

Meeting	Area Planning Sub-Committee
Date	15 October 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett

21. 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.

22. Minutes

It was noted that Cllr Fisher had left the meeting at 8:25 pm, before the named vote recorded at minute 20c). Subject to this amendment, it was:

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 17 September 2020 be approved and then signed by the Chair at a later date.

23. 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.

24. 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.

**24a) WLD Textiles, Granville Works, Lansdowne Terrace,
[20/00821/FUL]**

Members considered a full application from Mr Joe Jackson for the erection of 8no. 2, 3 and 4 bedroom dwellinghouses, together with associated parking and landscaping following the demolition of the existing business premises. The application was a resubmission of a previous scheme which was refused by the sub-committee in January 2020.

Officers gave a presentation based upon the slides at pages 45 - 60 of the Agenda and reported:

- (i) An additional representation had been received from a neighbouring resident at 21C Granville Terrace who reiterated their objection to the proposed development citing the elevated height and additional storey (3 storeys) would negatively impact on natural light and privacy and would be out of character with the existing properties and that the application also posed a security risk from the elevated gardens and the reduction to the height of the back wall. No new substantive issues are raised.

Additionally the objector highlighted that the applicant had submitted a number of inaccuracies in relation to their property. The planning report also makes inaccuracies including the property being positioned 3m from the boundary wall rather than 3.8m as detailed in the report and that the three rear first floor bedrooms are unobscured and serve lounge/kitchen areas.

Officers were satisfied that the change in the dimension, its internal layout and lack of obscurely glazed windows in the rear elevation of this property had not materially changed the relationship of this property with the application site and it is maintained that there would be a neutral impact to this dwelling as outlined in paragraph 5.40 of the officer report. Officers considered that this information had not impacted upon the overall planning balance and the recommendation for approval was unchanged from the published report.

- (ii) The addition of an informative to condition 1 and the addition of a new informative no.5, if Members were minded to grant planning permission.

Cllr Fitzpatrick, Ward Member for Guildhall, spoke in objection, on behalf of local residents, on the grounds of the inappropriateness of the scheme in that it was overbearing and out of keeping with the surrounding streets, especially at the end of Lansdowne Terrace. She considered that the committee's concerns regarding the loss of the employment use had not been addressed.

Mr Alex Molyneux, neighbouring resident, spoke in objection, on the grounds that there appeared to be a lack of concern from traffic management about the effects on parking and accessibility by inserting many houses with cars into the WLD space with one exit down Lansdown Terrace, which would prevent parking outside the properties at the end of Lansdown Terrace. He suggested that another exit from the development would have been much better.

Mr Matthew Dick, owner of 25 Granville Terrace and representing the concerns of his neighbours on Granville Terrace at no. 21 A, B and C , no 22 and no 24 spoke in objection stating that very little had been done to address the original concerns of residents and the committee, which led to the previous plans being rejected. The extreme height and massing of the development remains unacceptable to residents and at odds with the surrounding area.

Mr Rob McNaught, neighbouring resident, spoke in objection, on the grounds that the quality of amenity for prospective residents remained poor and that concerns around light and the outlook for ground floor bedrooms had not been addressed.

Mr C Ball, neighbouring resident, spoke in objection, on the grounds that the excessive height and inappropriate design would affect all sides. Sun diagrams show many houses to the north and north-west on Emily Mews would be overshadowed and lose light. These diagrams were not provided on the previous application. The proposed height would result in a development that is overbearing and negatively impacts on neighbouring properties, contrary to NPPF para 127 and local plan policy D1.

Mr Tim Hatton, of Carve Architecture, the architects for this application, outlined a number of significant amendments that had been made to address the concerns raised in relation to the previous scheme. He considered that the proposal would

support housing needs in York, and that development would be crucial in boosting the economy and supporting the construction industries.

After debate, Cllr Crawshaw moved, and Cllr Craghill seconded, that the application be refused, overturning the officer recommendation on the grounds that the concerns given as reasons for refusal at the previous discussion of this item at this sub-committee in January 2020 had not been addressed. Cllrs: Craghill, Crawshaw, Cullwick, Fisher, Melly, Orrell, Perrett, Waudby and Webb all voted in favour of this motion. Cllrs: Galvin and Hollyer voted against this motion and the motion was declared carried, 9:2. It was therefore:

Resolved: That the application be REFUSED.

- (i) The site is constrained by its proximity to neighbouring properties. The position and orientation of plot 1, its proposed increase in height over and above the existing buildings on the site, would have an overbearing and domineering impact to the rear of properties at Granville Terrace (notably No's 21-25) harming the residential amenity of the occupiers of those properties contrary to paragraph 127 (f) of the National Planning Policy Framework (NPPF) and policy D1 of the City of York Council Publication Draft Local Plan (2018).
- (ii) The amount of development is considered to be too great for this constrained site and has resulted in a form of development that does not respect local form and character. The proposed dwellings 1 and 2, positioned along the southern boundary of the site adjacent to Lansdowne Terrace are designed with a link over the vehicular access. By virtue of its scale and height, the large expanse of brick and termination at the end of the street, the design of the proposed buildings when viewed from Lansdowne Terrace are considered to be unsympathetic to the character and appearance of the area contrary to draft policy

D1 (Placemaking) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 of the National Planning Policy Framework (NPPF).

- (iii) The application does not provide an objective assessment demonstrating that the loss of land/buildings that are currently in employment use are no longer viable in terms of market attractiveness and appropriate for employment uses contrary to the City of York Council Publication Draft Local Plan (2018) policy EC2 Loss of Employment Land and paragraph 80 of the National Planning Policy Framework (NPPF) which supports economic growth and productivity.
- (iv) The amount of development is considered to be too great for this constrained site and has resulted in a form of development that is compromised in terms of residential amenity and would not provide a high standard of amenity for future users. The proposed dwellings have been designed with bedrooms at ground floor level, adjacent to the car parking areas, and with a cantilevered canopy projecting over the car parking. This arrangement is considered to have a detrimental impact upon the residential amenity of future occupiers using the ground floor bedrooms, by virtue of outlook, daylight and sunlight and air circulation contrary to draft policies D1 (Placemaking) and ENV2 (Managing Environmental Quality) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 (f) of the National Planning Policy Framework (NPPF).

[There was a short break from 6.36pm until 6.45pm, in order to register the public speakers].

24b) 5 Cherry Grove, Upper Poppleton, [20/00516/FUL]

Members considered a full application from Mr & Mrs Alex Dorman for a single storey side and rear extensions, application of render finish, erection of detached garage to side with relocation of driveway to Cherry Grove. The site had previously been granted planning approval for the erection of a bungalow to the side of 5 Cherry Grove which had not been implemented to date.

Officers gave a presentation based upon the slides at pages 79-88 of the Agenda and reported that:

- an additional representation had been received from a neighbouring resident at 4 Cherry Grove, Upper Poppleton who had raised objections in relation to the intention to use the drainage strategy by Topping Engineers (Report 17473 Revision D dated March 2018) from the previous planning approval ref. 17/01968/FUL for the erection of a bungalow to the rear of 5 Cherry Grove and suggested that there be conditions in relation to the submission of a drainage scheme.
- Consultee comments had been received from CYC Flood Risk Management Team that the foul and surface water drainage from this site was considered/investigated in depth and agreed in consultation with Yorkshire Water under the 17/01986/FUL application and therefore the drainage from this revised scheme should be constructed in accordance with the same principles (surface water discharge no greater than 1.2 (one point two) litres per second) with appropriate attenuation up to the 1 in 100 year + 30% climate change event. As agreed with Yorkshire Water, this will connect to the existing manhole within the site which then connects to the public sewer and content the detailed design can be sought by way of our suggested conditions.

With regards to the 130mm cover over the attenuation tank provided within the drainage design to support the 17/01986/FUL application, this was considered sufficient when being constructed within a landscaped area.

The additional comments had been taken into account and the planning balance and the recommendation had remained unchanged from the published report.

Mr Neil Iacopi, local resident, spoke in objection on the grounds of drainage and flood risk concerns. This proposal is being assessed with the inadequate drainage plan approved on the previous proposal over two years ago. Revision D to the drainage plan remained a concern because the installation of the storage tank ignores the presence of ground water and would not comply with the manufacturer's specifications and would therefore be in breach of Building Regulations.

Ms Lorna Welsh, neighbouring resident, speaking in objection to the proposal, considered that this would exacerbate the frequent flood issues that she and her neighbours experienced, living in this area.

Mr Alex Dorman, the applicant, was available to answer any questions that Members had.

After debate, Cllr Webb moved, and Cllr Crawshaw seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion and it was therefore:

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

Reason for Approval:

For the reasons stated, the revised proposals are considered acceptable and would comply with the NPPF, the Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

[Cllr Galvin left the meeting at 7.20 pm]

[There was a short break from 7.20pm until 7.30pm, in order to register the public speaker].

**24c) Industrial Property Investment Fund, Unit C, Auster Road,
[20/00056/FULM]**

Members considered a full application from Mr Andy Wood for the erection of a four storey building to form a self-storage facility with associated access and landscaping (use class B8).

Officers gave a presentation based upon the slides at pages 103 – 107 of the Agenda and reported that:

- Comments from the Design, Conservation and Sustainable Development (Landscape) consultee had been received. They considered that the quantity of tree cover across the Clifton Moor estate to be in gradual decline due to incremental increases in the overall developed footprint. The proposed development sits further forward than the demolished building and the existing buildings on either side. The reduction in the width of the green verge adjacent to Clifton Moorgate reduces the capacity for larger trees to replace those that were lost. The proposed landscape was considered, to be a simple scheme that contained a detailed variety of species, and is of a suitable native flavour. It places a native hedge along the full south-east boundary, and includes 2 species of trees - Rowan and Birch - along the front. This would all be under-planted with wildflowers in grass. The officer would prefer to see the inclusion of some larger and longer-lived tree species within the mix and recommended that if planning permission is granted that a condition be added requiring a detailed landscape scheme to be submitted for approval and a condition requiring the proposed boundary hedge to be maintained at a height of not less than 1.5m.
- In response to the comments above, condition 17 was amended and condition 18 added.
- A further submission had been received from another consultee, the Flood Risk Management Team. Following the site specific infiltration testing carried out on the 17th September 2020 they confirmed soakaways would not work in this location. As the applicant had not been able to prove existing connected impermeable areas nor proved its outfall they were unable to support the submitted drainage design. They had however seen enough information for them to seek proper drainage details by way of conditions should planning permission

be granted which should be in accordance with our Sustainable Drainage Systems Guidance for Developers. In response to those suggestions officers confirmed that the conditions recommended by FRMT were already among those listed in the committee report (conditions 14-16).

The additional comments had been taken into account and the planning balance and the recommendation remained unchanged from the published report except where outlined above.

Ms Joanna Gabrilatsou of JLL and planning consultant for the applicant explained that the applicant was the co-founder of Sure Store and had entered into a partnership with the land owner, the Industrial Property Investment Fund. She outlined the concept for the proposed storage unit and explained that the building itself would meet 'Very Good' BREEAM standards, and how this was essentially capped due to the fact that no details were recorded as part of the demolition phase. This had accounted for 13 per cent of the credits required to ensure the 'excellent' BREEAM standard.

After debate, Cllr Crawshaw moved and Cllr Melly seconded, that the application be approved, in accordance with the officer recommendation, with two amended and one new condition. Cllrs: Crawshaw, Cullwick, Fisher, Melly, Orrell, Perrett, Waudby Webb and Hollyer all voted in favour of this motion. Cllr Craghill voted against this motion and the motion was declared carried, 9:1. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following amended and additional conditions:

Amended Condition 4

To Delegate Authority to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair, to amend the wording to condition 4 on (BREEAM), to reflect the concern from Members that the applicant must make every possible effort to evidence that they are aiming to achieve the highest possible BREEAM

score and standard and that this authority takes this concern very seriously.

Amended Condition 17

Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants ~~which within a period of five years from the substantial completion of the planting and development, that 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~~ **and the retention of the landscaping scheme would remain in perpetuity.** ~~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 and other landscape details across the site, since the landscape scheme is integral to the amenity of the development and the immediate area.

New Condition 18

The native hedge to be established along the development boundary shall be maintained at a height of no less than 1.5m.

Reason: So that the hedge remains a significant landscape feature within views along Clifton Moorgate.

Reason for Approval:

The redevelopment would support the local economy by increasing employment floor space in a sustainable location and in keeping with the character of the area. The application complies with national planning policy as set out in the NPPF, and relevant policies of the emerging local plan apart from policy CC2 (BREEAM) of the emerging plan. Policy CC2 can be given moderate weight in the council's consideration of the application. In the planning balance, non-compliance with this one policy would not justify refusal of planning permission.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 8.33 pm].