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Meeting	Planning Committee
Date	20 February 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Firth, Gillies (Substitute), King, Reid, Riches, Simpson-Laing, Watt, Williams and Watson (Substitute)
Apologies	Councillors Doughty and McIlveen

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## 51. Site Visits

Site	Reason for Visit	Members Attended
Brecks Lane, Strensall.	To enable members to familiarise themselves with the site.	Horton, Galvin, Crisp, Boyce, King, Reid and Watson. Cllr Doughty as Ward Member.

## 52. 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. None were declared.

Councillor Williams declared a personal interest as an employee of Yorkshire Water later in the meeting when the conditions involving Yorkshire Water were discussed in detail.

## 53. Minutes

Resolved: That the minutes of the last meeting held on 23<sup>rd</sup> January 2014 be approved and signed by the Chair as a correct record.

**54. Public Participation**

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

**55. Plans List**

Members then considered three 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.

**56. York Sports Village, Lakeside Way, Heslington, York (13/03754/FULM).**

Members considered a major full application by the University of York for the erection of an outdoor velodrome with ancillary parking, lighting and landscaping.

Officers gave a brief update to advise they had received a query about whether a planning condition should be attached, as recommended by Sport England, to ensure that the velodrome would be available for use by the public. As the velodrome would be funded by British Cycling who require that the velodrome be open to the public, a condition to ensure public access was therefore not necessary.

The agent for the applicant was in attendance to answer any queries. In response to questions from Members he confirmed that funding and design of the velodrome would be finalised within the next 12 months.

A Member raised concerns about condition 5 and suggested it be amended to protect ground levels and the retention of trees. Officers confirmed condition 5 could be amended.

Resolved: That the application be approved subject to the conditions outlined in the officers report and amended condition 5 as follows:

Condition 5 - Before the commencement of development a method statement regarding protection measures for the existing trees

located close to the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan. The protective fencing will also include as much of the area of proposed soft works as practicable. The works shall be carried out in accordance with the approved method statement, including the line of the protective fencing, which shall be adhered to at all times during development operations to create exclusion zones. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing and retained in place at all times. Ground levels within the root protection area of the existing trees close to the perimeter of the site shall remain as existing unless otherwise agreed in writing by the local planning authority.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and/or development, and have biodiversity value; and to minimise trafficking and compaction of soil over areas to be planted.

Reason: Whilst the application is not pursuant to the outline consent for the campus, it complies with the outline consent and land use plan approved by the Secretary of State in 2007. The velodrome would be in the same general location as the approved athletics track but would have lesser impacts in terms of footprint, lighting, site coverage and lighting levels. The proposal complies with the National Planning Policy Framework and relevant policies of the local plan.

**57. Land Lying to the North of Brecks Lane, Strensall, York (13/03267/FULM)**

Consideration was given to a major full application by Linden Homes North for a residential development of 102 dwellings with associated highways, infrastructure, landscaping and public open space.

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:

- An amended plan had been received covering minor changes to the layout in relation to existing properties.
- Details of solar panels had been added to the house types where appropriate. The relevant plots were identified on the site layout.
- Various amendments to conditions to improve wording and meaning.

Mr. Parish, a local resident, had registered to speak in objection to the application. He advised that on the day of the committee site visit, the ground was waterlogged yet the agent had not notified the Council of this. As a result of the poor drainage in the area, water drains to the centre of the village and golf course. There is a problem with flooding already in some streets and the site if developed, would add to the problem.

Mr. Anscomb had registered to speak as a local resident, in objection to the application. He raised concerns about the impact of a further 102 dwellings on education and health provision in Strensall. He advised that Robert Wilson school can not accommodate more children and that portakabins were already being used as classrooms.

Mr. Little had registered to speak as a local resident in objection to the application. He advised that he had worked on collating the Village Design Statement consultation responses and the one thing residents wished to preserve in Strensall was the parks and green belt land. He stated that Strensall is part of the City of York, but it is also a village which needs preserving.

Mr. Fisher had registered to speak as a local resident in objection to the application. He advised that at peak hours there is a problem with traffic flow in the village due to 6.5k residents commuting to work. The application site is over 1 mile to the

nearest school and additional school pupils will add to the number of car journeys. In addition, the traffic impact assessment had not considered the impact on the ring road which is already over loaded. He urged Members to refuse the application.

Mr Chapman had registered to speak as a local resident in objection to the application. He advised that the distance to the centre of the village from the application site was such that car use would be unavoidable. He also had concerns about the lack of leisure and retail facilities in Strensall to cope with the number of new houses already being built or due to be built and the impact upon nature and nesting birds at the application site.

Mr. Marquis had registered to speak on behalf of Strensall and Towthorpe Parish Council. He stated that the Parish Council had repeatedly said that there is too much development in Strensall and they believed that the application was too premature in relation to the draft Local Plan and the draft Green Belt. He urged Members to refuse the application as Councillors had refused similar applications' in nearby authorities such as Harrogate.

Councillor Doughty had registered to speak as Ward Councillor. He advised that strength of feeling locally against the application was strong and that the MP for the area also had concerns. He stated that the location was unsustainable, the area is susceptible to flooding and the application was too premature in relation to the draft Local Plan. He also reiterated concerns raised by the previous speakers in relation to highways.

Mr. Irving had registered to speak as the agent in support of the application. He advised that the reality was a shortfall of housing in York which meant there was a presumption in favour of development and if the site is deliverable it should be given credit. In relation to highways and drainage he had taken advice from experts and officers at City of York Council. In relation to the concerns raised about the school, there would be a substantial Section 106 agreement to help with any necessary improvements.

Members asked a number of questions of the agent and officers as follows:

- The problem of drainage at the site and the impact of heavy rainfall if this type of weather was to become

commonplace for the UK. It was confirmed that experts had looked at the site and were confident that a solution could be found. Drainage had also been conditioned to ensure satisfactory systems would be in place to cope with foul and surface water.

- School capacity and the section 106 agreement. Officers confirmed that the Council's education team had not indicated they were unhappy with the £300k contribution to pay for improvements at Robert Wilson School.
- Members sought clarification from the Council's Solicitor on the issues raised by the registered speakers on the Green Belt. She referred Members to pages 46 and 47 of the report which set out the Green Belt issues and advised that the application should be treated as though it is Green Belt land. Although York does not have a 5 year land supply for housing, this alone would not outweigh the harm to the Green Belt. Members were being asked to use their planning judgement and look at the cumulative impact of reasons for very special circumstances.

Following further lengthy discussion upon the application and potential concerns relating to the Green Belt and drainage, Councillor Simpson Laing moved approval of the application. This was seconded by Councillor King.

Councillor D'Agorne then moved an amendment to defer the application to allow for sufficient time for drainage issues to be investigated and for further government guidance on flooding to come forward. This was seconded by Councillor Ayre. On being put to the vote this motion was lost.

The earlier motion to approve in the names of Cllrs Simpson Laing and King was then put to the vote and it was:

Resolved: That the application be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009, and provided that the Secretary of State does not choose to recover the application for his own determination, and subject to the satisfactory completion of a section 106 obligation to secure the matters as set out in paragraph 5.6 of the committee report, the application be

approved subject to the conditions in the report and the following amended conditions:

Condition 2 – to be updated with relevant plans.

Condition 6 - Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development, including routing of deliveries and provision of car parking within the site, 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.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

Condition 9 – add the words - ‘The approved scheme shall be implemented before first occupation of the development or within such longer period as may be approved as part of the submitted scheme’.

Condition 10 - Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion

and before first occupation of each dwelling. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

Condition 11 - No development shall take place until a detailed habitat management plan and enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details.

The plan should include:

- i. Details of what assessments, protective measures and sensitive work practices are to be employed, prior to and during construction, including timing of work and list of persons responsible.
- ii. Details of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the site.
- iii. Provision and protection of an area of buffer habitat alongside the eastern boundary hedgerow.
- iv. Prescriptions for the management in perpetuity of the buffer habitat, hedgerows and open spaces within the development.
- v. details of a wildlife interpretation board to be placed at the eastern footpath entrance to the site from Brecks Lane and information leaflet to be provided for new residents explaining the bio-diversity value of the tree

cover within the site and its habitat value in relation to Strensall common

vi. Details of the inspection of any trees which may need to be felled, pruned or disturbed in the future, as close to the date of work as possible and no earlier than one month prior to any work to confirm the absence or otherwise of roosting or hibernating bats.

vii. Details of what contingency procedures are to be in place in the event that bats are found following commencement of development.

Reason: To take account of and enhance the habitat and biodiversity of the locality in accordance with advice in the National Planning Policy Framework and for the local community to understanding and enjoyment of local wildlife.

Note that under National Planning Policy Framework (NPPF) the replacement/mitigation proposed should provide a net gain in wildlife value.

Condition 15 - Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

1. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). 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 20% 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. Therefore maximum surface water discharge = 6.0 l/sec

2. Details of flow control device manhole to be submitted limiting the maximum surface water discharge to maximum 6.0 l/sec.

3. Details of attenuation pond must be provided.

4. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

5. Details of the future maintenance/management of the drainage system.

Note: Written consent shall be sought from Yorkshire Water with regards to connection of foul and surface water into their sewers.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

Condition 29 – To be amended to include plot numbers.

Condition 31 - Prior to work commencing on plots, 93, 96 to 99 and 102, plots 4 to 7, plot 18, plot 19 and plot 1 fencing details ( or other agreed appropriate detail) shall be submitted to and approved in writing by the Local Planning Authority as follows:-

- plots 93, 96 to 99 and 102 on the joint western boundary with existing residential properties;
- plots 4 to 7 on the northern boundary adjacent to the existing trees,
- the side and rear boundary of plot 18 and rear boundary of plot 19
- the side boundary of plot 1 facing Moray Close.

Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the dwellings on these plots are first occupied.

Reason: In the interests of the residential amenity of existing properties and to protect the existing hedge to the rear of plots 93, 96 to 99 and 102, to protect the trees to the rear of plots on the northern boundary and in the interest of visual and residential amenity in relation to plots 1, 18 and 19.

Reason: The Secretary of State in considering other sites in the City of York area has, in the absence of a formally adopted boundary, dealt with new housing sites as if they were in greenbelt and therefore found it necessary to establish if there are very special circumstances that outweigh the green belt status of the site. In the absence of an up to date local plan and having regard to the early stage of the emerging local plan Officers consider that the site is within green belt and needs to address the test of very special circumstances. Officers have considered the site's characteristics and the policy history of the site and conclude that taken together the lack of a five year housing land supply; the history of the site as reserved land and its proposal for allocation; the contribution the site

would make to the housing land supply, including affordable housing and the fact that the site characteristics are such that the land does not serve any of the green belt purposes as set out in the NPPF or Regional Strategy represent very special circumstances which would outweigh harm to the green belt by reason of inappropriateness. The application will need to be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009

**58. Hungate Development Site, Hungate, York (13/03015/FULM)**

Consideration was given to a major full application for the erection of a 5 part 6 storey building comprising of 195 residential units and 1 new commercial unit (flexible use with uses classes A1, A2, a3, A4 or D1), parking, access and landscaping (full application for phase 2 of the Hungate Development Scheme).

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:

- Environmental Impact Assessment - It was considered that the proposed development would not have a significant environmental effect requiring the submission of an Environmental Statement.
- Housing numbers, size and type – there will be a total of 363 units within phase 1 and 2.
- An update to the recommendation - Additional point: (iii) payment to secure the provision enhanced pedestrian and cycle facilities in the vicinity of the St Saviours Place/Dundas Street/Peaseholme Green Junction consisting of zebra crossing and pedestrian refuges on Peaseholme Green at junction with St Saviours Place.
- Updates to a number of conditions.

Dr. Peters had registered to speak in objection to the application as a resident of Rowntrees Wharf. He advised that he had bought his property on the basis of the old Hungate Site and

had concerns about the proximity of the proposed 5/6 storey building to the north elevation of Rowntrees Wharf as daylight is already at a minimum. He also had concerns about a canyon effect between the two buildings.

The agent for the application had registered to speak in support. In response to comments made by Dr. Peters, he advised that the massing is no closer or higher to Rowntrees Wharf than the previously approved plans. In relation to design of the scheme, a riverside walk would be provided

Members queried a number of points as follows:

- Whether the separation distance from Rowntrees Wharf differed from the outline application. The agent confirmed that there was no difference other than gable ends had been cut back.
- How many commercial units were remaining. It was confirmed there would be one.
- Some Members raised concerns about the impact on Rowntrees Wharf.

Following further discussion it was:

Resolved:

That subject to completion of a revised section 106 agreement to secure the following:

- (i) Minimum 16% affordable housing in this phase
- (ii) Revised trigger points for highway related, CCTV, education and open space payments
- (iii) payment to secure the provision enhanced pedestrian and cycle facilities in the vicinity of the St Saviours Place/Dundas Street/Peaseholme Green Junction consisting of zebra crossing and pedestrian refuges on Peaseholme Green at junction with St Saviours Place.

The Director of City and Environment Services be authorised to grant planning permission, subject to the conditions set out in the committee report and the following amended conditions:

Condition 11 - A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted and agreed with the Local Planning Authority prior to the commencement of development, and shall thereafter be implemented fully in accordance with the agreed scheme.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

Condition 16 - Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. The CEMP shall also include a detailed method of works statement relating to the highway network, which shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- details of the areas which will be used for the storage of materials, site compound, and the parking and turning of construction traffic clear of the public highway.

Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

Condition 24 - No part of the development to which this planning permission relates shall be occupied unless or until the carriageway and footway wearing courses and street lighting to the new estate road and footpath to which it fronts, is adjacent to or gains access from, have been completed and in terms of street lighting are in working order.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

Condition 25 - Prior to development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

Condition 27 (Off-site highway works) to be deleted due to being incorporated into Section 106 obligation.

Condition 28 (method of works statement) to be deleted – incorporated into condition 16.

Condition 29 - The development shall not begin until details of separate systems of foul and surface water drainage works for that phase have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

1. Calculations and invert levels to ordnance datum of the existing foul and surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
2. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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 20% 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.

Please note that If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

Condition 31 – to be deleted as not applicable to Phase 2.

Condition 32 - Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 5m of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site. This is subject to the foundation details being agreed and a minimum distance of 300mm between the outside edges of the proposed foul water surface water sewers.

Reason: To prevent pollution of the water environment.

Condition 33 – to be deleted.

Reason:

The proposed revisions to the reserved matters approval are acceptable in the context of the principles established in the Hungate Development Brief, Design Code and Design Statement associated with the outline approval and with relevant national and local plan policies.

**59. Appeals Update.**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October 2013 to 31<sup>st</sup> December 2013 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

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 D Horton, Chair

[The meeting started at 4.30 pm and finished at 7.20 pm].