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Meeting	Area Planning Sub-Committee
Date	25 November 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Orrell, Waudby, Webb, Perrett and Kilbane (Substitute)
Apologies	Councillor Melly

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### 30. 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.

### 31. Minutes

A Member noticed an error on the last word of the final paragraph on the reason for the resolution that the application be deferred and requested the following amendment:

‘...as the wording for ~~refusal~~ **deferral**.’

Members requested the insertion of a paragraph between the penultimate and final paragraph.

Resolved: That delegated power be given to the Chair and Vice-Chair to confirm the wording of this paragraph.

Post meeting note: The Chair and Vice-Chair confirmed the following paragraph:

In response to members questions, the developer of the scheme, Mr France, confirmed that monies received by Barnitts would be as a result of the sale of the buildings and that the profits arising from the development would be retained by the developer.

Subject to the above changes, it was:

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 11 November 2020 be approved and then signed by the Chair at a later date.

### **32. 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.

### **33. 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.

#### **33a) Telecommunications Mast Park Inn North Street, [20/01031/FUL]**

Members considered a full application from Hifzul Moosa for the upgrade of existing rooftop telecommunications equipment including ancillary works. Planning permission for a previous scheme (19/02629/FUL) had been refused on 14 February 2020. Revisions made since the refused scheme had included a reduction in the number of proposed antennas as well as the removal of the proposed dishes and external cabinets.

Officers gave a presentation based upon the slides at pages 19 - 28 of the Agenda, there were no additional officer updates or clarification questions.

Mr Ocean Melchizedek spoke in objection on the grounds that he felt an invalid ICNIRP certificate had been submitted as part of this application as the cumulative radiation of all transmitters, when operational, had not been calculated.

Cllr Baker, Ward Member for Micklegate, spoke in objection and made the following points:

- That concerns regarding exposure to EMF are widespread
- That there are carcinogenic effects of this technology
- That there is a lack of evidence on the ecological effects of this technology

- That there are questions over the public benefit of this technology

In response to questions from Members, officers confirmed that the NPPF suggests that planning decisions should support the expansion to communications technology and support the introduction of 5G which explained the officer recommendation.

After debate, Cllr Galvin moved, and Cllr Fisher seconded, that the application be approved, in accordance with the officer recommendation. Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Kilbane, 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. It was therefore:

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

#### Reason for Approval

The Park Inn Hotel is an existing site for telecommunications equipment, which provides 3 existing antennas. It is acknowledged that the proposals to upgrade the equipment to provide 5G coverage will result in a greater level of visual impact; the numbers of antennas to be provided will increase to 6 (with one antenna contained within the aperture casing), increase the bulkiness of the equipment as well as these being taller structures than those in situ on the building. Whilst the equipment would still be visible, they are designed in a way to be less visually intrusive within views. Careful consideration has been given to the statutory duties with regard to designated heritage assets. Whilst the proposal would result in harm to the designated heritage assets, this harm is assessed as being less than substantial. The application has demonstrated that there are public benefits of the proposal, notably compliance with Section 10 of the National Planning Policy Framework, which supports high quality communications and which further supports social and economic objectives which are considered to outweigh the less than substantial harm identified to heritage assets.

The application satisfies the requirements of the ICNIRP Public Exposure Guidelines on radio frequency and NPPF paragraph 116.

It is considered that the proposed scheme would not have an adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. It is considered that the NPPF and policies C1, D1, D4 and D5 of the Publication Draft Local Plan (2018) and GP1, GP18, GP20 and HE3 of the Development Control Local Plan (2005) are satisfied.

**33b) 44 Tranby Avenue Osbaldwick York YO10 3NJ  
[20/00338/FUL]**

Members considered a full application from Mr Nicolai Krasnov for the erection of a two storey extension to the side of a two storey detached dwelling in Osbaldwick. Permission had previously been granted (17/02432/FUL) for the change of use of the dwelling from use class C3 to a House in Multiple Occupation (use class C4) and an outline application (17/01949/OUT) had been made for the erection of 1no. dwelling in the same part of the curtilage that the proposed side extension would occupy. This application had been refused and the decision had been upheld on appeal.

Officers gave a presentation based upon the slides at pages 39 - 46 of the Agenda. There were no additional officer updates or clarification questions.

Cllr Warters, Ward Member for Osbaldwick and Derwent, spoke in objection and made the following points:

- That a previous application on this site was refused by the planning inspector and that this application was not fundamentally different.
- That there was ambiguity in the numbers of bedrooms in this application.
- That there are significant concerns around car parking and the effect this will have on the surrounding community.

After debate, Cllr Cullwick moved, and Cllr Orrell seconded, that the application be approved, in accordance with the officer recommendation, with an amendment to Condition 5 regarding additional landscaping scheme. All committee members voted in favour of this application and the motion was declared CARRIED. It was therefore:

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

Amended Condition 5

Before the commencement of the development a scale drawing showing an additional on-site car parking space accessed from the existing driveway shall be submitted for the approval of the local planning authority. The additional car parking space shall be provided in accordance with the approved drawing before the occupation of any part of the extension. **In addition, that a landscaping scheme be submitted for the approval of the local planning authority.**

Reason: In the interests of residential amenity and highway Safety and that a landscaping scheme be submitted.

Reason for Approval

The proposal is considered to be acceptable in terms of its impact on the streetscene and residential amenity. It would comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

**33c) Land Lying to the North Of Kimberlow Lane Heslington, York, [20/00532/REMM]**

Members considered a reserved matters application from the University of York for the erection of a children's nursery with associated vehicle drop off and landscaping following outline permission 20/01270/OUT for a new university campus.

Officers gave a presentation based upon the slides at pages 81 -92 of the Agenda. There was no further update from officers. In response to clarification questions from members, officers noted the following:

- That the traffic level limits were conditioned in the outline planning application.

- That LTN 120 in respect of road/cycle safety was government guidance and not legislation.

The following panel of experts were available at the meeting, speaking on behalf of the University of York:

- Planning: Janet O'Neill and Tim Ross from O'Neill Associates, Planning Consultants
- University: Jon Greenwood (Director of Commercial Services)
- Architect/ Sustainability: Cian Glashan (Seven Architecture)
- Transport: Simon Pratt (WSP)

Key points arising from Members questions to the above panel included:

- The new site would offer a much improved space and access to outdoor area for the current nursery that is currently on campus west.
- Looked at 10 locations and this was the only site that usable for this purpose due to size, vehicle access and access to outdoor space.
- That the university has an ecology plan for the whole site and would be happy to accept ecology enhancements via condition.
- University have had much success with their travel plan and are happy to increase cycle parking as needed.
- That the cycle parking provision is big enough to accommodate trailers and bigger cycles and would be happy to see this conditioned.

After debate, Cllr Crawshaw moved, and Cllr Webb seconded, that the application be approved, in accordance with the officer recommendation, with amendments to conditions 2 and 14 and an additional condition as set out below. Cllrs: Crawshaw, Cullwick, Fisher, Galvin, Kilbane, 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. It was therefore:

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

### Amended Condition 2

Within three months of the commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in writing. 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. It will also include tree planting details including ground preparation, soil volumes, means of support, protection, and watering. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme as approved 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~~, 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 the Local Planning Authority agrees alternatives in writing.

### Amended Condition 14

Prior to the development commencing details of the cycle parking areas, **including space for trailers** and ~~including~~ means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

### Additional Condition 9

Protection of woodland and suitable fencing to protect badgers/hedgehogs during construction. In accordance with the submitted ecology report's recommendations for ecological enhancement. Support would

include bat / bird boxes, gapping up the hedgerow and a wildflower meadow area.

Reason: In order to protect the woodland and ecology.

#### Reason for Approval

The application is for a new (replacement and enlarged) pre-school nursery and crèche in a new single storey building at The University of York's Campus East. It is accepted that there are no other suitable sites for the nursery which would not compromise the University's objectives nor the build out of the masterplan area. As all other factors; design, access, sustainability, suitable drainage etc are supportable, in the planning balance the harm identified to the parkland landscape is outweighed by the urgent need and lack of suitable alternative location. Planning law requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. As York does not have an adopted development plan, those emerging policies which identify the site as open space carry limited weight. There are compelling reasons put forward by the applicant and as such, considering all issues in the planning balance, the application is recommended for approval.

#### **33d) The Tile Company Unit 2 Kettlestring Lane, York YO30 4XF [20/00148/FULM]**

Members considered a full application from Mr George Cornwall-Legh for the erection of eight units for light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of one unit for the use of motor vehicle repairs or light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8); erection of substation; and associated car parking and landscaping following demolition of Unit 2 Kettlestring Lane and Unit 1 Lysander Close.

Officers gave a presentation based upon the slides at pages 111 -117 of the Agenda and reported that the application seeks approval for a trade counter, ancillary to the proposed storage/distribution use. To avoid harm to existing centres the applicant has accepted a 20% limit on the amount of floorspace



to be occupied by the trade counter which would be added as an additional condition (19).

Ms J Gabrilatsou, representative for the applicant, outlined the benefits of this scheme which included compliance with the development plan and the achievement of BREAM 'Excellent'.

In response to questions from Members, officers confirmed that highways officers were content with the number of car parking spaces given the nature of the business in question.

After debate, Cllr Kilbane moved, and Cllr Webb seconded, that the application be approved, in accordance with the officer recommendation and the addition of condition 19, mentioned above. All committee members voted in favour of this motion and the motion was declared CARRIED. It was therefore:

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

Additional Condition 19

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 20% of the net floor space of the unit(s) hereby created shall be devoted to a 'trade counter' use.

Reason: To safeguard the vitality and viability of York City Centre and the defined District Centres and to secure compliance with Policy R4 of the Publication Draft City of York Local Plan (2018).

Reason for Approval

The redevelopment would support the local economy by increasing employment floor space on a brownfield site in a sustainable location. The general building form and character are in keeping with the character of the area. The loss of a proportion of the landscaped boundaries of the site is considered to result in some harm to the

character and appearance of the area. However in the planning balance it is considered that the benefits of the proposal outweigh this identified harm and that 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 7.15 pm].