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Meeting	Area Planning Sub-Committee
Date	5 August 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Melly, Orrell, Waudby, Webb, Perrett and Baker
Apologies	Councillor Craghill

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There were no site visits due to COVID-19 restrictions.

## **66. 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.

Cllr Galvin declared a prejudicial interest in Agenda item 4a) 8 Harcourt Close, Bishopthorpe, [19/02653/FUL], in that he had called-in the application stating his concerns and had therefore predetermined his position. He left the meeting before consideration of that item and took no part in the debate or decision thereon.

## **67. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 16 July 2020 be approved and then signed by the Chair at a later date.

## **68. 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.

## **69. 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.

**70. 8 Harcourt Close, Bishopthorpe, York, YO23 2SW  
[19/02653/FUL]**

[Cllr Galvin left the meeting having declared a prejudicial interest in this item].

Members considered a full application from Mr Frank Norbert for the erection of a detached bungalow in the side garden of the host dwelling with shared access from the existing drive.

Officers gave a presentation based upon the slides at pages 23 - 28 of the Agenda.

The Democracy Officer read out Mr Martin Dawson statement as he had been unable to do so due to technical issues. He had intended to speak in objection on behalf of his aunt who lived next door at No. 9. He raised concerns that building work would create disturbance in terms of noise levels, pollution and vehicle obstruction given that the area was a small cul de sac with limited parking, populated with a high proportion of elderly residents.

Mr Steven Thorpe, spoke in objection on the grounds that the proposal would create a crammed terraced effect, out of keeping with the neighbouring dwellings. The expanse of concrete would add additional strain upon the overburdened drainage system.

After debate, Cllr Crawshaw moved, and Cllr Webb 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: The proposal is for an infill house in a sustainable location. The design is compatible with its surroundings and it would not significantly harm the living conditions of adjacent dwellings. The proposals comply with

the National Planning Policy Framework and with Publication draft Local Plan (2018) policies D1, CC1, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

**71. Dean Court Secure Car Park To Rear Of Portland Street York,[20/00505/FUL]**

Members considered a full application from Mr B White for the erection of a two storey block for 9 apartments with associated cycle and refuse stores and part retention of existing car park.

Officers gave a presentation based upon the slides at pages 47 - 54 of the Agenda.

Ms June Tranmer, on behalf of the Guildhall Planning Panel, spoke in objection on the grounds that the proposed flats were too small for a suitable home for York residents, and would most likely end up as holiday flats. There would be no room for turning vehicles around in the remaining car park. There is a tree at the entrance to the car park that would probably be removed, with no plan to replace it. The boundary wall would further reduce the light into the gardens of the houses in Portland Street.

In response to questions from Members, officers confirmed that:

- The size of the units were the same as that which had been approved on their previous application in 2019.
- Although the units were smaller than the size of dwellings recommended in the national space standards, this standard had not been incorporated in to the Local Plan for York.
- Parking spaces would be rented out, therefore control over parking was not a conditioned.

After debate, Cllr Crawshaw moved, and Cllr Waudby seconded, that the application be approved, in accordance with the officer recommendation, with the amendment of conditions 8 and 16. Cllrs: Baker, Crawshaw, Cullwick, Fisher, Galvin, Melly, Orrell, Perrett, Waudby and Hollyer all voted in favour of this motion and Cllr Webb voted against it. It was therefore:

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

#### Amended Condition 8 Tree Protection

Prior to any groundworks on site details of tree protection measures for the Lime tree to the south-west of the application and the **tree to the south-east of the site** shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The details shall include consideration of groundworks, including drainage, the installation of services, and the re-surfacing works. (It is noted that the previously submitted arboriculture report recommends that to ensure tree roots are not damaged during any resurfacing, the parking area will be surfaced over a cellular confined system which is to be specified within a separate Arboricultural Method Statement).

Reason:

In the interests of good design as required by paragraph 127 of the NPPF; to avoid damage to any trees which have amenity value and make a positive contribution to the character and appearance of the conservation area.

#### Amended Landscaping Condition 16

The development shall not be occupied until the species and stock size of the proposed trees (as shown on the approved plans) **and the management plan for the sedum roof** have been approved in writing by the Local Planning Authority.

The approved details and the landscaping scheme, as shown on the approved plans, shall be implemented within a period of six months of the completion of the development.

Any trees or plants which ~~within a period of five years from the completion 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, **in perpetuity**, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To ensure the long term health of plants, trees and the sedum roof in support of the environmental objectives of the NPPF.

Reason for Approval: This scheme is similar to the 2018 application which Members recommended for approval. The difference is that 9 rather than 16 dwellings are proposed and the building would not be as long. It is concentrated towards the end of the site and some car parking would remain.

This is an underused urban site where in principle the NPPF recommends redevelopment, in particular development for which there is demonstrable need. The scheme would not have an adverse effect on the Central Historic Core Conservation Area and have no undue detrimental impact on neighbouring amenity. It does not raise any highway safety issues and other technical matters can be addressed through planning conditions.

**72. Grimme (Uk) Ltd. Kilnfield House, 45 Common Road, Dunnington, York [20/00525/FULM]**

Members considered a full application from Mr Alistair Kelly for permission for the change of use of premises comprising a combined industrial or storage and office building with yard and car parking to business, general industry and storage or distribution use (Use Classes B1, B2 and B8).

Officers gave a presentation based upon the slides at pages 67 - 72 of the Agenda and reported an additional representation from Cllr Warters, Ward Member for Osbaldwick and Derwent who considered the proposal to be unregulated B1, B2 and B8 usage, unrelated to Horticulture/Agriculture and inappropriate in

the Green Belt. He considered there to be no imperative to support this employment site given the extensive industrial estate opposite.

Mr Andrew Towleron, on behalf of Dunnington Parish Council, spoke in objection on the grounds that the proposal was an inappropriate development in the Green Belt conflicting with the emerging Dunnington Neighbourhood Plan that would have an adverse impact on the character and amenity of the area and neighbouring properties on Common Road and the buffer between the industrial area and residential properties as well as the safety and free flow of traffic on the surrounding roads.

Mr Mark Lane from DPP Planning, Agent for the applicant, explained that the applicant was relocating. This application had been made to avoid the building remaining vacant and to allow an appropriate range of uses to ensure the site continued to support the local economy. The proposal meets planning policy criteria with regard to buildings in the Green Belt and future uses and its priority for the re-use of buildings.

In response to questions from Members, officers confirmed that this was a speculative scheme, the committee are being asked to approve the use class. When the new user is in place they may apply to make changes, at which point conditions could be applied in terms of cycle storage, noise levels and such.

After debate, Cllr Webb moved, and Cllr Galvin seconded, that the application be approved, in accordance with the officer recommendation. Cllrs: Baker, Crawshaw, Galvin, Melly, Perrett, Hollyer and Webb all voted in favour of this motion and Cllrs: Cullwick, Orrell and Waudby all voted against this motion. Cllr Fisher abstained from voting. It was therefore:

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

Reason: The site already has planning permission for office (B1) use and general industrial (B2) use. The B2 use is currently restricted to the importation and distribution of agricultural machinery. The application seeks to broaden the consent to all office/light industry (B1), general industry (B2) and storage/distribution (B8) uses. No external alterations are

proposed. The application complies with Green Belt policy and would support the local economy. Potential impact on local residents should be mitigated by conditions. The application complies with national planning policy in the NPPF and relevant policies of the emerging plan.

**73. Corby (No.1) Unit Trust, Sovereign House, Unit 5, Kettlestring Lane, York, YO30 4XF [20/00146/FULM]**

Members considered a full application from Mr George Cornwall-Legh for the erection of a building for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8) and associated car parking and landscaping

Officers gave a presentation based upon the slides at pages 87 -92 of the Agenda and reported that an additional representation had been received from the Flood Risk Management Team (FRMT) who considered that the submitted geo-environmental appraisal was a phase 1 desk top survey only. That it did not include site specific ground investigation or infiltration testing, witnessed by FRMT. They advised that this should be carried out to discount the suitability of infiltration and for FRMT to agree in principle to the submitted drainage details. No evidence had been submitted to prove existing connected impermeable areas. FRMT put forward a number of conditions that would address these concerns if permission were granted. Of the suggested conditions Planning Officers recommended that the following two be added:

Additional Condition 19

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Additional Condition 20

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Ms Joanna Gabrilatsou, from JLL, planning consultant to the Industrial Property Investment Fund which is the applicant and a fund of Legal and General, explained that the application seeks to redevelop the site to provide a new unit which could be used for B1c, B2 or B8 use, creating 1,858 sq m of new floorspace to attract new/expanding business in York. The proposal is complicit with the objectives of the emerging Local Plan and the NPPF by delivering a sustainable employment use, potentially creating around 51 jobs.

In response to questions from Members, officers confirmed that:

- Meeting the BREEAM standard of 'Excellent' had been conditioned. If the applicant had difficulty in meeting that standard, it would be an opportunity for officers to advise them of how they could meet this target.
- The applicant had met the required number of car electrical charging points, it would therefore not be possible to condition more than that.

After debate, Cllr Webb moved, and Cllr Crawshaw seconded, that the application be approved, in accordance with the officer recommendation with an amendment to condition 5 and the addition of two conditions (referred to above). 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 and the following amended / additional conditions:

Amended Condition 5

The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). ~~Where it can reasonably be demonstrated that an excellent is not feasible, full justification for the lower rating shall be submitted to and agreed by the Local Planning Authority prior to occupation.~~ Should the development fail to achieve a BREEAM standard of 'excellent' or



the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: To ensure that the (BREEAM) standard of 'Excellent' is met prior to occupation.

Additional Condition 19

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

Additional Condition 20

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

Reason for Approval: The redevelopment would support the local economy by providing employment floor space in keeping with the character of the area and in a sustainable location. The application complies with national planning policy in the NPPF and relevant policies of the emerging local plan.

Cllr Hollyer, Chair  
[The meeting started at 4.30 pm and finished at 7.22 pm].