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Meeting	Planning Committee
Date	14 December 2016
Present	Councillors Boyce, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters and Brooks (as a Substitute for Cllr Dew)
Apologies	Councillors Ayre and Dew

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### 55. Site Visits

Application	Reason	In Attendance
Rufforth Playing Fields, Wetherby Road, Rufforth	As the officer recommendation was for approval and objections had been received	Councillor Cullwick, Galvin and Reid
Monks Cross Shopping Park, Monks Cross Drive, Huntington	As the officer recommendation was for approval and an objection had been received	Councillor Cullwick, Galvin and Reid
Proposed Telecommunications Mast, Elvington Lane, Elvington	To allow Members to familiarise themselves with the site	Councillor Cullwick, Galvin and Reid

### 56. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have in the business on the agenda. No interests were declared.

### 57. Minutes

Resolved: That the minutes of the meetings held on 27 October and 17 November 2016 be approved and then signed by the Chair as correct records.

**58. 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 Planning Committee.

**59. 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.

**60. Monks Cross Shopping Park Trust, Monks Cross Shopping Park, Monks Cross Drive, Huntington, York (16/01968/FULM)**

Members considered a major full application by the trustees of the Monks Cross Shopping Park for the erection of a stand alone retail unit and associated restaurant/refreshment units, reorganisation of internal vehicular routes and car parking, replacement of retail facades and associated landscape improvements.

Officers advised that, should Members be minded to approve the application, as it represented out of town centre retail development of more than 2500 square metres which, when combined with existing floor space, would exceed 5000 square metres, then the application must be referred to Secretary of State. Planning permission cannot be granted for a period of 21 days following the start of the referral to allow the Secretary of State to consider whether he wishes to call in the application. (The Town and Country Planning (Consultation) (England) Direction 2009). They advised Members that their recommendation was therefore to approve the application following referral to the Secretary of State.

Officers updated the committee on the following suggested amendments to conditions:

- Condition 2 – to be amended to include updated plans.
- Condition 3 and 4 to be combined and wording tightened up.
- Definition to be included at the start of the decision notice for “freestanding units” and “refreshments pods”.
- Conditions 5, 6, 9, 10, 11, 16 and 17 to be amended to tighten up trigger points and provide clarification on references to units.
- Condition 22 – to be amended to tighten up wording and recognise the fact that there is an existing Monks Cross Shopping Park Travel Plan in place, which can be amended.

With regard to landscaping, officers advised that the landscape officer had expressed concern about the level of replacement tree planting within the car parking area. This had been addressed with a revised plan to show a line of 5 trees to the western side of the parking as suggested by the officer. Concern had also been raised about the loss of part of a beech hedge and pear tree belt to the North of the access roundabout. Officers advised that, while the landscaping proposed to be removed had not been reinstated, there had been some additional planting to strengthen the retained landscaping shown on the revised plan.

Officers informed the committee that a further letter of objection from Pizza Hut has been received since the report was written. This reiterated their concerns about the proposed change to the height of the canopy above their unit and the impact it would have on the amenity of customers sitting outside the unit. Officers advised that these concerns were not material planning considerations but that Pizza Hut had confirmed that they were withdrawing their objection following positive discussion with the applicant.

Mr Eric Hall, Planning Manager for the applicant, addressed the committee in support of the application. He acknowledged that the shopping park was looking outdated and these proposals would allow for its refurbishment with replacement facades, a new entrance to the site, additional landscaping and improvements to car parking arrangements. As there was no

current furniture offer at the park, it was intended that the new retail unit be occupied by a furniture retailer. The small refreshment pods would provide 'grab and go' opportunities for people already at the park.

With regard to condition 10 (landscape scheme) Members noted that the proposed condition required trees or plants which died, were removed or became seriously damaged or diseased within a period of 10 year period to be replaced as recommended by the landscape officer. However they agreed that this condition should be strengthened so it referred to the 'lifetime of the development' instead of only 10 years.

Members expressed the view that this was a good use of the site which did not lead to any loss of parking spaces but would improve circulation around the site.

Resolved:

That the application be REFERRED to the Secretary of State and, provided that the application is not called in for his own determination, DELEGATED authority be given to the Assistant Director, Planning and Public Protection to APPROVE the application subject to the conditions listed in the report, the amended landscaping condition and other amended conditions detailed below.

#### Updated Condition 2 – Approved Plans

The development hereby permitted shall be carried out in accordance with the following plans:-

- Location plan
- Units overview URB MX 08 00 10 D00
- Proposed ground floor plan URB FU 08 00 01-D01
- Proposed roof plan URB FU 08 20 01-D01
- Proposed elevations URB FU 08 70 01-D02
- Proposed elevations URB FU 08 70 02-D02
- External works overview URB MX 08 00 04-D02
- A3 unit elevations URB RT 08 70 05 D01
- Pod 1 floor plan URB-PU 08 00 01-D00
- Pod 2 floor plan URB-PU 08 00 02-D00
- Pod 3 floor plan URB-PU 08 00 03-D00
- Pod 4 floor plan URB-PU 08 00 04-D00
- Pod 1 roof plan URB-PU 08 10 01-D00
- Pod 2 roof plan URB-PU 08 10 02-D00

- Pod 3 roof plan URB-PU 08 10 03-D00
- Pod 4 roof plan URB-PU 08 10 04-D00
- Pod 1 elevation and section URB-PU 08 70 01-D00
- Pod 2 elevation and section URB-PU 08 70 02-D00
- Pod 3 elevation and section URB-PU 08 70 03-D00
- Pod 4 elevation and section URB-PU 08 70 04-D00
- Proposed floor plan North and East Terrace URB-RT 08 00 01-D00
- Proposed terrace roof plan URB-RT 08 10 02-D00
- East terrace elevations URB-RT 08 70 01-D01
- Proposed North terrace elevations URB-RT 08 70 03-D01
- West terrace elevations URB-RT 08 70 04-D01
- A3 unit details URB-RT 08 90 02-D00
- Softworks plan 1061-100 REV A

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

#### Amended and Combined Conditions 3 and 4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, (or any statutory instrument revoking and re-enacting that Order with or without modification), the freestanding unit shall not exceed 1,672 square metres net internal retail floorspace and shall be used only for the sale of bulky goods within the following categories and for no other purpose (including any other purpose in Class A1 to the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):-

- (i) Electrical goods and other domestic appliances;
- (ii) Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles;
- (iii) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (iv) Motor and cycle goods; and

(v) Furniture, bedding, floor coverings, soft furnishings and textiles.

Reason: To protect the vitality and viability of York City Centre from significant adverse impact that is likely to be caused by an unrestricted A1 use in this location, in accordance with the provisions of the National Planning Policy Framework, and policies SP7a, SP7b and S2 of the City of York Draft Local Plan incorporating the 4<sup>th</sup> Set of Changes 2005, and Policies R1 and R4 of the emerging draft York Local Plan (Publication Draft 2014).

For clarification, it is also recommended that a definition is included at the start of the decision notice such that:

Definition: 'Freestanding unit' means the unit shown coloured green on plan URB MX 08 00 10 D00.

'Refreshment pods' means the units shown coloured blue, yellow, purple and brown on plan URB MX 08 00 10 D00.

Conditions are to be amended to reflect this, i.e.:

#### Amended Condition 5

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any statutory instrument revoking and re-enacting that Order with or without modification), there shall be no subdivision of the freestanding unit to create a unit with a net internal floorspace of less than 1,000 sqm, or insertion of mezzanine floors within the freestanding unit, in the absence of any planning permission relating directly to such subdivision or mezzanine floor.

Reason: In order to protect the vitality and viability of the city and district centres.

#### Amended Condition 6

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, (or any statutory instrument revoking and re-enacting that Order with or without modification), the refreshment pods hereby approved shall be used for A1 (sandwich shop), A3 (restaurant and cafe), A4 (drinking establishment) and/or A5 (hot food take-away) and for no other purpose, including any other purpose in Class A1 (apart from sandwich shop) in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses in the interests of the vitality and viability of York city centre which, without this condition, may have been carried out without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Amended Condition 9

No building works on the freestanding unit or refreshment pods 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.

Amended Condition 10 ( to become condition 9 after the amalgamation of 3 and 4)

No building works on the freestanding unit or refreshment pods shall take place until a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable shall be submitted and approved in writing by the Local Planning Authority . It will also include details of ground preparation. This scheme shall be implemented prior to first occupation of any of the units hereby authorised. Any trees or plants which within the lifetime 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within the lifetime of the development.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species

within the entire site, since the landscape scheme is integral to the amenity of the development.

#### Amended Condition 11

Prior to commencement of the freestanding unit, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during clearance/construction, locations for stored materials, locations and means of installing utilities, location of site compound. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

#### Amended Condition 16

Before the occupation of the freestanding unit, four (4) Electric Vehicle Recharging Point shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the accommodation, the Owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

Reason: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

#### Amended Condition 17

The freestanding unit hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent, as set out within the submitted BREEAM Pre-assessment report)) unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion



of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

#### Amended Condition 22

No new floorspace hereby approved shall be occupied until an amendment to the approved Monks Cross Shopping Park Travel Plan, that is applicable to the freestanding unit and refreshment pods, has been submitted and approved in writing by the LPA. The freestanding unit and refreshment pods shall thereafter be occupied in accordance with the aims, measure and outcomes of said Travel Plan.

Within 12 months of occupation of any of the new floorspace hereby approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

Reason: The applicant has demonstrated that the proposals are sequentially acceptable and that the proposals will not have a significantly adverse impact on the city centre or on planned investment. The proposals are considered acceptable in terms of their design and siting and will enhance the appearance of the Monks Cross Retail Park. The important tree cover around the boundary of the site is maintained and reinforced while landscaping to the front of the retail terraces is replaced and improved. Conditions are

suggested to restrict the expansion of future out of centre bulky goods retailing and the type of goods sold. Other conditions will control details relating to appearance, landscaping, drainage and sustainability issues.

**61. Proposed Telecommunications Mast, Elvington Lane, Elvington, York (16/02212/FUL)**

Members considered a full application by Shared Access and CTIL for the erection of a 22.5m monopole to support three telecommunications antennae for shared use by Vodafone and Telefonica, which together with the installation of two dishes and three ground based equipment cabinets will provide 3G and 4G mobile electronic communication services from the installation.

Mr Edward Senior of Pegasus Group, agent for the applicant, addressed the committee in support of the application. He made the following comments:

- Proposal provided improved telecommunications coverage to an area which was not presently well served.
- Alternative sites had been considered but no appropriate sites outside the green belt had been found.
- Opportunities for partnerships were rare and this proposal provided direct benefit to lower Derwent Sports and Social Club. Investment into the club would aid required improvements
- Pre- application consultation had been undertaken with primary school, parish council etc and approx 30 local residents had been written to – no objections had been received.
- Discrete location and design for mast had been chosen to minimise impact on greenbelt and surroundings
- It was a remote site with little residential development nearby

Members commended the decision to paint the mast green so it would blend in with its immediate location set against the trees. Members agreed that telecommunications masts were a necessity of modern living and noted that this area was not presently well served. They felt that much thought had gone into the mast's design and location in order to mitigate its impact on

the green belt and agreed that it would be screened to a large extent by the woodland.

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

Reason: The applicant has indicated that the siting of the proposal provides improved telecommunications coverage to an area that is presently not well served. In the circumstances of this case the need for the mast and the evidence of a lack of suitable alternative sites outside the Green Belt is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm, even when giving substantial weight to such harm. There are no other material planning considerations that would warrant refusal of the application.

**62. Rufforth Playing Fields, Wetherby Road, Rufforth, York (16/02303/FUL)**

Members considered a full application by Mr Edward David Preston for the change of use of land to a caravan and camping site.

Officers advised that following receipt of new information at the Members' Site Visit, they were now recommending that the application be deferred for consideration at a future meeting.

Resolved: That consideration of the application be deferred to a future meeting.

Reason: In order that clarification could be sought on various aspects of the application.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 4.55 pm].

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