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Meeting	Planning Committee
Date	23 January 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Fitzpatrick (Substitute), King, McIlveen, Orrell (Substitute), Reid, Riches, Simpson-Laing, Watt and Williams
Apologies	Councillors Crisp and Firth

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#### 44. Site Visits

Site	Reason for Visit	Members Attended
Hallfield Road	To enable members to familiarise themselves with the site	Horton, Galvin, Watt, Boyce and King, Reid and Mcilveen.
North Selby Mine	To enable members to familiarise themselves with the site	Horton, Galvin, Watt, Boyce and King

#### 45. Declarations of Interest

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

Councillor McIlveen declared a personal non prejudicial interest in relation to agenda item 4a, Hallfield Road, as a landlord of a student house in multiple occupation.

Councillor Mcilveen also declared a personal non-prejudicial interest in agenda item 4b, North Selby Mine, due to his employment as a Surveyor acting for Northern Powergrid, the operators of the Primary Electricity Substation adjoining or within the confines of the application site.

#### **46. Minutes**

Resolved: That the minutes of the last meeting held on 19<sup>th</sup> December 2013 be approved subject to the following amendments:

Councillor Fitzpatrick be added to the attendance list as a substitute.

Councillor McIlveen's declaration of interest be amended to state he is a member of the Ramblers Association.

At minute item 41, the spelling of principle be changed to 'Principal'.

At minute item 43, add the word 'some' to reflect that only some members raised concerns about the delay to the Our Lady's application.

#### **47. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

#### **48. Plans List**

Members then considered two 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.

**49. Proposed Student Accommodation, Hallfield Road, York (13/03522/FULM)**

Consideration was given to a major full application for the erection of student accommodation in two new four storey buildings providing 326 bed spaces with associated car and cycle parking, access and landscaping following the demolition of existing buildings.

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- The Environment Agency had confirmed they have no objections to the application.
- Ecology scoping report is acceptable.
- A further condition for bat mitigation and conservation.
- Additional archaeology condition.

Mr. Crolla had registered to speak as the applicants agent. He advised that he endorsed the officers recommendation and the applicant was keen to get the scheme underway and ready for occupation in 2015/16. Substantial discussions had taken place with planning officers, residents and local businesses and he was satisfied that the scheme was comprehensive and of good quality design.

Members queried the size of the units. The agent confirmed they were the same size as used elsewhere and were of a satisfactory size. In response to questions, the agent also confirmed that the apartments would be managed by a student accommodation management company.

Resolved: That the application be approved subject to the imposition of conditions outlined in the officers report and the following additional conditions:

No development shall take place until full details of the measures for bat mitigation and conservation have been submitted to and approved by the Council.

The measures should include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under NPPF the replacement/mitigation proposed should provide a net gain in wildlife value. To ensure the development is in accordance with the recommendations of the Scoping Survey by Brooks Ecological submitted 09 January 2014.

Archaeology condition - request condition ARCH2 (archaeological watching brief).

Reason: The proposed development will regenerate the area and add to the vitality and viability of this part of the city centre. The loss of employment land will not conflict with national planning policy and there is no evidence that the proposed use will have an undue impact considering crime and disorder. The development will be sustainable and will have no undue impact on the amenity of occupants of the neighbouring dwellings.

**50. North Selby Mine, New Road, Deighton, YO19 6EZ  
(12/03385/FULM)**

Consideration was given to a major full application by Mr. Richard Barker for the demolition of existing buildings and re-profiling of bunds and areas of the former North Selby Mine, construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse and associated infrastructure works.

The Council's Solicitor addressed the Committee to advise that in the opinion of officers and the external Planning Barrister consulted by the local planning authority, all the points of note raised in the detailed letter received from Cunnane Planning (attached to the online agenda) have been addressed in the committee report or in the officers' update but that it is important that Members have read and understood the full contents of that letter.

Officers briefly provided background details to the application following the Committee's decision to approve it in April 2013 being successfully challenged at the High Court. The application was being presented back to Committee for reconsideration taking into account the reasons for the successful challenge.

An update to the committee report was circulated, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- Further objections had been received since the committee report was published. Copies were made available to Members.
- Response to the Cunnane Planning letter.
- Amendments to conditions 2, 4 and 7.

Colin Davies had registered to speak as a local resident living within half a mile of the site. He advised that he considered there to be a number of reasons to refuse the application such as noise, water pollution and an increase in traffic in the area. The main issue he did not agree with was the special circumstances for development in the Green Belt. He stated that with 270 similar plants in the country he did not see why this site

had been selected. He requested that Members consider carefully and discuss the matter of special circumstances.

Dr. Hill had registered to speak in objection to the application. He advised that the land is in the green belt and there are no special circumstances to allow the application. He also had concerns about the application site being too close to Sheepwalk Farm, planning conditions not being met and the potential for the shortening of lives due to the environmental impact, he referred to a study by the University of Utrecht. He suggested that the applicant should consider other sites and that the land should be sold to the community for use as a community site.

Mrs Williams had registered to speak in objection as a resident directly affected by the proposal. She strongly objected to the application in particular that residents were being asked to give up their amenity and accept the special circumstances outlined in the officers report. She referred to paragraph 4.87 of the committee report which outlined the cumulative factors for special circumstances and advised that she could not accept that residents should suffer for any of the factors. She also raised concerns about highway safety on the A19 and the fact that there were already safety concerns and the recently reduced speed limit at Deighton reflected this.

Richard Hardy had registered to speak as a local resident and in his capacity as a chartered surveyor. He advised that the speakers before him had covered many of his points but reiterated that he did not agree with the special circumstances for development in the green belt. He advised that through his work he had not encountered the applicant searching for alternative sites and questioned why the site was so important to the applicant. He also questioned the safety of heavy goods vehicles turning right out of the site and advised he had taken measurements which indicated this would not be safe and would rely on lorry drivers using their judgement. In bad weather conditions such as fog, the turning could be even more dangerous.

Mr Bedford had registered to speak as the farmer occupying Sheepwalk Farm, directly facing the site. He advised that the mine had been a blight for the 3 decades he had occupied the farm since British Coal gave him a tenancy. He stated that UK

coal had promised that the land would be returned to agriculture and that he would be able to buy the land but this had not happened, instead he was informed that the site was to be developed. He raised concerns about the proximity of the greenhouse to the front of his property and the impact upon his amenity due to noise and smells coming from the site.

Mr. Randon had registered to speak as the Chair of Wheldrake Parish Council. He stated that the whole of the proposed development would be in the draft green belt, there would be a negative impact upon residents and an impact on Wheldrake indirectly. He stated that in the York and Selby area there wasn't enough food manufacturers or schools to produce enough waste to supply the plant. He also referred to the Draft Waste Plan and considered that the site scored poorly in the assessment method for waste sites. He urged the Committee to reject the application.

Mr. Oldridge had registered to speak in objection to the application. He advised that there were numerous other anaerobic digestion plants in the UK and circulated details of these to Members. He questioned why waste would be brought from the M62 corridor to this site. He suggested that the use of the gas fired boiler in winter would cancel out any energy saved in the summer and questioned how much of a contribution the plant would make to the national grid.

Councillor Barton had registered to speak as Ward Member for Wheldrake. He advised that rarely had he seen a village so united against something and that public consultations on the proposal had been boycotted by residents. The village had been promised that the site would be returned to agriculture but this had not happened. He stated that the A19 south was already congested particularly at the Designer Outlet and the additional traffic as a result of the proposals was unacceptable. He raised concerns about the smell from the site and the fact it will be carried by the wind towards Wheldrake and Escrick.

Claire Harron had registered to speak as the agent on behalf of the applicant. She advised that the application encourages sustainable development and there is an assessed need for the proposal. In relation to the application site, she advised that no other viable sites are available within the York and Selby area. The application had been made in consultation with planning

officers and in line with policy. The application had been designed to limit the impact on the Green Belt.

In answer to a number of questions, the applicant's agent and the Planning Officers made the following points:

- The boiler would be sized to be able to provide full heat demand but it is only for back-up and to top up heat levels in the winter.
- Bio-mass is a possibility instead of the gas boiler.
- The applicant would be willing to liaise with Mr. Bedford on the scheme.
- The site is likely to remain derelict if the development does not go ahead.
- Beyond York and Selby, the applicant had looked at 362 sites within a 50km radius.
- In relation to noise issues the Council's Environmental Protection Officer confirmed that noise from an increase in traffic on the A19 and on New Road was considered to be within accepted limits. Noise from the haulage and service yard and the operation of the plant was not considered to be insignificant and would need to be controlled by condition.

Members entered debate on the application. Some Members did not support the application due to it being development in the draft green belt and the concerns raised by residents. Following further lengthy discussion, the officer's recommendation to approve, subject to referral to the secretary of state, was moved by Councillor Riches and seconded by Councillor Simpson - Laing.

Councillor D'Agorne then moved an amendment to add a condition for highways officers to discuss restricting HGV's turning right out of the site. Councillor Orrell seconded. On being put to the vote this amendment was lost.

The motion to approve the officers' recommendation, in the names of Councillors Riches and Simpson Laing was then put to the vote and it was:

Resolved: That the application be approved subject to referral to the Secretary of State and the following amended conditions:



Condition 2 - The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. PP-001 Rev. P1A 'Application Site Local Plan' dated September 2013.

Drawing no. PP-009 Rev. P1A 'Proposed Roof Plan' dated April 2013

Condition 4 - the fourth paragraph of the condition should state the following:

Finished floor levels are set no lower than 8.75m above Ordnance Datum (AOD) for the AD Building and 8.5m AOD for the adjacent CHP building and tank farm.

Condition 7 - Note: The combined rating level of all noise associated with fixed plant and equipment at the site should not exceed 25dB(A), 1 hour, free-field at a location representative of the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criterion adopted by EPU, including for any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

Reason: Overall, it is concluded that the identified adverse impacts as described in the committee report do not significantly and demonstrably outweigh the benefits also as described. Therefore, the application is on balance recommended for approval, subject to the prior referral to the Secretary of State due to the identification of the Anaerobic Digestion facility as inappropriate development in the green belt.

Cllr D Horton, Chair

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