

Meeting	Planning Committee B
Date	12 January 2023
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Orrell and Perrett [for item 4b]
Apologies	Councillor Galvin
In attendance	Gareth Arnold, Development Manager Rachel Tyas, Development Management Officer Victoria Bell, Development Management Officer Sandra Branigan, Senior Solicitor

53. Declarations of Interest (4.33 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

None were declared.

54. Minutes (4.34 pm)

Cllr Crawshaw requested that the wording 'having consulted with legal services and the Monitoring Officer' was added to minute 52, between 'he stated that' and 'his previous objection'.

Resolved: That the minutes of the last meeting held on 8 December 2022 were amended as per the above request and were approved as a correct record.

55. Public Participation (4.35 pm)

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

56. Plans List (4.35 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

57. Unit 2 Monks Cross Drive, Huntington, York [22/01135/FULM] (4.35 pm)

Members considered a major full application by Lidl Great Britain Ltd for the erection of food store following part demolition of existing unit together with drive-thru restaurant both with associated access, parking and landscaping. The Development Manager gave a presentation on the application which was followed by an update, detailed below, which was provided by the Development Management Officer.

Update

Highways have confirmed they are satisfied with the location of the proposed customer cycle parking and the number of spaces provided. The revised layout meets CYC cycle parking standards and is an improvement from the original submission. The new layout is closer to the store in a safe and secure area with ease of access for cyclists. Staff cycle parking can be conditioned.

Change Recommendation to Delegated Authority to Approve

The applicant has requested that the content of Conditions 5 and 6 (Contaminated Land) be amended to allow for a Phase 1 ground report to be submitted in the first instance rather than a Phase 2. The applicant states that following the results of the Phase 1, a Phase 2 could be undertaken and submitted if required.

As Officers need to take advice from Public Protection as to this request, the recommendation is amended to delegated authority to approve to allow for the relevant conditions to be amended if considered appropriate.

Amendment to Condition 25

The addition of the text "Notwithstanding the submitted plans" to the beginning of the condition 25. This is to allow for the number of electric vehicle recharge points to be increased in order to meet the 5% requirements of the Low Emissions Supplementary Planning Guidance.

Replace condition 22

The building shall not be occupied until the areas shown on the approved plans for delivery and service vehicles, parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

Additional conditions

Staff Cycle Parking

Prior to the commencement of the construction of the development, details of the cycle parking area for the staff, 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 and in the interests of the amenity of neighbours.

Travel Plan

A travel plan, developed and implemented in accordance with National Planning Policy Guidance, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved. The plan shall be updated annually thereafter. The development shall operate in accordance with the aims, measures and outcomes of said Travel Plan.

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

Specifically the plan shall include a target that no more than 60% of staff travel to work by car alone and shall be precise in identifying staff responsible for implementation of the travel plan the associated budget.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

Comparison Goods

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 291 square metres net floorspace of the retail development hereby authorised shall be used for the display and sale of comparison goods.

Reason:- To safeguard the vitality and viability of the City Centre in accordance with policy R4 of the draft Local Plan.

Following questions from Members further clarification was provided regarding the landscaping and it was explained that two additional trees had been added to the plans. Cycle access to cycle parking at the entrance to the store was also clarified, it was confirmed that the maximum standards for cycle parking had been applied.

Public Speakers

Michelle Davies, agent for the applicant, spoke in support of the application. She stated that the proposed retail unit met the requirements of the neighbourhood plan which encouraged the retention of retail units. She confirmed that there had been no other suitable existing sites and that the travel plan aimed to reduce car use by 10%. She also stated the benefits to the local economy in terms of providing employment and retailing lower-cost products.

In response to Member questions she and her colleagues clarified the methodology used to model vehicle use and the impact on highways. They explained that vehicle frequency was based on similar Lidl stores, there was between 5-10% headroom in the figures, as was standard practice. The target for the reduction in car journeys was expected to be achieved over a 5 year period.

Members then asked questions to officers regarding the Building Regulations and carbon reduction to which they responded that the requirements of the 2021 Building Regulations would apply to the development which included a 30% reduction in carbon compared with the 2013 Regulations.

Following debate, Cllr Orrell moved the officer recommendation for delegated authority to approve the application, this was seconded by Cllr Fisher. A vote was taken and with six votes in favour and one abstention it was;

Resolved: that delegated authority to approve the application, as outlined in the update, be granted.

Reason: The proposal involves the reconfiguration of an existing retail building. A sequential test has been undertaken and a retail impact assessment provided to indicate that there are no sequentially preferable sites and that the impact on the vitality and viability of the city centre will be acceptable.

The retail use is compatible with neighbouring uses and the building will have a neutral impact on the existing vacant site. Highway impacts have been assessed and a revised scheme submitted which retains the existing trees along Monks Cross Drive and details new trees within the car park. Amended details in relation to the cycle parking provision are awaited with an update to be provided at Committee.

Technical matters can be addressed to achieve policy compliance through conditions in respect of sustainable design and construction, biodiversity, drainage, the highway network and ground conditions and pollution. Subject to the proposed conditions, it is considered that the proposal will comply with the Huntington Neighbourhood Plan, the NPPF, and the Publication Draft Local Plan (DLP 2018) and accordingly it is recommended that the application be approved.

58. Site To The West Of MX Park, Monks Cross Drive, Huntington, York [22/01161/FULM] (5.20 pm)

[Cllr Perrett joined the meeting for item 4b]

Members considered a major full application by The Tonsley York Trust for the erection of two units for light industry (class E) or general industry (class B2) or storage/distribution (class B8) or storage/distribution with ancillary trade counter use; and associated car parking and landscaping.

The Development Manager gave a presentation on the application and the Development Management Officer provided an update to Members, as below:

Update

Additional Condition

A footpath to the west of the access road shown in Drawing Number 1561 S02 P4 ('Proposed Site Layout', received 22 June 2022) shall be fully constructed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved.

Reason: To ensure there is safe pedestrian access to the site.

There were no questions from Members on the plans or the update.

Public Speaker

Eammon Keogh, agent for the applicant, spoke in favour of the application. He explained the history of the site and stated that 10 of the 11 units had been let. Phase two of the site was for units suitable for smaller businesses which would be of benefit to the local community.

When asked, he was not able to confirm the anticipated employment numbers.

Members then asked questions to officers to which they responded that:

- Members needed to consider the application based on the site as it existed currently, they therefore could not consider the previous mitigations that had been put in place to protect the newts.
- Ecologists agreed that it was better for the newts to be relocated to a well-managed habitat. The pond and habitat would be provided by Natural England.
- As the licence to move the newts had been granted, it must be complied with, not to do so would be to commit an offence.
- The outline planning permission for the housing development to the north, granted by the Secretary of State, did not include mitigations for adjacent sites. At this outline planning stage, the design of the housing development was not known.
- Paragraph 3.4 related to conditions during the construction phase, not the operation of the site.
- The net gain in biodiversity, as per the Huntington Neighbourhood Plan, was not linked to a specific site.

The Development Manager noted that Class E was a wide-ranging category, and recommended that a condition be added, restricting the use of the units to those outlined in the application.

Following debate, Cllr Fisher moved the officer recommendation to approve the application, this was seconded by Cllr Orrell. A vote was taken and with four votes in favour and four against, the Chair's casting vote meant that the motion was approved and it was;

Resolved: that the application be approved subject to the additional condition in the written update and the use restriction condition as per the officer recommendation in the verbal update.

Reason: The development would provide employment buildings within an existing commercial area. In the planning balance biodiversity, environmental and highway impacts are acceptable and can be mitigated where necessary by planning condition. The proposal would accord with the NPPF, the Huntington Neighbourhood Plan (2021), the Draft Local Plan (2005) and the Draft Local Plan (2018).

Cllr A Hollyer, Chair

[The meeting started at 4.32 pm and finished at 6.06 pm].