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Meeting	Area Planning Sub-Committee
Date	20 March 2019
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Shepherd, Cannon, Craghill, Dew, Fenton, Gillies, Hunter, Mercer and Looker (as a substitute for Cllr Crawshaw)
Apologies	Councillor Crawshaw

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### Site Visit Attendance

Site	Visited by	Reason
Millthorpe School, Nunthorpe Avenue	Cllrs Galvin, Flinders, Cannon, Craghill, Dew, Fenton, Gillies, Mercer	The application is recommended for approval and objections had been received.
The Groundsmans House, Land to Rear Mount Vale Drive	Cllrs Galvin, Flinders, Cannon, Craghill, Dew, Fenton, Gillies, Mercer	The application is recommended for approval and objections had been received.
Former Lowfield School, Dijon Avenue	Cllrs Galvin, Flinders, Cannon, Craghill, Dew, Fenton, Gillies, Mercer	The application is recommended for approval and objections had been received.
108 Tudor Road, York	Cllrs Galvin, Flinders, Cannon, Craghill, Dew, Fenton, Gillies, Mercer	The application is recommended for approval and objections had been received.
Proposed Residential	Cllrs Galvin, Flinders, Cannon,	The application is recommended for

Development Site, Garth Close, Earswick	Craghill, Fenton, Mercer	approval and objections had been received.
London Ebor Developments Plc, Millfield Business Centre (4f and g)	Cllrs Galvin, Flinders, Cannon, Craghill, Fenton, Mercer	The application is recommended for approval and objections had been received.
Lincoln Court, Ascot Way	Cllrs Galvin, Flinders, Cannon, Craghill, Dew, Fenton, Gillies, Mercer	The application is recommended for approval and objections had been received.

## 66. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Hunter declared in interest in agenda item 4c, due to her house backing on to the perimeter of the development and stated her intention to leave the meeting for the duration of the item.

Cllr Dew declared an interest in agenda item 4e, as he knew the applicant. Cllr Dew stated that he would leave the meeting for the duration of the item.

## 67. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 10 January 2019 and 7 February 2019 be approved and signed by the Chair as a correct record.

## 68. 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 Sub-Committee.

## 69. 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.

### 69a) Millthorpe School, Nunthorpe Avenue, York YO23 1PF [18/01162/FUL]

Members considered a full application from Mr Alex Collins for the construction of a 3G sports pitch with associated lighting, fencing and parking.

Officers updated the committee on further objections and a statement of support from a resident, including that the hours of use be restricted to 8pm at all times. Officers also proposed amendments to conditions 5, 6 and 8.

**Condition 5** on the breaks between bookings has been amended for clarity purposes. The last two sentences of the Reason for the condition now read:

*...Such overspill onto surrounding residential streets would be detrimental to the surrounding residential community who are already largely restricted to parking their own vehicles on street. **There are concerns that without the break, insufficient parking on site would encourage drop-off on no waiting restrictions close to the school with associated safety and highway implications.***

**Condition 6** has been amended so that the measures to prohibit on-street car parking is now only triggered before the first use of the pitch by community users rather than for any users:

*The development hereby permitted **is not to be used for community use** until the following highway works...*

**Condition 8** relating to the Car Park Management Plan (CPMP) has been amended for clarity. The first sentence of the second paragraph clarifies that the restriction applies only to use outside of the school day:

***Outside of normal school hours the new car park immediately adjacent to the artificial pitch shall only be used by users of the artificial pitch and not any other community users of the school site and this will be detailed in the CPMP.***

In response to Member questions, officers stated that they had amended Condition 8 in order to allow school staff to use the associated car park during the school day due to congestion within the site.

Mr Peter Combie, a resident, spoke in objection to the application. Mr Combie was concerned that this application could influence the outcome of a request for a residents only parking zone for the remainder of Albemarle Road. Mr Combie was disappointed that Knavesmire Road had not been considered as a potential 'drop-off' area, as this was further from residential properties and would have little impact on parking.

Ms Averil Rushton then addressed the committee and spoke in objection. Ms Rushton highlighted light, noise, traffic and parking concerns in relation to this proposal and was concerned at the severe impact that this would have on residential neighbours. Ms Rushton stated that she did not have an issue with the use of the pitch by the school however its use on evenings and weekends would come at a cost to the amenity of the local community.

Ms Jane Simms also spoke in objection to the application. Ms Simms highlighted that the number of objectors far outweighed the number of supporting statements and was concerned about the way the consultation had been handled. Ms Simms stated that there had been no joined up approach to parking and traffic management in relation to this proposal and the associated residents parking request, and that the proposed yellow line proposals would only exacerbate the situation. Ms Simms went on to state that the idea of encouraging a high number of vehicles to a residential area was at odds with the Council's ambition to make York a 'greener city'.

Mr Steve Wells, the agent for the applicant, then spoke in support of the application. Mr Wells highlighted that there had been 2 public consultation events held at the school that were well attended and notices on the school website. It was also noted that in order for Sport England, a statutory consultee, to agree to the proposal, a community use agreement was requested. Mr Wells also stated that schools are not able to use education budget for developments such as this and Artificial Grass Pitches (AGPs) require a budget for maintenance and management and this is why charges must apply.

In response to Member questions on staff travel and the amendment to condition 8, the speaker stated that the school have developed a new travel plan to encourage staff to car pool and use sustainable transport whenever possible. Planning Officers added that it had seemed unreasonable to not allow school staff to use this car park during school hours due to the congested staff parking on the current site. Mr Wells also stated that currently there is no working business plan attached to this development.

In response to further member questions, Mr Wells stated that school staff had circulated advertisements for two public meetings to residents and understood that a small number of streets were missed and as a result of that, a second consultation meeting was organised.

Cllr Johnny Hayes then addressed the committee in his role as Ward Councillor. Cllr Hayes highlighted the poor consultation, the highly congested nature of the area, the difficulty parking and the need for the evening use and implementation of the project to be looked at as it would significantly impact neighbourhood amenity.

During debate, Members agreed that the provision of more AGPs should be considered a positive however echoed the thoughts of residents regarding operational hours.

Cllr Flinders moved and Cllr Craghill seconded that the amendment to condition 8 in the officer update be withdrawn. Upon being put to the vote, the motion fell.

It was then proposed by Cllr Cannon and seconded by Cllr Mercer that an amendment to Condition 3 be approved, to read as follows:

3. The use of the artificial grass pitch hereby approved for the playing of sports or any other function shall be restricted to the following times:

Monday to Friday – 08:00 to 20:00 with floodlights switched off no later than 20:15;

Saturday – 09:00 to 20:00 with floodlights switched off no later than 20:15; and

Sunday – 10:00 to 20:00 with floodlights switched off no later than 20:15

Reason: In the interests of the residential amenity of surrounding occupants.

Upon being put to the vote, this motion was carried.

It was noted that Sport England currently have no objection to the proposal, however with the reduction to the operational hours, finishing at 20:00 instead of 22:00, this will need to be referred back to Sport England

It was then moved and seconded that delegated authority be given to officers to approve the application subject to the amendment to condition 3 as listed above and further consultation with Sport England and referral to the Secretary of State if required.

Upon being put to the vote, this motion was carried and it was therefore:

Resolved: That delegated authority to approve be given to officers subject to the amended conditions and consultation with Sport England as explained above.

Reason: With the strong policy context and support from key consultees on the provision for an artificial pitch at the Millthorpe School site with associated community use and wider health benefits for pupils and residents, the application is considered to be in accordance with The National Planning Policy Framework (February 2019) sections 8, 9 and 12 and relevant policies listed at section 2 in the report

from the Publication Draft City of York Local Plan 2018.

**69b) The Groundsmans House (No 24) And Land To Rear Mount Vale Drive, York [18/01655/FULM]**

Members considered a Major Full Application from Mulgrave Developments Ltd and the Helmsley Group Ltd for the erection of 12 dwellings within the grounds of the Mount School with access and servicing off Mount Vale Drive following demolition of dwelling at 24 Mount Vale Drive.

Officers provided an update to the application highlighting two additional objections including one new issue relating to the provision of affordable housing and Section 106 agreement. Officers also highlighted amendments to condition 2 and 10, which are listed below.

Murray Rose, a local resident, spoke in objection to the application. Mr Rose highlighted that the application did not meet the necessary requirements for the loss of sports pitches and that it did not say in the committee papers why this site was suitable for housing. Mr Rose also noted that replacement sports must already be ready prior to the loss of existing pitches and the suggested replacement would result in 'intensification of usage', prohibited by Sport England.

Mr Corbett then addressed the committee in objection to the application. Mr Corbett stated that the proposed houses planned for the site were not in keeping with the style of the area and that the houses being suggested were not what the City needed, due to not being affordable or 'starter' homes. Mr Corbett highlighted a number of City of York Council policies that this application contradicted.

Ms Joy White also addressed the committee in objection. Ms White stated that there had been no statement of community involvement prior to original objections and that consultation on the development had been weak. Ms White also stated that a more robust traffic assessment was needed and that a new application should be requested following a number of amendments, to ensure that the committee judge the correct information.

Mr Leeming and Mr Higgins then addressed the committee on behalf of the applicants. Mr Leeming stated that this proposal had been brought forward to release capital from school assets in order to fund improvements to school facilities including a new performing arts centre and extensions to existing sports facilities. Mr Leeming went on to state that no objections had been received from statutory consultees and the loss of a private playing field had been agreed by Sport England.

In response to Member questions, Mr Higgins stated that the school currently had surplus sports facilities due the school having decreased in size.

Cllr Johnny Hayes then addressed the committee in objection. Cllr Hayes highlighted that all three ward councillors would object to this development due to the loss of playing field space that is needed in Micklegate. Cllr Hayes agreed with the comments of local residents on traffic, surface water drainage, flooding and questioned whether alternative uses of this site had been considered.

Members asked for clarification from the Council's Flood Risk Engineer who informed the committee of assurances from Yorkshire Water regarding the surface and foul water drainage and capacity.

During debate, Members sympathised with the concerns and objections from residents and were largely in agreement that there were no adequate planning reasons to reject the application.

It was moved and seconded that approval be granted subject to the completion of a Section 106 agreement. It was therefore:

**Resolved:** That approval be granted subject to the conditions listed in the report and the amended wording of conditions 2 and 10 listed below and subject to the completion of the Section 106 agreement.

**Reason:** There are alternative adequate facilities that would be provided (secured through a planning obligation) that means the loss of playing fields is not grounds to oppose the application considering NPPF paragraph 97. In assessment of the proposed development, it would not lead to undue harm to



biodiversity, adequate tree cover (which is important for the setting) will be retained and the scheme would not have an undue effect on neighbour's amenity. The access is adequate and the effect on the highway network would not be significant. In respect of these and other material considerations, the proposed planning obligation and the use of planning conditions can be imposed to broadly enable compliance with the NPPF; there are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of providing housing, when assessed against the policies in the NPPF taken as a whole.

Amendments to conditions:

Condition 2:

Approved plans corrected as follows –

Drawings reference – 1087

Location Plan – 01C

Site Layout – 06L

Boundary Treatments – 08J

Materials – 9I

Landscaping – Rosetta drawing 2895/4 revision E

Streetscapes – 10C

House Types and garages – 18A, 19B, 20D, 21D, 22E, 23, 25A, 27

Condition 10

Wording amended as follows:

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35db LAeq (16 hour) during the day (07:00-23:00hrs) and 30db LAeq (8 hour) during the night (23:00-07:00 hours). Unless otherwise approved in writing by the Local Planning Authority noise levels shall not exceed 45db (A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with adequate ventilation provided.

**69c) Former Lowfield School, Dijon Avenue, York  
[18/02925/FULM]**

Members considered a Major Full Application from Mr Newton for the erection of 5 apartments, 5 two bedroom housing units, 6 three bedroom housing units, 3 four bedroom housing units and a shared common house / amenity block and associated infrastructure to form community housing development.

Officers updated the committee on revisions to conditions 1, 2, 3, 4 and 5 and the removal of condition 14 in line with recommendations from Public Protection. The amended conditions are listed below.

Mr Newton, the applicant, spoke in support of the application on behalf of YorSpace. Mr Newton explained that this development would hopefully be the first of many forever affordable community housing developments in York. Mr Newton highlighted some of the key aspects of the plans including reducing the community carbon footprint with reduced car parking and car sharing scheme and important aspects of the concept of community led housing developments.

Under questions from members, Mr Newton confirmed that North Yorkshire Police were supportive of the scheme, that shared car ownership amongst members of the community would be an important commitment by the community and that other examples of similar developments include LILAC (Low Impact Living Affordable Community) in Leeds.

Cllr Waller, the ward councillor, then addressed the committee. Cllr Waller sought clarification on whether the metal perimeter fencing would be retained and also noted that the wider site still needed adequate drainage plans to be submitted. In addition Cllr Waller raised an issue relating to plant machinery accessing the site via Dijon Avenue.

In response to Member questions, the Flood Risk Engineer confirmed that after receiving further information and after having amended the conditions, there are no outstanding issues with drainage planning on this site.

One Member suggested that condition 5 could include the following wording: '*particularly in relation to the side adjacent to green lane.*'

Members commended the sustainability and standards shown by this application and also the promotion of a strong community alongside the properties being forever affordable. Members believed that this application was a good model that more developments should aspire to.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report and the amended conditions listed below.

Reason: The development lies within the south eastern section of the former Lowfield school site. It would provide an innovative form of housing and would contribute to the supply of housing land in accordance with Local Plan and NPPF policy. The design of the scheme as amended would not give rise to any material harm to the visual amenity of the wider street scene or the residential amenity of neighbouring properties. The proposal would not give rise to any issues of anti-social behaviour and any highway impacts have been previously modelled in the context of the outline planning permission ref:- 17/02429/OUTM for the wider Lowfield Scheme.

Amended Conditions:

1. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

2. No development shall take place until details of the proposed means of disposal surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge of surface water to public sewer is proposed, the information shall include the point (s) of connection into the existing public sewer and the means by which the discharge rate shall be restricted to a maximum rate from the whole site agreed under the

17/02429/OUTM application of 30 (thirty) litres per second.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site as the public sewer network does not have the capacity to accept unrestricted discharge of surface water.

3. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

4. No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre lines of each the public sewers i.e. protected strip widths of 10 metres per sewer, that cross the site. If the required stand -off distances are to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

5. Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings, and two boxes for nesting birds.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

**69d) 108 Tudor Road, York, YO24 3AZ [19/00128/GRG3]**

Members considered a Full Application from City of York Council for the construction of 2 parking spaces to rear of 108 Tudor Road served by new vehicular access from Tudor Road.

Officers provided an update to the committee including an additional representation and an additional condition which is listed below.

Michael Jones, from City of York Council, addressed the committee highlighting that these new parking bays will help to alleviate on street parking pressures. An additional 3 new parking bays will also be constructed to counteract those lost by the development of the new access road, providing a net increase of 2 parking bays for the residents of Tudor Road. The officer highlighted the intention to deliver all of these parking bays by this spring.

In response to Member questions, the officer confirmed that the intention is to provide the 3 new bays prior to the new access road and that the new access road will be the route for all plant machinery.

Cllr Waller addressed the committee as the Ward Councillor highlighting the concerns of some residents including the plant machinery routes, the proximity of new parking bays to houses and the need for a pedestrian crossing island on Tudor Road.

It was moved and seconded that the application be approved and it was therefore:

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

Reason: It is considered that the proposed development would not lead to any material harm to the residential amenity of neighbouring properties or the safety and convenience of highway users on the adjoining network. The proposal is therefore acceptable in planning terms.

Additional Condition:

The car parking spaces hereby approved shall be constructed Concurrently with the construction of the access road approved under planning permission 17/02429/OUTM and made available for use when the associated access road has been constructed to base course level.

Reason: To secure the safety and convenience of highway users.

**69e) Proposed Residential Development Site, Shilton, Garth Close, Earswick, York [18/01923/OUT]**

Members considered an outline application from Mr and Mrs Curzon for the erection of 2 dwellings.

Mr Bright addressed the committee on behalf of a number of residents, in objection to the application. Mr Bright stated that 24 residents in the local community have objected to the plans. Mr Bright observed that the properties had been described by officers as 'cramped'. Mr Bright also stated that the plans should be considered as over development in terms of size and location and parking.

It was moved and seconded that an amendment be made to condition 7, relating to a porous surface to be used on the driveway and the amendment was carried.

It was noted by Members that they did not believe that the plans for the two properties were 'cramped' and that there were no adequate planning reasons to refuse this outline application.

It was therefore:

Resolved: That the application be approved subject to the conditions listed in the report and the revision to condition 7 listed below.

Reason: The revised proposal for outline planning permission for the erection of two detached dwellings with the layout also to be determined at this stage is considered to respect the existing character of the area by providing a decent set back from the public highway and retaining existing landscape features including the protected trees and boundary hedgerows. The proposed site plan shows a development that would protect neighbour amenity and would provide sufficient off street parking. Subject to the planning conditions the proposed development is considered to acceptable with regard to the relevant national, local and neighbourhood planning policies.

Revision to condition 7:

Prior to the development coming into use, the initial 5m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be constructed and surfaced with porous materials.

Reason: To prevent the egress of water and loose material onto the public highway and to protect the trees subject of tree preservation orders.

**69f) London Ebor Developments Plc, Millfield Business Centre, Millfield Lane, Nether Poppleton, York [16/02545/FULM]**

Members considered an application for a change of use of part of a building from Class B2,B8 to D2 (gym).

Mr Spencer, from London Ebor Developments, addressed the committee and highlighted that the building had been out of use for over 3 years. Mr Spencer stated that the applications relating to this site would bring employment back to the building, offer an amenity to the local residents and renew the life of an old building.

Members questioned officers on the way in which the property had been marketed and on the process by which this is evaluated. Members noted the location and limited access to the site and thought this to be a reason why the site had been unsuccessful in the past as a builder's merchant or warehouse.

It was moved and seconded that the application be approved, and therefore it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Information has been submitted to demonstrate that there is little prospect of the site being used within the Business use class. On balance, it is considered that the change of use of the unit to the proposed use acceptable.

**69g) London Ebor Developments Plc, Millfield Business Centre, Millfield Lane, Nether Poppleton, York [18/02080/FULM]**

Members considered a full application from Mr Costelloe for the change of use from existing offices and warehouse to adventure play park (class D2).

Mr Jeff Ainsley, addressed the committee on behalf of the applicant. Mr Ainsley noted the objection from the Economic Growth Team in relation to the change of use but believed this to be on the principal of losing business class use, rather than the most appropriate use of the building. Mr Ainsley also highlighted that this project will employ people and bring a currently defunct site back to use.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The NPPF states planning policies should avoid the long term protection of sites allocated for



employment use where there is no reasonable prospect of a site being used for that purpose. Information has been submitted to demonstrate that there is little prospect of the site being used within the Business use class. On balance, it is considered that the change of use of the unit to the proposed use acceptable.

**69h) Lincoln Court, Ascot Way, York [19/00083/FULM]**

Members considered a major full application from City of York Council for a three storey extension to accommodate 15 new flats with associated alterations to internal layout of existing flats (creating 10 new flats in total), single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing.

Officers informed the committee that there had been an additional representation from the Foxwood Residents Association and provided the following updates to the committee:

Update on report

Paragraph 1.2 should read as follows:

Planning permission is sought for the erection of a three storey extension along with associated internal alterations to the layout of existing flats to provide 15no. ~~extra care apartments~~ *flats* with communal facilities (10no. new flats in total) (*to support independent living for older people*), together with a single storey extension of the site frontage to provide a reorganised reception area, reconfiguration of the parking areas, and provision of a bin store.

Update from meeting of the Executive held on Monday 18th March 2019

Members resolved to approve investment in the redevelopment of Lincoln Court Independent Living Scheme. This included a commitment to provide alternative recreational facilities to mitigate the loss of the MUGA. These facilities will be subject to consultation with Sport England and the Westfield Ward community. The alternative facilities will be further agreed by

the City of York Executive and will be subject to budget approval.

### Additional conditions

- 19 Prior to the commencement of development, an investigation and risk assessment (in addition to the assessment already submitted- Preliminary Land Contamination and Geotechnical Risk Assessment report (Ref: 23-24-18-1-1039/DSR1 Dated April 2018 already submitted) any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21 Prior to first occupation, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Mr Nick Hewitson, the agent for the application, spoke in support of the application. Mr Hewitson stated that there would be an increase in the number of flats and refurbishment to the existing flats as approved in previous plans.

In response to member questions, the speaker stated that the communal area would increase in size and that the development will look to make the most of the limited outdoor space that it is on the site. It was also noted that it would be unlikely that a replacement MUGA could be provided prior to the

loss of the existing provision.

Cllr Waller addressed the committee as Ward Councillor. Cllr Waller highlighted the importance of retaining sports facilities. Cllr Waller also expressed views on behalf of the residents of Lincoln Court with concerns regarding the amount of garden space, emergency access and refuse collection.

Members noted the need for older people's accommodation in the City however some concerns were expressed regarding the need for residents of Lincoln Court to have outside space and that it was regrettable to lose the Multi Use Games Area.

It was moved and seconded that the application be approved following referral to the secretary of state, it was therefore:

**Resolved:** That the application be approved subject to the conditions listed on the report and following the outcome of the referral to the Secretary of State.

**Reason:** It is considered that the proposal will deliver older persons residential accommodation to address an identified need, in a sustainable location. The MUGA will be retained in a similar form to the present situation which would not preclude its use and there are plans in place to see this being replaced in some form in the future. The proposals would not see the loss of useable playing pitches, and a new pitch will be provided linked to the development of the adjacent Windsor House site. Members will be updated on this at the meeting but notwithstanding the potential to re-provide the MUGA and the grass pitch it is considered that the identified harm to the provision of sports facilities is outweighed in the planning balance by the provision of older persons accommodation. Additionally the proposals would not give rise to an adverse impact upon the visual amenity of the wider street scene, the residential amenity of neighbouring properties or the safety and convenience of highway users. There would be adequate provision for waste and recycling storage areas within the site, and conditions will ensure that biodiversity could be compensated for.

## **70. Appeals Performance and Decision Summaries**

Members received a report informing the committee of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2018.

Resolved: That Members note the content of this report

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

## **71. Planning Enforcement Cases - Update**

Members received a report providing a quarterly update on planning enforcement cases.

It was noted that Members had concerns regarding the length of time that some enforcement cases have been open for and concern over whether cases have been closed despite being outstanding.

Resolved: That members note the content of the report.

Reason: To update Members on the number of outstanding planning enforcement cases and level of financial contributions received through Section 106 agreements.

Cllr J Galvin, Chair

[The meeting started at 5.00 pm and finished at 8.30 pm].