

Meeting	Planning Committee A
Date	2 March 2023
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Fenton, Kilbane, Looker, Melly, Hollyer (Substitute for Cllr Fisher) and Rowley (Substitute for Cllr Doughty)
In Attendance	Gareth Arnold (Development Manager) Ruhina Choudhury (Senior Solicitor) Ian Stokes (Principal Development Control Engineer (Planning))
Apologies	Councillors Waudby

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#### **45. Declarations of Interest (16.34)**

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. Cllr Rowley noted that item 4a [J H Shouksmith And Sons Ltd Murton Way York YO19 5GS [22/00015/FULM] was in his Ward and the application had been discussed at Parish Council meetings for which the Parish Council had no objections to the application. No further interests were declared.

#### **46. Public Participation (16.34)**

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 A.

#### **47. Minutes (16.35)**

Resolved: That the minutes of the meeting of Planning Committee A held on 2 February 2023 be approved and signed as a correct record subject to the addition of recording officers in attendance remotely.

#### **48. Plans List (16.36)**

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

#### **49. J H Shouksmith And Sons Ltd Murton Way York YO19 5GS [22/00015/FULM] (16.36)**

Members considered a major full application from David Shouksmith for the erection of a three storey office building (use class E) and 2no. two storey light industrial buildings (use classes E, B2 and B8) together with parking and new access arrangements following demolition of existing buildings at J H Shouksmith and Sons Ltd, Murton Way York. The Development Manager outlined the application and gave a presentation on it. He advised that there needed to be an additional condition to protect the hedgerow.

#### Public Speakers

Cllr Fisher spoke on behalf of his son, who had a business on the same site as the applicant. He supported the principle of the development but had concerns about access and egress, and car parking. He explained that the council needed to reduce car parking on Outgang Lane as a matter of urgency. In response to questions from Members, Cllr Fisher was asked and explained that:

- Cars parked on Outgang Lane were from one or two businesses on the road site and they parked on carriageways, footpaths and verges. He explained why this needed addressing.
- He could not sit on the committee to vote on the application.
- He supported approval of the application and noted that the matter of car parking was a matter for highways.

Cllr Warters reiterated the points raised by Murton Parish Council. He suggested that the proposed building was too tall and out of character for the area. He expressed concerns regarding car parking on Outgang Lane. He asked why there was only 66 carparking spaces for the no of staff on the site. Concerning the planting he requested that the perimeter hedge way be maintained to 6ft as a minimum. In response to questions from Members he explained:

- Why the perimeter hedge way should(?) be maintained to 6ft as a minimum

- That the trees would not act as a screen to the frontage to the building and he explained why the building would be out of character for the site.
- The actions Ward Councillors had taken to address the problematic car parking.
- There had been damage from car parking on the Osbaldwick and Murton War Memorial.
- He would have preferred a red brick building to reflect Heritage House.
- That Parish Councillors and Ward Councillors were supportive of the Shouksmith development on the site.

The Applicant, David Shouksmith, spoke in support of the application. He explained the history of the company. He explained that the present office was coming to the end of its lifespan and the company was in the position to redevelop the office. He added that further industrial units were proposed and that the application had received support from the council economic growth team. He was asked and responded to Member questions noting that:

- There wasn't currently a hedge at the start of the industrial estate.
- The company owned nine units at the back of the site.
- They were looking at a phased plan for the construction.
- Access had been made safer by the in and out u shape and the existing access had been kept for the offices. The development did not have a detrimental effect on parking on the road.
- There was a number of office and site based staff and not all 100 staff were included for site wide employment. The number of parking spaces had been agreed with highways at the council.
- The possibility of arrangements with park and ride could be considered.
- The picnic tables outside the building were for staff.
- The applicant was open to having continued dialogue with Ward Councillors.
- EV charging points were planned to be installed. They would also consider putting in charging points for electric bikes.
- There was a number of different building types on site and the building was a flagship building, set back from the frontage with screening.

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

- With reference to policy site S59 (which included 600 houses) in the Local Plan, there were access points to the north and it was assumed that the forward plan team would have commented had they

considered that there was an issue with the application and that the sites worked side by side.

- Regarding cycling, the building would not impact on sight lines.
- Concerning the scope for an LTN 1/20 compliant cycle path, this would mean losing the verge.
- Members were shown a picture of Outgang Lane in response asking whether it was wide enough for two way traffic. Officers advised that parking outside the application was not a planning consideration for this application.
- It was clarified that the application met cycling and car parking requirements.
- It was confirmed that there was a CEMP and that the possibility of parking issues creating a bottleneck for construction traffic was not a consideration for the application.
- Regarding a potential permitted development right change of use from office to residential should Members wish to make this permanent, they could delegate the wording of a condition to Officers.
- The nearest building of similar height was a three storey residential block. The application building had a maximum 10m ridge height.
- The Development Manager undertook to check with colleagues on how much grade A office space there was in the city centre.
- It was confirmed that TROs could be introduced to address parking issues and it was explained how visibility at the access was calculated.

Cllr Pavlovic moved the officer recommendation to approve the application with additional conditions regarding hedge protection (with the wording delegated to officers) and the removal of permitted development rights for the future use of the building. This was seconded by Cllr Fenton. Following a vote with eight Members voting in support of the motion and two against, it was:

Resolved: That the application be approved subject to the conditions listed in the report and additional conditions regarding hedge protection (with the wording delegated to officers) and the removal of permitted development rights for the future use of the building.

Reason:

- i. The proposal is for the erection of 1no. three storey office building (use class E) and 2no. two storey light industrial buildings (use classes E, B2 and B8) together with parking and new access arrangements following demolition of the existing buildings in the southern portion of the site on Murton Way in Osbaldwick. Both the

town centre and flood risk sequential tests are passed, as is the exception test for flooding. The design and landscaping is considered appropriate for the site, and good design of a new head quarter's building for this well-established company with a long history in York. Six new industrial units to assimilate with the existing units in the estate are proposed. Access and parking provision is acceptable and there is no harm to neighbour amenity, subject to details to be submitted by condition.

- ii. As such the proposals are found to be in accordance with relevant sections of the NPPF 2021 including 6, 11, 12 and 14. It is also found to be in accordance with emerging policies in the Publication Draft Local Plan 2018, particularly DP2 Sustainable development, DP3 Sustainable communities, ENV4 Flood risk, D1 Placemaking and T1 Sustainable access.

## **50. Planning Appeal Performance and Decisions (18.00)**

The Development Manager presented a report which provided information on the planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2022.

In response to a question from Members, the Development Manager explained the date period of the report. He was asked and noted that there was no identified underlying reasons for the council losing appeals and that he could not see any applications that officers would have made a different decision on. He added that the team discussed cases that had been allowed and they could learn lessons from.

Resolved: That the report be noted.

Reason: To keep Members informed of the current position of planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 6.04 pm].