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Meeting	Area Planning Sub-Committee
Date	20 August 2020
Present	Councillors Hollyer (Chair), Fisher, Galvin, Craghill, Orrell, Waudby, Melly, Webb, Perrett, Daubeney (Substitute) and Pavlovic
Apologies	Councillors Crawshaw and Cullwick

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## **70. Election of Vice-Chair for this Meeting**

In the absence of the Vice-Chair Cllr Crawshaw, who had given his apologies, it was proposed and seconded that Cllr Pavlovic be Vice-Chair for this meeting.

Resolved: that Cllr Pavlovic be Vice-Chair for this meeting.

## **71. 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 Fisher declared a personal non-pecuniary interest in Agenda item 4a) Moorlands Nursing Home, Strensall, [19/02044/FULM] as a member of Stensall with Towthorpe Parish Council. Whilst the Parish Council had expressed a view on the application, Cllr Fisher declared that he was considering this item afresh.

## **72. Minutes**

A Member requested that the year in the following minute be checked as earlier on in the officer report this application is stated as having being received at committee in **2019**.

Dean Court Secure Car Park [20/00505/FUL], Reason for Approval,

“This scheme is similar to the 2018 application which Members recommended for approval...”

Post meeting note: This was checked and should be 2019.

Subject to the above change it was:

Resolved: That the Minutes of the Area Planning Sub-Committee meeting held on 5 August 2020 be approved and then signed by the Chair at a later date.

### **73. 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.

### **74. 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.

#### **74a) Moorlands Nursing Home, 10 - 12 Moor Lane, Strensall, York YO32 5UQ [19/02044/FULM]**

Members considered a full application from Mr M Ladhar for the erection of a 62 bedroom care home with associated car parking and landscaping following the demolition of existing care home. The current application had been submitted in October 2019 and following concerns raised by the case officer and local residents with regard to the scale and the impact on neighbour amenity, revised plans were submitted for consideration in February. These have been subject to a re-consultation with local residents and the relevant internal and external consultees.

Officers gave a presentation based upon the slides at pages 41-58 of the Agenda and reported that:

- An additional representation had been received from Strensall with Towthorpe Parish Council who considered that the revised drawings had not removed any of the objections submitted by the Parish Council and would draw your attention to comments from the Conservation Architect, City of York Council.

- An additional representation had been received from Cllr Doughty, Ward Member for Strensall, who supported the representations presented by Strensall with Towthorpe Parish Council and added that in recent conversations with the Director for Health and Adult Social Care he had been told that we have a changing market place in York and there had been no problem in finding care accommodation in the city.
- A replacement of the Drainage Condition 3 (as set out in the resolution below)

Officers confirmed that the additional information had been assessed and the planning balance and the recommendation remained unchanged from that in the published report.

Mr Thackray, a neighbouring resident at Harvest Close, spoke in objection to the proposal on the grounds that his amenity would be most affected by overlooking, given the number of windows. He considered that the terraces on the first and second floors would allow direct views into the homes and gardens on the South and West sides of the plot.

Mr Ford, a neighbouring resident, spoke in objection on the grounds that the proposed building was not suitable or appropriate for the area and would devalue the status of the nearby conservation area. He considered that the neighbouring residents would be adversely affected by the increased impact of traffic which would lead to further deterioration of the road.

Mr Dobson, a neighbouring resident, spoke in objection, explaining that the revised proposal had not addressed concerns regarding the size and scale of the development. The southern façade was much higher and broader than the existing, therefore the outlook from his kitchen would be a view of brickwork and roof. The proposed roof terraces would provide overlooking across his and neighbouring properties.

Mr Nick Kemp from Acanthus Darbyshire Architects, Agent for the Applicant, addressed the committee explaining that there had been a shortfall of 576 nursing care beds in the City. The proposal would create around 54 jobs to the area. The management company were well established care providers with over 30 years' experience. They considered that concerns

regarding scale and mass had been addressed and confirmed that there would be ample amenity space for residents.

In response to questions from Members, officers confirmed that:

- The commutable sum in relation to the Traffic Regulations Order of £5K would be secured through the s106 process five years from the commencement of building.
- Officers were satisfied that 25 parking spaces had met the Highways requirements, there was further parking allocation for an ambulance or doctors.
- The council's forest engineer had not raised concerns regarding the drainage arrangements impacting upon the roots at the oak tree T7.
- A shadow assessment had been undertaken in December 2019, this aspect had been acceptable.

After debate, Cllr Webb moved, and Cllr Pavlovic seconded, that the application be approved subject to the Section 106 agreement, in accordance with the officer recommendation, with the addition of the conditions, informatives and guidance in relation to drainage, (resolution below refers) with an amendment to Condition 8 regarding the protection of the oak tree T7, Cllrs: Craghill, Daubeney, Galvin, Melly, Perrett, Pavlovic, Webb and Hollyer all voted in favour of this motion. Cllrs: Fisher, Orrell and Waudby and voted against this motion and the motion and it was therefore:

Resolved: That the application be APPROVED subject to the Section 106 agreement and the conditions listed in the report, with the following amended, additional conditions and informative:

Amended Condition 7

That delegated authority be given to the Head of Development Services, in consultation with the Chair and Vice Chair, to consult with the council's arboriculture officer to formulate the necessary strengthened conditions following Members request to protect the roots at oak tree T7.

Replacement of Drainage Condition 3

No development shall take place until details of the proposed means of foul and surface

water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

Additional Condition 26

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 27

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.

Additional informative notes: drainage

- (i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any

watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

#### Design considerations

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using

computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason for Approval:

Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposed development does not involve a change of use given the use would remain as a care home. A need for places in care homes in this area of York has been recognised and the replacement would allow these places to be kept. The redevelopment of the site would provide a much more efficient and suitable modern building and greatly improved outdoor amenity space for residents. While concerns have been raised over the design and scale of the building, the height is similar to existing buildings in the immediate area. The size of the building is acknowledged but due to the reasonable height, the substantial set back from the public highway and the set in front the adjoining properties it is considered to be acceptable and broadly in accordance with national and local policies with regard to design. In terms of amenity, the use and number of occupiers will remain as before and due to the reduced height and siting of the majority of the building away from the



boundary, impacts will be minimised. Obscure glazing will be applied to certain windows to protect privacy. The proposal is considered to be acceptable in terms of highway safety and parking subject to condition. The proposal will also result in a more modern building that achieves the climate change policies set out in CC1 and CC2 of the 2018 Draft Plan. The site layout shows there will be an increase in soft landscaping which in turn is likely to have a beneficial impact in terms of drainage.

Set against this is the identified harm to the character of the Strensall Conservation Area by the siting of the building to the south west of the conservation area boundary. The building will be of a larger scale than previously and will be more visible in views out of the conservation area. However the amount of harm is considered to be modest rather than significant. The NPPF states that great weight should be attached to an identified harm to a designated heritage asset and the greater the importance of the asset, the greater the weight. Given the proposal affects the character of the conservation area from views to the outside, this is considered to further reduce the weight against granting permission to be apportioned in the planning balance. Furthermore, the harm should be weighed against the public benefits of a modernised, replacement care home with improved facilities and an improved landscaping scheme for residents in an area of recognised need for care home place. The proposed design will be more energy efficient in terms of meeting the climate change policies in the 2018 Draft Plan and will result in an increased permeable area for drainage with a new drainage strategy. There are further limited public benefit in the form of temporary employment during the construction period and measures for bat habitation incorporated into the design. The identified harm is not considered to outweigh these identified benefits. The proposal is therefore considered to be acceptable and is recommended for approval subject to the following conditions and a legal agreement to cover the monitoring of parking on the public highway.

**74b) 61A Gale Lane, York, YO24 3AD [20/00494/FULM]**

Members considered a full application from Inglehurst Properties for the erection of 3 storey building to form 8no. apartments and 2no. semi-detached bungalows to the rear following demolition of existing bungalow with new access and associated landscaping.

Officers gave a presentation based upon the slides at pages 73-90 of the Agenda and reported:

- A further objection received from the occupier of 61 Gale Lane on the grounds that although they note the obscure glazed window at first floor level, their preference would be for this to be removed entirely. They also considered that there was loss of privacy to their garden from the ground floor patio door and window.
- Further information on the floor area as follows:  
Gross Floor Area of the development is approximately 670 square metres.

The units measure approximately:

Unit 1 – 43 square metres

Unit 2 (2 bed) – 58 square metres

Unit 3 – 48 square metres

Unit 4 – 48 square metres

Unit 5 – 51 square metres

Unit 6 – 48 square metres

Unit 7 – 48 square metres

Unit 8 – 51 square metres

Bungalows – 67 square metres

- Amended Condition 3 which sets out drainage details.
- Additional Condition 15 requesting details of the reduction in carbon emissions the development would achieve.

In response to questions from Members, officers confirmed that:

- If there were new material considerations, this item would be brought before this committee for consideration.
- That most of the properties flats and bungalows would meet, or be very close to meeting, the space standards for planning 2015 as set out by the Department for Communities and Local Government. The Planning Officer explained that as this standard had not been confirmed by a Local Plan, this therefore could not be applied in consideration of this application. The current position was that legally there was no minimum size standard.
- The Housing in Multiple Occupation (HMO) Licensing requirements in respect of room sizes, could also not be applied in consideration of this application.
- Further information would be provided to Members who sit on the Planning Committees, in the form of a briefing or

further training, on space standards and why they were not applied.

After debate, Cllr Galvin moved, and Cllr Webb seconded, that delegated authority be given to the Head of Development Services to approve this application after the expiry of the consultation period, subject to no new material objections, in accordance with the officer recommendation with the addition of amended Condition 3 which sets out drainage details and an additional Condition 15 requesting details of the reduction in carbon emissions the development would achieve. Cllrs: Craghill, Daubeney, Fisher, Galvin, Orrell, Waudby, Webb and Hollyer all voted in favour of this motion. Cllrs: Melly, Pavlovic and Perrett voted against this motion and it was therefore:

Resolved: That DELEGATED AUTHORITY be given to the Head of Development Services to APPROVE this application after the expiry of the consultation period, subject to no new material objections and subject to the conditions listed in the report and the following amended and additional conditions:

Amended Condition 3

Prior to the commencement of the development hereby approved (excluding demolition of the existing bungalow), the suitability of new soakaways as a means of surface water disposal shall be ascertained in accordance with BRE Digest 365 to the satisfaction of the local planning authority. If the soakaway is proved to be unsuitable, drainage shall be carried out in accordance with the submitted drainage strategy detailed on plan – Drainage Design – Re: YH659/1D dated 5<sup>th</sup> February 2020 by HM Designs. Unless otherwise approved in writing by the Local Planning Authority, the development shall be implemented in strict accordance with the details thereby approved.

Reason: To ensure that the site can be safely and effectively drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan. It is considered necessary

that drainage details are approved prior to the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

Additional Condition 15

Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the buildings and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations). Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with Policies CC1 and CC2 of the Publication Draft Local Plan 2018.

Additional Condition 16

That suitable secure cycle parking spaces at a ratio of one space per dwelling be provided.

Reason: To encourage sustainable travel.

Additional Condition 17

That electric vehicle charge points be provided.

Reason: To assist in the reduction in carbon emissions.

### Reason for Approval

The proposed development departs from the previous approved scheme slightly increasing the scale of the scheme, however these are modest increases, such as 0.25 metre increase in height to the proposed apartment block. The proposal would result in an increase in the number of units approved under permission 19/00583/FULM by one, thereby according with the national and local policies for boosting housing supply. It is noted that the revised plans including the change in roofing material and the introduction of further obscure glass to windows is subject to re-consultation which ends on 21 August. No comments have yet been received and it is considered the introduction of obscure glazing overcomes the concerns raised in terms of privacy to neighbours. When considered against national and local planning policies, the proposed development is considered to be acceptable subject to the following conditions.

#### **74c) Site to the rear Of 5 Cherry Lane York [19/02729/OUT]**

Members considered an outline application from Crossways Commercial Estates Limited for the erection of 5no. detached dwellings with means of access.

Officers gave a presentation based upon the slides at pages 117 -123 of the Agenda and reported:

- The following update to their recommendation as follows: Approve, subject to a Section 106 Agreement to secure the following obligations:
  - Affordable housing (contribution of £31,547.98 per dwelling); and
  - **Formation of a management company to manage and maintain landscaped areas outside residential curtilage in accordance with agreed scheme.**
- An amendment to paragraph 5.20 of the committee report to read 'A short section of hedge (approximately **7m or 4%** of the hedge)'.  
**4%**
- A replacement of Condition 10 with the following 3 conditions:

- (i) 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.

- (ii) No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's).

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak

run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

(iii) 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.

- Additional Condition 27

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme 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, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

Mr Lacopi had registered to speak, however, he had intended to speak on an application that was not due to be discussed at this committee at the present time.

Cllr Fenton, Ward Member for Dringhouses and Woodthorpe mentioned that whilst he was pleased with Condition 23 road safety audit, he suggested that there needed to be further mitigations, should the application be approved, such as traffic speed control. He considered that the applicant should be approached with a request for a commutable sum in respect of education, given the size of the site. He considered that the application would adversely impact upon the 'green corridor'.

Mr Keogh from O'Neill Associates, Agent for the Applicant, explained that the site provided an opportunity for much needed housing in the City. The applicant had agreed to many sustainability features. The third-party objections had been addressed. The proposal provided for a management plan to ensure its nature interest was maintained.

The Applicant, Mr Dorman, was also available to respond to Members questions.

In response to questions from Members, officers confirmed that:

- The site was a windfall site in an urban area.
- The NPPF stated that a commutable sum could be requested in respect of education on an application in excess of 10 dwellings or one hectare in size. A request for a commutable sum for education had not been made, officers advised that Members could request this.
- Officers checked the detailed ecology report and confirmed that there were no protected ecology in the surrounding Site of Importance for Nature Conservation (SINC).

- A management company would manage the open space in the SINC, which would be administered as a service charge to the residents of these dwellings.

After debate, Cllr Orrell moved, and Cllr Pavlovic seconded, that the application be refused, overturning the officer recommendation, for the following reasons, which included:

*Previous consideration of the site for housing allocation through the Local Plan process had been rejected. The proposal would erode the green corridor and adversely impact upon the openness and character of the area contravening policy G13.*

A second motion to defer the application was moved by Cllr Melly and seconded by Cllr Fisher. A Member considered that the second motion to defer the decision on this application should take precedence over the first motion to refuse this application. The Senior Solicitor advised that motions should be taken in the order that they are proposed and that any change to that order would be at the discretion of the Chair.

A vote was taken on the first motion to refuse the application, which had been moved by Cllr Orrell, and seconded by Cllr Pavlovic. Cllrs: Craghill, Daubeney, Melly, Orrell, Pavlovic, Perrett, Waudby, Webb and Hollyer all voted in favour of this motion. Cllr Galvin voted against this motion, Cllr Fisher abstained from voting, and it was therefore:

Resolved: That the application be REFUSED

Reason: That delegated authority be given to the Head of Development Services to formulate the reason for refusal in consultation with the Chair and Vice Chair.

[The committee adjourned for 5 minutes]

**74d) Etas Ltd. Bacchus House, Link Road, Court, Osbaldwick  
Link Road, Osbaldwick, [19/02738/FULM]**

Members considered a full application from Mr Chris Parker for permission for the change of use from offices (Use Class B1) to a health care unit (Use Class D1), and single storey extension and flat roof canopy to the north west elevation.

Officers gave a presentation based upon the slides at pages 143 to 157 of the Agenda and reported that the applicant had submitted a BREEAM Statement confirming that the proposed development can achieve BREEAM 'Very Good'. As a consequence, Officers therefore requested that Members give consideration to the addition of the following condition:

Additional Condition 14

The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the NPPF.

There were no registered speakers, although Mr Ian Moore of Richard Eves Architects, Agent for the Applicant, was available to respond to Members' questions.

After debate, Cllr Galvin moved, and Cllr Daubeney 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 and the following additional condition:

Additional Condition 14

The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable

development in accordance with the requirements of the NPPF.

Reason for Approval:

The proposed development would result in the loss of office use/accommodation, however the proposed use is considered to employ similar numbers to the permitted use. The proposed use would provide an expansion to the capacity of this service and would benefit the health of the wider population for the city and the surrounding area. Officers recommend approval of the scheme subject to the completion and signing of a Section 106 agreement covering introduction of parking restrictions to the surrounding area.

The proposal falls within class D1 (Non-residential institutions) of the Use Classes Order 1987 (as amended). Permitted uses within D1 use class include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is in principle acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D1 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the proposed clinic use only and no other use within class D1.

Cllr Hollyer, Chair\_

[The meeting started at 4.30 pm and finished at 8.30 pm].