acceptable and would not be directly related.

42b. Proposed Research Centre, Lakeside Way, Heslington, York [19/02540/REMM]

Members considered a major reserved matters application from the University of York, for approval of siting, design, external appearance and landscaping of a research centre building with associated access, cycle parking and landscaping following outline permission 15/02923/OUT.

Officers provided Members with an oral update on the application and reported that:

- (i) Paragraph 5.28 of the report should be deleted.
- (ii) they had revised the officer recommendation to:

Recommendation:

The application be recommended for Approval following a statement from the University of York setting out the type and frequency of outdoor testing of autonomous vehicles. This statement has been reviewed by officers, including the Council's Ecologist. The avoidance of the bird nesting season, which is the main potential impact has been addressed in this statement. An additional condition and informative has been added as a consequence of this.

- (iii) That additional Information had been received from the applicant: the University of York Programme Manager for the Safe Autonomy research project had submitted a statement setting out the type and frequency of outdoor testing of autonomous vehicles.
- (iv) An additional representation had been received from the Council's Ecologist that testing will not take place in the nesting bird season this should avoid the main potential impact. The applicant shall be advised of this via informative.

The Agent for the applicant Mr Graham Holbeck, spoke in support of the application. On use of lake and landscaping Mr Holbeck explained that the applicant had an indicative landscaping plan which had indicated where trees could be accommodated. This would be to the north east of the lake and to the south of the road. The applicant was keen to maximise opportunities for further tree planting. He outlined the sustainability strategy for the University. The University has a Strategy Management Group, their development strategy is revised in consultation with Council Members where new developments are proposed. In relation to building research establishment environmental assessment method (BREEAM), he was unable to confirm their energy efficiency status at the moment.

Members sought assurances from the applicant that the proposal was energy efficient. The Architect, who was present at the meeting, was able to provide specific assurances in this regard. She explained that the building had been designed with passivhaus in mind. A 'fabric first' approach had been taken to ensure the highest standard of building materials. Careful

consideration had been given to the ventilation system which uses the building structure effectively for cooling. The 'U values' which provide an indication of how much heat loss happens through a given thickness of a material, were exceptionally high.

In response to questions from Members regarding the height and location of the proposal, the Agent for the applicant explained that there was limited space and that the applicant had wanted to maximise the opportunity that this build had provided. The second floor would provide a high altitude platform with a plinth that would be raised which would provide an opportunity to monitor the lake. The location of this proposal was ideal in terms of viewing the lake and a good standard of nearby amenities such as drainage.

During debate a Member explained that on a site visit Members had been shown a map of the original zones and could see that the road had taken a slightly different path. The site had evolved. For this reason some Members considered that the height of the building would not be a good reason to warrant refusal.

Two Members considered that the applicant's Architect had been able to provide more detailed information in relation to energy efficiency and sustainability which had not been reflected in the officer report. They considered that these matters had been pertinent to their decision making in terms of the priorities of the Council and particularly relevant to the Council's Climate Emergency declaration. The Head of Development Services responded that the building research establishment environmental assessment method (BREEAM) was the respected standard for measuring energy efficiency.

It was moved and seconded that the application be Approved as set out in the officer report with the additional conditions and informative referred to in the officer update and it was therefore:

Resolved:

1. That the Major Reserved Matters Application be Approved subject to the planning conditions listed in the report.
2. Delegated Authority be given to the Assistant Director responsible for Planning and Public Protection to:

- (a) agree and accept such information relating to protecting the biodiversity and habitat of the Lake and Lake's edge as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary and thereafter to approve the application as amended and grant conditional planning permission;
- (b) finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Assistant Director responsible for Planning and Public Protection considers reasonably necessary.

Reason for the conditions outlined in the officer report:

- (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. 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) There is however conflict with the proposed main safe autonomy building by virtue of the second floor not conforming to the height parameters set out in plan C (ii) of the outline consent. The building has a specific function and this has directed its design. There is general compliance with the design briefs and masterplan that set out the design principles of built development on the campus and further it is noted that the alignment of the main lake has been altered from its position on the building heights approved plan. Taking these into consideration, and that the resultant building would be of high quality design and reflect the activity inside, on balance, the building is of appropriate design and scale in this location and the exceeding of the height parameters is considered acceptable in this respect.
- (iii) The application indicates that there will be some water based testing/activities associated with the work undertaken within this research building,

however the information has not been provided to ascertain whether this could have a harmful impact upon aquatic and lake edge and habitat and biodiversity. Officers consider that further discussion relating to this could be addressed through appropriate management and the applicant has agreed to address this issue.

- (iv) Notwithstanding the above, the overall quality of the proposal and compliance with the outline consent and subsequent design briefs and masterplans, the proposals represent an acceptable form of development.

3. That the addition of the following conditions be confirmed:

- (i) Additional Condition referred to in the Minutes above:
The development hereby permitted shall be carried out in accordance with the following plans:-

7642-FDG-DR-XX-XX-A-1102-S2-6 Rev 6 Site Plan

7642-FDG-DR-XX-XX-A-13100-2 Rev 3 GA
Elevations – Sheet 1 (received 27.01.2020)

7642-FDG-DR-XX-XX-A-13305-1 Rev 1 Street Scape
– Site South Elevation (received 27.01.2020)

7642-FDG-DR-XX-XX-A-13101-1 Rev 3 External
Elevation Sheet 2 of 2 (received 27.01.2020)

7642-FDG-DR-XX-00-A-11100-S2-4 Rev 4 Level 0 –
GA Plan

7642-FDG-DR-XX-01-A-11101-S2-4 Rev 4 Level 1 –
GA Plan

7642-FDG-DR-XX-02-A-11102-S2-4 Rev 4 Level 2 –
GA Plan

7642-FDG-DR-XX-03-A-11103-S2-4 Rev 4 Level
Roof – GA Plan

7642-FDG-DR-XX-XX-A-12100-S2-1 GA Sections –
Sheet 1

7642-FDG-DR-XX-00-A-08011 External Store

Statement from the University of York Programme
Manager for the Safe Autonomy research project
(received 06 February 2020)

Reasons:

- (i) For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority
- (ii) The use of the Lake for testing of autonomous systems (underwater or surface vehicles) shall at all times avoid the bird nesting season (between 1 March and 31 August inclusive).
- (iii) In order to protect the local ecology including protect nesting birds that nest on or near to the Lake in accordance with Policy GI1 Biodiversity and Access to Nature of the Council's 2018 Publication Draft Local Plan and Section 15 of the National Planning Policy Framework.

**42c Lindum Group Limited, York Road, Elvington, York
[18/02744/OUTM]**

Members considered a major outline application from Mr J. Nellist for the erection of 20no. employment units (Use Classes B1(b), B1(c), B2 and B8) with means of access and landscaping included.

Officers provided Members with an oral update on the application and reported that:

- (i) The following change had been made to the recommendation:

Recommendation

Due to the size of the development in the Green Belt referral to the Secretary of State is required therefor the recommendation is:

Approval following Secretary of State Decision.

- (ii) Page 85 of the agenda contains a map however this illustrates only part of the site and not the whole site. A revised map for is attached clarification
- (iii) Highways had no objections to the planning application.
- (iv) The revision of Condition 12 and the addition of two further Conditions as set out below.

Officers confirmed that the proposal currently lies within the Green Belt. If the Local Plan is adopted it would not fall within the Green Belt however, we are not at this stage at present.

Mr David Staniland , Agent for the applicant, spoke in support of the application stating the special circumstances which warranted that the application be approved. He considered these reasons to be that the Lindum Group: has a turnover of £30m, employ 40 contractors, have a good relationship with York College and sponsor a number of applicants, they employ a Marketing Assistant to liaise with tenants and have a business model regarded an eco-model.

Members considered that the proposal added value to the economy and It was moved and seconded that the application be Approved following Secretary of State Decision and it was therefore:

Resolved:

1. The application be Approved following Secretary of State Decision subject to the conditions listed in the report.

Reason:

The application for outline planning permission includes land that lies within the general extent of the York Green Belt. The proposal is for commercial use in Use Classes B1, B2 and B8 with the erection of 20 units and for landscaping details also to be determined. The proposed development complies with Policies R1 and EC5 of the 2018 Draft Plan and has the support of the Council's Economic Growth team in addressing a shortfall in commercial units within the local

area. The proposal is also considered to comply with policies relating to landscaping, ecology, highways, drainage and amenity. The proposed development constitutes inappropriate development in the Green Belt and as such should only be approved in very special circumstances. The applicant has presented a case for very special circumstances, highlighting demand for space in the site from existing clients and noting the benefits to the local economy and local residents through education and training. The case for very special circumstances is accepted and in the planning balance this is sufficient to outweigh any identified harm as a result of the proposal. Approval is therefore recommended subject to the following planning conditions.

2. That the wording of Condition 12 (Building Heights) set out in the officer report be revised to the following:

The buildings to be erected on this site shall be no greater than 6.5 metres in height above the existing ground level at a point to be agreed in writing with the local planning authority prior to the commencement of development.

Reason: To assist the development being integrated into the area.

3. An additional Condition 21 (Junction Details) be added: The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

4. An additional Condition 22 (Delivery/Service Vehicles) be added:

Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such

areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

42d Elvington Water Treatment Works, Kexby Lane, Elvington, York [19/02522/FUL]

Members considered a full application from Mrs Stephanie Walden for replacement plant building with 2no. external storage silos, access staircase and hardstanding area for the preparation of calcium hydroxide (part retrospective) (revised scheme) at the above location.

Officers provided Members with an oral update on the application and reported that an additional condition had been requested with regard to the lighting for the external staircase adjacent to the silos, as set out below.

It was moved and seconded that the application be Approved as set out in the officer report with the additional condition above and it was therefore:

Resolved: That the application be Approved subject to the planning conditions listed in the report, with the addition of the following condition:

1. Notwithstanding the information contained on the application form, details of the position, nature and timing of artificial lighting proposed for the external staircase shall be submitted to and approved in writing prior to its use.

Reasons:

- (i) The use and scale of the proposed silos is such that they are inappropriate development in the Green Belt. They would have a moderately harmful impact on the visual character and amenity of the landscape. Green Belt policy states that the application should be refused unless any harm resulting from the

proposal is clearly outweighed by other considerations.

- (ii) In assessing whether very special circumstances exist, regard should be given to the existing unimplemented consent for plant buildings for the same purpose. Very special circumstances were considered to exist to justify the 2018 consent. The existing scheme would be on the same location in the site and both cannot be implemented together. The current scheme would have a slightly lesser impact on openness.
- (iii) The treatment works is located wholly in the Green Belt. The proposed essential structures cannot be located outside the Green Belt. It is considered that the pressing need for the structures to sustain and improve the fresh water supply for a large area of Yorkshire would outweigh the modest harm to the Green Belt.
- (iv) To ensure that lighting is not intrusive within the countryside location.

Cllr C Cullwick, Chair

[The meeting started at 5.30 pm and finished at 6.40 pm].