



## **AGENDA SUPPLEMENT (1)**

### **Planning Committee**

**To:** Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Warters

**Date:** Wednesday, 18 October 2017

**Time:** 4.30 pm

**Venue:** The Snow Room - Ground Floor, West Offices (G035)

The Agenda for the above meeting was published on 10 October 2017. Additional documents are now available and are attached as follows:

#### **2. Minutes (Pages 1 - 14)**

To approve and sign the minutes of the meeting of the Planning Committee held on 14 September 2017.

This supplement was published on 16 October 2017.

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	14 September 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Looker, Shepherd, Warters, Pavlovic and Brooks (Substitute)
Apologies	Councillors Galvin and Richardson

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**31. Site Visits**

<b>Application</b>	<b>Reason</b>	<b>In attendance</b>
Former British Sugar Site, Plantation Drive	As the recommendation was for approval and objections had been received.	Councillors Brooks, Cullwick, Dew, Reid, Shepperd
Galloway House, Lysander Close, Clifton Moor	As the recommendation was for approval and objections had been received.	Councillors Brooks, Cullwick, Dew, Reid, Shepperd
Land Adjacent Hopgrove Roundabout, Beechwood, Hopgrove	To familiarise Members with the site.	Councillors Brooks, Cullwick, Dew, Reid, Shepperd

**32. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. None were declared.

**33. Minutes**

Resolved: That the minutes of the last meeting held on 17 August 2017 be approved and then signed by the chair as a correct record.

**34. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**35. 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.

**35a Former British Sugar site, Plantation Drive, York (14/02798/FULM)**

Members considered a major full application by British Sugar for the construction of a development platform, engineering works and remediation and reclamation of site.

Officers advised that an updated construction environmental management plan (CEMP) had been received that detailed works to repair/maintain the highway during construction. As such, they advised that condition 10 should be updated to refer to the up to date CEMP and in light of this, conditions 13 and 15 should be deleted as these were no longer required as they were covered in the CEMP.

Bill Symons addressed the committee on behalf of the Internal Drainage Board in objection to the application. He acknowledged that the Board noted that City of York Council was lead drainage authority for this site and therefore had assessed the risk of flooding however he expressed concerns about the development and moving historical drainage from downstream to upstream. He advised that he had asked the applicant for a copy of a drawing which had been presented at

the site visit and, since then, they had made progress in relation to this matter.

Neil Jones, agent on behalf of the applicant, addressed the committee in support of the application. He advised that after several years of joint working, both the Environmental Health Officer and Environment Agency were happy with the proposed remediation measures. He advised that British Sugar had written to the internal drainage board and were hopeful that matters could be concluded in the coming months and that previous concerns should not prevent the committee approving works which would lead to future provision of much needed homes.

The applicant's agent and the City of York Council's contaminated land officer explained how remediation work would be undertaken and provided information in relation to ground gas, windblown contamination and dealing with asbestos and advised that details were contained in the remediation strategy.

Members acknowledged that it was a huge site and a big operation. They noted that no residents had attended the site visit to raise concerns and there was a need to get works underway. They expressed their support and noted that concerns which had been expressed were being taken into consideration by British Sugar.

Resolved: That the application be approved subject to the conditions listed in the report, the amendment to the CEMP condition below and the deletion of suggested conditions 13 and 15.

Updated condition 10 (Construction Environmental Management Plan)

The development hereby permitted shall be carried out in accordance with the construction environmental management plan (CEMP) version 1.2 dated 07.09.2017, or any subsequent CEMP submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate against harm to amenity during construction in accordance with paragraph 123 of the National Planning Policy Framework.

Reason: The site is previously developed, now vacant and in a sustainable and urban location. The proposals, to allow site remediation and to create ground levels suitable for development, are consistent with the NPPF core principle for planning to proactively drive and support sustainable economic development. The development also assists in enabling the local aspiration, as established in the emerging Local Plan, to develop the site for housing.

The proposed works will lead to the loss of landscaped areas and reduce habitats on site. A limited level of mitigation can be secured through this application but it is accepted a more comprehensive landscaping strategy will need to be delivered in conjunction with development proposals for new uses on the site. There is a current application still under consideration by officers which would deliver such mitigation in due course.

Through the use of planning conditions, there is suitable mitigation to enable compliance with NPPF policy with regard to other material considerations; amenity, archaeology, drainage and flood risk and managing disruption during construction.

**35b Aviva Yorkshire House, 2 Rougier Street, York (17/01228/FULM)**

Members considered a major full application by Yorkshire House for the change of use of offices (use class B1) to a 150 bed hotel (use class C1) with associated restaurant, bars and gym and the erection of a single storey extension and new roof storey.

Officers provided an update to Members. They advised that the wording of condition 3 (Materials) and condition 8 (Large Scale Details) should be amended as set out below. They also advised that an additional informative be included with regard to a flood evacuation plan (set out below).

Rachel Martin, agent on behalf of the applicants, addressed the committee in support of the application. She advised that the applicants had worked with Malmaison since approval had been granted and had engaged with council officers throughout the pre-application and application process. She stated that the bespoke canopy had been designed for the roof terrace and the conservation officer believed that this would have no impact on the setting of the listed building and less than substantial harm on the conservation area.

Members noted the concerns of both Historic England and the Civic Trust with regard to the proposed extension to the roof terrace but acknowledged that this was considered as less than substantial harm to the conservation area. They felt that the proposals were an improvement on the previous application and accepted that the canopy would provide protection to customers from the weather.

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

Amended Condition 3 (Materials)

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, access ramp, windows, plinth for the outside seating area, the permanent planters) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

For component repairs and repatching (e.g. removal of escape staircase and making good) a sample and details of the proposed external material to be used shall be submitted to and agreed in writing by the Local Planning Authority, to ensure that it is a good match for the existing. The development shall be carried out using the approved materials.

Informative: Light grey single ply membrane will not be acceptable for the flat roof sections of the single storey/south west extension.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument.

Amended Condition 8 (Large Scale Details)

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- (i) Balustrades / glazed screens to external ground floor terrace and planting areas, to stairs and ramped access to the front access (to include manufacturer's details if applicable).
- (ii) Details of outside café seating area, including section
- (iii) Section through proposed ground floor windows in north east elevation
- (iv) Details of the proposed railings at ground floor level
- (v) Detailed sections of the upper ground floor/south west extension- including sections through the front/north west elevation, sections should also include the connection to the original building, and a section through the side/south west elevation, and a section detailing including its connection to the existing building
- (vi) Detailed section of the upper ground floor canopy to the south west elevation. Details to include free edge and how it connects back to the



building and how it blends into the flat roof of the upper ground floor/south west extension; reflective ceiling plan of soffit; details of surface treatment

(vii) Detailed sections of the roof extension and part bay elevation of the roof extension. These are to include areas of louvres, glazing and solid panels. They are also to include to the plant screening. Details are also required of the roof top sun/rain canopy.

Reason: Some of the plans lack clarity so additional details are required so that the Local Planning Authority may be satisfied with these details and the appearance of the development. In the interests of the character and appearance of the conservation area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

#### Additional Informative – Flood Evacuation plan

It is the responsibility of the hotel operator/owner/developer to have in place a clear and detailed evacuation plan which includes early triggers to ensure safe evacuation of residents before flood waters encroach on the building.

Reason: The loss of the office space and the requirement for the hotel is accepted. However the roof top extension is considered to result in 'less than substantial harm' to the character and appearance of the Central Historic Core Conservation Area. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The economic benefits set out in the above report (para 4.44 ) are cumulatively considered to provide such public benefit as to outweigh the less than substantial harm to the character and appearance of the conservation area.

**35c Galloway House, Lysander Close, Clifton Moor, York  
(17/00886/FULM)**

Members considered a major full application by Mr George/Martin Cornwall-Leigh/Wheatley for the erection of a motor dealership providing sales and servicing, repair, MOT facilities, wash and valet, vehicle preparation and external car displays.

Officers provided an update to Members. They advised that a consultation response had been received from Highways and that Highways officers have no objection to the proposed development. They felt that an acceptable solution had been developed to allow pedestrian access from the site on to Clifton Moor Gate. This included an uncontrolled crossing and pedestrian island similar to others on this section of the highway. These off-site highways works could be secured by condition and would be carried out through a S62 highways agreement. Officers noted that a number of different options for provision of pedestrian access from the site on to Clifton Moor Gate had been considered. Due to the cost implications, detrimental impact on traffic at the existing signalised junction and predicted use of the facilities generated by the development, other options were not deemed reasonable or proportionate to the demand generated by the development.

Highways Officers drew attention to para.32 of the NPPF which stated that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development were severe*'. The proposed pedestrian access scheme was considered to resolve issues of connectivity from the site to likely destinations and provided opportunities for linked pedestrian trips and staff to access bus routes and nearby facilities. Given the nature of the development officers accepted that demand for such pedestrian access was likely to be limited and, as such, the proposed pedestrian was a reasonable and proportionate response to the need to improve the development's sustainability credentials. Officers recommend additional highways' conditions as listed in the resolution below.

Officers advised that Flood Risk Management objected to the proposal but accepted that issues could be dealt with via a condition. Officers advised that a condition was already

recommended for the submission of surface and foul water drainage details and therefore no change was proposed.

Officers also advised that a revised plan had been received and therefore condition 2 (Plans) should be amended to reflect the minor changes to elevational plans and pedestrian linkage:

One Member expressed concern that that the landscaping scheme, which they felt was integral to the development, had not been seen by members. Officers confirmed that this had been submitted and included trees, shrubs and grass on the frontage of the site as would normally be expected. Members confirmed that they supported an amendment to condition 12 to ensure that approved landscaping be protected for the lifetime of the development rather than just the 10 years currently stated in the condition.

Members noted that the proposals would replace 4 unoccupied office blocks and expressed the view that as long as there was a safe crossing point and no overwhelming increase in parked cars that they were happy with the proposals which they felt was appropriate for the site.

Resolved: That the application be approved subject to the conditions listed in the report and the additional and amended conditions listed below, including an amendment to the landscaping condition:

Amended Condition 2 (Plans)

The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

TD5707\_101\_P2 Proposed site plan

TD5707\_203 Proposed GA plans

TD5707\_245\_T3 Proposed wash valet details

TD5707\_301\_P1 Proposed elevations

TD5707\_305 Proposed sections

YD2\_JLRY\_LP001 REV A Landscape general arrangement

JLRY\_DT001 Soft landscape details

TD5707 REV A Revised travel plan

06690-HYD-XX-XX-DR-TP-0100 revision P5

Proposed cycle/ pedestrian island

1000-A (A1)\_Swept Paths

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Additional Highways Conditions

1. HWAY 14 – Access to be approved
2. HWAY 18 – Cycle parking details required
3. HWAY 35 – Servicing areas maintained
4. HWAY 37 – Control of glare from lighting
  
5. Within 6 months of occupation a travel plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Framework Travel Plan; developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan

6. The development shall not be occupied until the highway layout, as shown indicatively on the Hydrock Drawing Numbered 06690-HYD-XX-XX-DR-TP-0100 revision P5 (subject to highways agreements) has been completed and all existing dropped crossings not shown as being retained on the approved plans have been removed and the highway reinstated to match adjacent levels.

The detailed specification of the crossing, cycle/pedestrian refuge island, alterations to the

cycle off ramp and associated footpath link including tactile paving, shall be approved in writing prior to such works commencing and the development shall be carried out in accordance with the approved details.

A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the Council, will be required for the new refuge island. Stage 1 of the audit shall be submitted to and agreed in writing by the LPA prior to such works commencing.

Reason: In the interests of good management of the highway and road safety.

Amended Condition 12 (Landscaping Scheme)

The approved landscape general arrangement and soft landscape details shall be implemented within a period of six months of the completion of the development in accordance with the approved landscape design and management report. Any trees or plants which within the lifetime of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, and the quality of the works, since the landscape scheme is integral to the amenity the development.

Reason: The scheme is considered to represent a good use of this existing employment site. The proposal for a car dealership falls within a sui generis use and results in the creation of 30 new jobs and the retention of 62 full time and 4 part time jobs. The use is in keeping with the character of the area and the proposal results in a high quality and appropriately designed development. Subject to acceptable details being submitted, the addition of a pedestrian access to the site from Clifton Moor Gate is considered to

improve the accessibility of the site and encourage linked trips and public transport use.

**35d Land Adjacent Hopgrove Roundabout, Beechwood, Hopgrove (17/00954/OUTM)**

Members considered a major outline application by Enita Europe Limited for outline planning permission with all matters reserved for erection of a petrol filling station, restaurant and a 50 bedroom hotel with associated access, car parking and landscaping.

Officers advised that since the committee report had been prepared, a detailed consultation response had been received from the Strategic Flood Risk Engineer which raised no objection to the proposal subject to strict compliance with the submitted site specific Flood Risk Assessment. Officers therefore advised that draft reason 3 for refusal should be withdrawn.

Eamon Keogh of O'Neill Associates addressed the committee on behalf of local residents of Beechwood Lodge and Beechwood Cottage as well as the Holiday Inn on Malton Road, in objection to the application. He stated that the proposals would not serve the local area, did not represent local transport infrastructure and therefore constituted inappropriate development in the Green Belt and special circumstances had not been demonstrated. He advised that proposed development would have a negative impact on residential amenity by way of light pollution, noise and general disturbance.

David Marjoram of ELG Planning addressed the committee as agent on behalf of the applicant in support. He advised that Highways England accepted that there was a current gap in services provision in this area and confirmed that there was no suitable alternative site outside the Green Belt for provision of services. He explained that the development would be contained in the wider landscape with boundary planting. He stated that a noise and light assessment had been submitted and that the proposals would not have an adverse effect on the highway network.

Members were advised that a holding direction from Highways England meant that they were not able to approve the

application, therefore their only options were to refuse or defer the application at this stage.

Members disputed the view that the proposals would only have a “minimal effect” on the Green Belt. They expressed the view that this was the wrong location for such a wide scale development which they felt would harm the Green Belt and have a negative impact on residential amenity. They did not accept that it represented local transport infrastructure and noted that this was a pinch point for traffic coming off the A64. They noted that there was no backing from Highways England who would have removed the direction if they had been happy with the proposals.

Resolved: That the application be refused.

Reason: The proposed development is inappropriate within the Green Belt within the definition outlined in paragraphs 89 and 90 of the National Planning Policy Framework and therefore by definition materially harmful to its openness. The proposal runs clearly contrary to the principles of including land within the Green Belt namely the prevention of encroachment into open countryside and the safeguarding of the setting of historic towns and cities. No case for "very special circumstances" has been brought forward overcome the strong policy presumption against inappropriate development within the Green Belt and to justify the clearly unacceptable harm that the development would cause to the character and openness of the Green Belt.

The proposed development would give rise to a severe and on-going harmful impact to the residential amenity of occupants of the adjacent residential properties Beechwood Lodge and Beechwood Cottage in terms of light pollution, noise and general disturbance contrary to paragraph 17 of the National Planning Policy Framework "Core Planning Principles" and Policy GP1 of the York Development Control Local Plan.

Insufficient information has been forthcoming with the proposal to be able to judge impact upon traffic

flows within the surrounding highway network arising from the development notably in respect of impact upon accident levels in the immediate surroundings, base line traffic flows within the immediate surroundings and cumulative impacts arising from other recently approved developments in the locality.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.55 pm].