
Meeting	Planning Committee
Date	17 November 2016
Present	Councillors Reid (Chair, in the chair for items 1 to 4a), Derbyshire (Vice-Chair, in the chair for items 4b & c and 5), Boyce, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker (apart from minute items 4c and 5), Richardson, Warters, Orrell (as a substitute for Cllr Ayre) and Mercer (as a substitute for Cllr Dew)
Apologies	Councillors Ayre, Dew and Shepherd

47. Site Visits

Application	Reason	In Attendance
Land at Grid Reference 458205 449925, West of Bradley Lane, Rufforth	To enable Members to assess the impacts of the proposal given the nature of the site and its surroundings and the scale of the proposed development	Councillors Boyce, Cullwick, Galvin, Orrell and Reid.

48. Declarations of Interest

Councillor Reid declared a personal and prejudicial interest in plans item 4b (Yorwaste, Harewood Whin, Tinker Lane, Rufforth) as the Council's Director on the Yorwaste Board.

She also declared a personal and prejudicial interest in plans list item 4c (Coal Yard, Mansfield Street) as she had a business connection with the applicant's family.

Councillor Reid left the room for consideration of both these applications and took no part in the debate or vote on either application. Councillor Derbyshire (Vice Chair) took the chair for both these applications.

49. 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.

50. 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.

51. Land At Grid Reference 458205 449925, West Of Bradley Lane, Rufforth, York (16/01813/FULM)

Members considered a major full application by H Barker and Son Ltd for the erection of a poultry farm comprising six poultry sheds with ancillary buildings, access road and landscaped embankments.

Officers advised that, since the committee report had been published, the applicant had submitted an amended landscape plan and made associated amendments to the Environmental Statement. They advised that their recommendation had therefore changed to DEFER, as until expiry of the Environmental Impact Assessment Regulation publicity requirements, the application could not be determined. They advised that the intention was to bring the application back to the December Committee Meeting.

Resolved: That consideration of the application be deferred to a future meeting.

Reason: As the application cannot be determined until the expiry of the Environmental Impact Assessment Regulation publicity requirements.

52. Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00534/FULM)

Members considered a major full application by Yorwaste Ltd for the variation of condition 4 of permitted application 00/02689/FUL (extension of Harewood Whin Waste Disposal Site) to extend the time period for tipping operations for a further 15 years.

Officers advised that they had revised their recommendation to seek delegated authority to approve the application subject to conditions and, if necessary, a legal agreement under s.106 of the Act. They explained that the approval of an application under section 73 of the Act would normally re-impose the conditions imposed on the previous planning permission unless those conditions were no longer considered necessary or where they should be replaced by a different condition (for example where details had previously been approved should be carried through to the later permission). They noted that a number of the conditions listed on pages 29-37 required further amendment in consultation with the applicant. Furthermore, the original planning permission was subject to a legal agreement under Section 106 of the Act and further investigation was required as to whether a deed of variation was required to tie the obligations secured under that agreement to this permission.

With regard to paragraph 3.9 of the report in relation to external consultations, officers advised that "Treemendous" York raised no objection to the proposal but had asked the authority to re-introduce reference to the previously agreed nature reserve. "Treemendous" had pointed out that extending the period of operations could delay site restoration and asked if it would be possible for the restoration to nature reserve to be carried out at an earlier stage. Officers confirmed that the application sought to vary a condition of the original permission and all the other conditions would be re-applied if they remained relevant. This included the requirements to progressively reclaim and manage the site in accordance with a scheme to be approved by the planning authority (condition 26).

Geoff Derham, Group Operations Director at Yorwaste, addressed the committee in support of the application. He advised that there were two main reasons to extend tipping operations at Harewood Whin Landfill for a further 15 years. Firstly, it provided a strategic backstop to Allerton Park by

providing York and North Yorkshire somewhere to deposit their waste should a long term serious incident happen at Allerton Park which took it offline. Secondly, the existing permission for tipping at Harewood Whin was due to expire in June 2017 however York's waste and another council's waste were not going to be used as part of the commissioning waste for Allerton Park and therefore, in order to keep the costs down for tax payers, tipping into Harewood Whin into one of the approved void spaces was one of the options until Allerton Park came fully on stream. In terms of landscaping and reinstatement, he informed Members that much of the site had already been restored, capped and landscaped. He advised that they had met with "Treemendous", the parish council, the local plan group and were due to have a site visit with City of York Council officers to discuss what is going to be the long term look of Harewood Whin in 15 years, not only in terms of landscaping but also what public use it could be put to. The intention would be to devise an incremental plan to achieve that with the locals in terms of landscaping, restoration and creating wildlife habitats. He clarified that the additional 15 years stated in the report would be from the commencement of the first phase of tipping under the new permission (if granted) and not 15 years from the date of start of any operations.

Some Members raised concerns that no real justification had been given for the requested extension and that it was unfair on local residents. They felt that condition 4 was not clear enough and needed to be worded differently to give local residents confidence that a further extension would not be applied for in future.

The majority of Members acknowledged and accepted the reasons given for the proposed extension to the agreed time period for tipping operations at Harewood Whin. They accepted that if anything happened to Allerton Park and it was not possible to process the anticipated volumes of waste through the approved Allerton Park Energy from Waste Plant, there needed to be somewhere to deposit waste until the problem was resolved.

Resolved: That DELEGATED authority be given to the Assistant Director of Planning and Public Protection to APPROVE the application subject to any appropriate conditions, including any amendments required to those set out in the report and, if

necessary, a legal agreement under Section 106 of the Act so that those obligations that relate to the original planning permission that remain relevant are secured in relation to the S73 planning permission.

Reason: Harewood Whin comprises a substantial waste processing site by landfill with ancillary facilities dating to the mid 1980s lying within a Green Belt site to the west of the City Centre. Planning permission is presently sought under Section 73 of the 1990 Town and Country Planning Act to vary condition 4 to planning permission 00/02689/FULM to allow for an extension of a further 15 years to the previously approved land-filling operation at the site in the eventuality that it is not possible process the anticipated volumes of waste through the approved Allerton Park Energy from Waste Plant. The proposal falls within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment Regulations) and is subject to an addendum to the previous Environmental Statement, This analyses the impact of the proposal in terms of air quality and odour, noise, flood risk, ecology, and traffic and transport, It is felt that there has not been a material change in circumstances since the previous grant of permission.

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

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

Members were reminded that consideration of this application had been deferred by Planning Committee on 18 August 2016 to enable further liaison to take place between the applicant and officers in order to seek satisfactory details of a flood evacuation plan. They advised that the site was within flood zone 3a, with a high risk of flooding, and the proposal was classed as a “more vulnerable” use. The building itself was flood resilient with floor levels set 600mm above the 1 in 100 year

flood level. The key issue was to ensure that occupants could safely evacuate the building in the event of a flood.

Officers confirmed that a flood evacuation plan had now been received, details of which were set out in paragraph 4.44 of the report. Although the preference was for a “dry” evacuation route to be established, this would have passed over adjacent land that was not within the ownership or control of the applicant. The applicant had investigated this option but had been unable to reach agreement with adjacent landowners in order to secure such a route. Officers advised that the revised evacuation plan would therefore consist of:

- Two site wardens who would be in attendance 24 hours a day, 7 days a week with flood warden duties including sweep clearance of the building once occupants had been evacuated
- A flood evacuation mode for the fire alarm system
- Environment Agency flood evacuation training for all residents and staff at the start of each academic year and for mid term occupants and new staff
- Shuttle transfer from the site to a designated muster point in flood zone 1

Officers advised that condition 26 required the flood evacuation plan to be fully operational upon occupation of the building, and also required floor levels to be no less than 10.96m AOD, 600mm above the 1 in 10 year flood level.

Although concerns were still raised by the Council’s Emergency Planning officers in that it may create a demand for assistance from the emergency services should anyone become stranded in the building, the Environment Agency raised no objections and were involved in drafting the revised flood evacuation plan. With the revised evacuation plan in place, officers confirmed that they considered that the development satisfied the requirements of the exception test therefore they recommended approval with a minor amendment to condition 25.

A registration to speak at the meeting in relation to student accommodation had been received from Mr Ward, a local resident, but he did not attend the meeting.

Mr Bob Beal, the applicant’s agent, addressed the committee in support of the application. He advised Members that he had

worked closely with officers to resolve design issues. He acknowledged the concerns with regard to use of the site as employment land and assured Members that alternative uses for the site had been evaluated but little potential for continuation of its existing use or other employment uses had been found. He advised that the site was sustainably located, the building had been designed with flood resilient construction and the detailed flood evacuation plan had been accepted. The development would support the further education sector and relieve pressure on traditional residential accommodation in York.

Members acknowledged that this site was classed as an employment site within the draft local plan but that limited options had been found for reuse of this site. They accepted that Foss Islands Road/Layerthorpe had mixed use, with good access to the city centre and York St John University and the proposed use would be considered an acceptable alternative use of a brownfield site. Members acknowledged that both universities were expanding and that without purpose built student accommodation, there would be further pressure on residential areas and houses in multiple occupation (HMOs).

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below:

Amended Condition 25

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby the development hereby approved shall be used only as student accommodation and for no other purpose. It shall only be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

Reason: For the avoidance of doubt and In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market *without securing adequate levels of*

open space, education provision and affordable housing in accordance with Policy H2a of the City of York Draft Local Plan. In addition the site is located within flood zone 3a and the sites use for other uses within Class C2 would need to set out emergency procedures in the event of flood.

Reason: The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment; The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses as such the general thrust of the NPPF is supportive of the development proposed.

Based on the evidence submitted and the comments of policy the loss of the employment site is supported.

DCLP policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact on the amenity of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with policy ED10 it is considered that the applicant has shown that there is a need for the development. Furthermore it is considered that the site has an acceptable relationship to adjacent development and will not impact on residential amenity. Management of car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.

Following receipt of the revised comprehensive evacuation plan the flood risk assessment and application is considered to pass the exceptions test in accordance with the requirements of the NPPF.

54. 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 July and 30 September 2016 and provided them with a summary of the salient points from appeals determined in that period.

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 5.25 pm].