
Meeting	Area Planning Sub-Committee
Date	7 February 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Crawshaw, Flinders, Gillies, Hunter, Mercer, Orrell and Taylor (Substitute for Councillor Craghill)
Apologies	Councillors Cannon and Craghill

Site	Visited By	Reason
3 The Dell, Skelton	Councillors Crawshaw and Galvin	As the recommendation was to approve and objections had been received.

29. 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. None were declared.

30. Minutes

Resolved:

- i. That the minutes of the Area Planning Sub-Committee meetings held on 30 November 2017 be approved and then signed by the Chair as a correct record subject to the following amendments:

Final paragraph of minute 21 to change to:
'Councillor Flinders stated that, having consulted with Officers, he did not have a prejudicial interest in items 3d and e (Rowntree Wharf, Navigation Road).'

Penultimate paragraph of Minute 23c change 'couldn't be' to 'could be' so that it reads 'Other members expressed sympathy with the concerns of residents but did not accept that the application *could be* turned down on grounds of parking, acknowledging that a family house could lead to same number of cars as an HMO....'

- ii. That the minutes of the Area Planning Sub-Committee meeting held on 11 January 2018 be approved and then signed by the Chair as a correct record.

31. 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.

32. 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.

32a) 3 The Dell, Skelton, York, YO30 1XP (17/02911/FUL)

Members considered a variation of conditions 2, 5 and 11 and removal of condition 4 of permitted application 15/01473/FUL by Mr Ray Leadley-Yoward at 3 The Dell, Skelton, to add an extra room at basement level, include cycle parking, increase the height of the dwelling, alter the design and distribution of windows and include an electric vehicle recharging socket.

Officers provided an update which reported that the applicant had submitted a revised site layout plan (L/71-PL-06P) which presented a more accurate reflection of the development as built. This replaced drawing L/71-PL-06N. The main changes to

the revised site layout plan were to the locations of the cycle store, recharging point and vehicular hardstanding.

Members were advised that the applicant had been in discussion with the City of York Council (CYC) Land Contamination Officer on the actions to be undertaken in order to fulfil the contaminated land planning conditions. Members were advised that should planning permission be granted, that an additional condition of approval be added in relation to investigation and remediation of land contamination.

Linda Mansell, Parish Councillor, spoke in objection to the application. Members were provided with a Statement in respect of the Variation to Planning Consent 15/01473/FUL by Adrian Mansell which she referred to whilst addressing Members. She suggested that the reasons given for resubmission were invalid and she cited the overdevelopment of the plot, the building and materials being out of character for the area and the gates being too large as reasons for objection to the application.

David Wright, a local resident, addressed the committee in objection to the application. He noted that the approval would set a precedent for future buildings in the area, and that the builders had not followed the planning permission granted. He also noted his objection on the basis of the increased height of the building.

In response to Member questions, officers clarified that difference to the previously approved application was:

- An increase to the height of the dwelling by 360mm
- An extra room at basement level
- The inclusion of cycle parking
- An alteration to the design and distribution of windows
- The inclusion of an electric vehicle recharging socket

Officers were further asked and advised that:

- The height of the gates was comparable to the height of the gates at no.3.
- The discrepancies in the building had come to Planning Officers' attention by neighbours
- The design samples of the cladding submitted were deemed by the Planning Officer as being acceptable.

During discussion, a number of Members expressed concern that the applicant was seeking retrospective approval of

changes already made in contravention to the approved application.

Cllr Gillies then moved and Cllr Shepherd seconded a motion to refuse the application. On being put to the vote, the motion was lost.

Cllr Flinders then moved and Cllr Crawshaw seconded the Officer recommendation for approval subject to the conditions listed in the report, amendment to revised site layout plan L/71-PL-06P [to replace site layout plan L/71-PL-06N] and additional condition in relation to the investigation and remediation of land contamination.

Resolved: That the application be approved subject to the conditions listed in the report, amendment to revised site layout plan L/71-PL-06P [to replace site layout plan L/71-PL-06N] and additional condition as set out below:

Additional Condition

Investigation & Remediation of Land Contamination

- a) An investigation and risk assessment 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.
- b) If land contamination is found to be present, 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 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.

c) 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Reason: The design variations sought in the application would have no material impact on the character and appearance of the area or the amenity of neighbouring occupiers. The application raises no new planning issues and complies with national planning policy in the NPPF. The submitted details of cycle storage and vehicle recharging satisfy conditions of the previous permission. The application is acceptable.

Various other conditions of 15/01473/FUL relate to pre-commencement and/or construction matters. These conditions are no longer relevant and do not need to be attached to the new permission.

33. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2017 and summarised salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report. Of the 10 determined, 4 had been allowed.

Appeals that currently remained outstanding were listed in Annex B. Excluding tree-related appeals, these numbered 18.

Resolved: That the content of the report and annexes be noted.

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

34. Planning Enforcement Cases - Update

Members considered a report providing them with a continuing quarterly update on planning enforcement cases. Members were asked and confirmed that they had not received the details of planning enforcement cases in their individual Wards.

Resolved: That Members note the content of the report.

Reason: To update Members on the number of outstanding planning enforcement cases.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.00 pm].