

Meeting	Area Planning Sub-Committee
Date	4 February 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Looker, Mercer and Orrell
Apologies	Councillor Cannon

38. 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. None were declared.

39. Minutes

Resolved: That the minutes of the meetings of the Area Planning Sub-Committee held on 3 December 2015 and 7 January 2016 be approved and signed by the Chair as a correct record.

40. 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.

41. Plans List

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

41a) Nanometrics Uk Ltd, 3 - 7 Rose Avenue, Nether Poppleton, York, YO26 6RU (15/01995/FULM)

Members considered a major full application (13 weeks) by Mr Guy Kilner for the change of use from warehouse/industrial (use class B2/B8) to leisure centre (use class D2).

In their update to committee, officers advised that a condition regarding a travel plan should be included. Furthermore, following a further response from Public Protection regarding the extract and ventilation, two further conditions were recommended for details of machinery, plant & equipment and the treatment and extraction of cooking odours.

Members agreed the importance of the need for a travel plan, and to promote sustainable travel as much as possible, but acknowledged the restrictions of the location due to its distance away from public transport and the need to be realistic. They noted that secure cycle parking and an electric charging point would be provided.

Resolved: That the application be approved subject to the signing of a Section 106 legal agreement, the conditions listed in the report and the additional conditions below.

Additional Condition - Travel Plan

The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site 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 advice contained in NPPF of the City of York Development Control Local Plan, to encourage the

use of non-car modes of travel to the site. 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. The Travel Plan submitted with the application lacks sufficient detail.

Additional Condition: Details of machinery, plant and equipment

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted that would be audible outside the curtilage of the site shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Informative: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To safeguard the amenity of occupants of neighbouring premises

Additional Condition - The treatment and extraction of cooking odours

There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration

system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Informative: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of future residents and nearby properties.

Reason: The proposed development would result in the loss of units of B1, B2, and B8 use, however the proposed use is considered to employ similar numbers to the permitted use. The use would add to the leisure opportunities available to the residents of York and approval would support the local economy.

**42. Wilkinson, 3 Stirling Road, York, YO30 4XZ
(15/02431/FULM)**

Members considered a major full application (13 weeks) by Clifton Moor Ltd for alterations and an extension to create two units including mezzanine floor and alterations to the car parking and service yard.

Officers drew Members attention to paragraph 4.28 of the report with regard to cycle parking. Although initially the application had not shown the cycle parking provision, the applicants were now proposing 10 covered and secure cycle parking places in the rear area of the site for employees and 10 covered spaces (5 hoops) at the front of the site for visitors.

Mr Craig Blatchford of Montague Evens, the applicant's agent spoke in support of the application. He assured members that this was not a speculative proposal and that, if approved, work would commence as soon as practically possible. He advised Members that there would be no reduction in the number of jobs at Wilkinson and 20 new jobs would be provided at Furniture Village.

One Member expressed concern that further extending out of town retail floor space would impact on the city centre. However others acknowledged that furniture retail was better suited to out of town retail and noted the recent closure of furniture shops on Fossgate.

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

Reason: Clifton Moor is an out of town retail area. There are no suitably sized units in the city centre for bulky items that are likely to be available in a reasonable timescale. Subject to conditions restricting the range of goods to be sold in the new unit and retaining existing restrictions on the Wilkinson's operation, it is considered that the sub-division of the existing unit and the creation of the additional retail floor space would not have an unacceptable impact on the City Centre. In terms of design and landscape, car parking, cycle parking and accessibility and drainage the scheme is considered to be acceptable. As such the proposal complies with Policy SP7a, S2 and GP1 of the City of York Development Control Local Plan, the Retail Study Update (2014); evidence base to the emerging local plan and advice within the National Planning Policy Framework.

43. Glen Lodge, Sixth Avenue, York (15/02486/FULM)

Members considered a major full application (13 weeks) from City of York Council for a three storey extension to provide 25 flats and communal facilities, the erection of two semi-detached bungalows and alterations to access road.

Officers advised that some of the recommended planning conditions in the committee report required details to be submitted for approval prior to commencement of development. However they advised that submission of some of those details could reasonably be postponed until some time after commencement. Officers therefore recommended that condition 3 (details of roads, footpaths and open spaces), condition 5 (cycle parking details) and condition 9 (new landscape details) be amended to indicate timescales for fulfilment of the condition.

In response to a question which had been asked at the site visit the previous day as to why the provision of recharging points for electric vehicles was an informative and not a condition, which was more usual, officers advised that Environmental Protection Officers, who had recommended the informative, had advised that as the properties would be occupied by older people, who were less likely to drive vehicles, the parking spaces were likely to be mainly used by short-stay visitors or by some staff. Therefore, requiring electrical recharging points may be considered unreasonable. However they would welcome the provision of one recharging point if members were minded to require it.

With regard to public consultation carried out prior to submission of the planning application, the Housing Development Team had held two public information events, one with the existing residents of Glen Lodge and the adjacent bungalows and one for the wider community. They had also met separately with individuals who would be particularly affected by the development. No objections had been raised and the local community were supportive of the proposals. In particular, existing residents of the care home and bungalows were pleased that the extension would allow for the introduction of 24 hour care on site.

Andy Kerr, City of York Council Housing Strategy Manager and Ben Hellawell, P & HS Architects were in attendance at the

meeting to answer any questions from members. With regard to a query about solar panels and insulation, Mr Kerr advised that high levels of insulation were planned for the extension and they were happy to look at whether the roof would support the installation of solar panels and consider this. One member expressed the view that an electric charging point should be required.

Members acknowledged that the need for more homes with extra provision would increase as the number of over 70s increased and expressed their support for the scheme.

Resolved: That the application be approved subject to the conditions listed in the report and the three amended conditions below

Amended Condition 3

Within one month of commencement of development fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to the Local Planning Authority and approved in writing.

Reason: In the interests of highway safety.

Amended Condition 5

Within three months of commencement of development details for the secure storage of cycles, including means of enclosure, shall be submitted to the Local Planning Authority and approved in writing. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Amended Condition 9

Within three months of commencement of development a detailed landscaping scheme, which shall illustrate the number, species, height and position of trees and shrubs, shall be submitted to

the Local Planning Authority and approved in writing. 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.

Reason: The proposal would provide much-needed sheltered housing and extra care for the elderly. The application complies with the National Planning Framework and relevant policies of the 2005 City of York Development Control Local Plan.

44. 206 Stockton Lane, York, YO31 1EY (15/02624/FUL)

Members considered a full application from Mr David Todd for the erection of four dwellings with access from Caedmon Close together with the reconfiguration of an existing dwelling at 8 Caedmon Close (resubmission).

Officers advised that an issue has arisen regarding the need, or otherwise, for open space or education contributions and, in view of this, and the need to consider Regulation 123 of the Community Infrastructure Levy Regulation in respect of pooling of contributions, they recommended that Members deferred consideration of the application to a future meeting in order to resolve these issues.

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

Reason: In order to consider the need for open space or education contributions and to consider Regulation 123 of the Community Infrastructure Levy Regulation in respect of pooling of contributions.

44a) 224 Hamilton Drive West, York, YO24 4PJ (15/02651/FUL)

Members considered a full application from Miss Claire Bonner for the erection of a summer house in the rear garden (retrospective).

Officers advised that 3 additional neighbour objections had been received making the following comments (in addition to those contained within the agenda):

- The building is far too large and not at all in keeping with most other temporary buildings in the area.
- The building is obtrusive and stands at least 1.5m above the fence boundary at 60 Hobgate
- The committee report states that a similar structure could be built under permitted development. This development is not permitted development as it exceeds the maximum sizing by a reasonable amount and the permitted development regulations are irrelevant to this matter. This requires planning permission and therefore planning regulations should be applied.
- Permission should be denied as the report admits that the development doesn't sit within the numerous relevant policies and is prominent in views of neighbours.
- The development is not a summer house but a permanent structure
- The presence of a culvert adjacent to the development has apparently been ignored and other risk assessment factors have not been considered before building work commenced.
- Allowing the development to be retained would not contribute to the overall improvement of the area, it would detract from it. Nor would it contribute to the housing shortage as it is an outbuilding.
- The erection of the structure has caused considerable stress and worry to the neighbours directly involved.
- Neighbour concerns re. log burner and bar have not been addressed at all – if this development goes ahead it is more akin to a residence/pub than a summer house. There is concern about how it would be used and the likely disturbance (noise).
- The development breaches both policies GP1 and H7.

Mr Frank Walsh, a neighbour, addressed the committee in objection to the application. He raised concerns that he had contacted the planning department once in July and twice in Sept 2015 to voice his and neighbours' concerns over what was being built but he had not had a response until the building was nearly complete. He stated that the proposals showed it exceeded permitted rights by 300mm and that officers acknowledged that the building was not in keeping with surrounding structures. He stated that a culvert had been put in place following the flooding of a beck some years ago and residents told they could not build on it but the applicant had appeared to have ignored this advice and he questioned whether any drainage provision been put in place.

Claire Bonner, the applicant, then addressed the committee in support of her application. She assured members that they had not exceeded the maximum permitted height on purpose, but had done their research and read the technical guidance on the planning portal website and followed this as they understood it. She stated that building work had commenced in August but by the time the council requested a visit it was nearly complete with the roof on. She assured members that apart from the extra 300mm in height, the building complied with permitted development rules and had been built to the specifications they had been led to believe were correct. She explained how they intended to use the building. She expressed dismay that the neighbours had not approached them earlier to voice their concerns and apologised for any upset caused.

With regard to the culvert, officers confirmed that the culvert would normally be in the ownership of whoever's land it crossed and the owner had a duty to maintain it. As City of York Council was the enforcing drainage authority, if any future damage was made to the culvert, it would have the power to enforce any work needed.

Members accepted that building had been built slightly too high based on a misunderstanding of the rules, resulting from the difference in ground levels, rather than a flagrant disregard of the rules. They acknowledged that the structure was very prominent and visible to surrounding neighbouring properties but did not feel that the additional 300mm made a material difference to the impact of the structure on neighbours compared to how it would appear if it had been built to the height allowed under permitted development rights.

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

Reason: Whilst the development is not overly large in the context of the size of the back garden, its positioning close to the boundary makes it somewhat prominent in views from a number of neighbouring properties. Its design does not sit comfortably with guidance given in the NPPF, draft Local Plan policies GP1 and H7 or the Council's House Extensions and Alterations SPD in respect of its appearance. However, under permitted development rights a very similar structure with very similar impacts could be constructed without the need for planning permission.

45. Yara UK, Station Yard, Elvington Lane, Elvington, York (15/02475/FULM)

Members considered a major full application (13 weeks) from Mr Alan Capindale for the erection of a replacement raw materials store.

Officers advised that the start of paragraph 1.3 should read "1.3 The existing building has a ridge height of approximately 9.5m and the replacement is proposed to be approximately *14.5m. Its eaves are currently 6m which will rise to 11m.* It would be constructed with a 1m high brick base supporting cement board sheet cladding. All openings to the building would be retained as existing although the vehicular entrances would be higher in order to allow for modern delivery vehicles.

Officers recommended an additional condition for the reporting of unexpected contamination.

Members felt that as the application site was on an industrial estate, it was not likely to affect anyone and offered their support.

Resolved: That the application be approved subject to the conditions listed in the report and the additional condition below.

Additional Condition - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Reason: It is considered that the replacement building would not have a detrimental impact upon the character of the area or result in any loss of amenity and is in accordance with the NPPF and the City of York Council Local Plan.

46. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2015 and provided them with a summary of the salient points from appeals determined in that period.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

47. Planning Enforcement Cases - Update

Members considered a report which provided them with a quarterly update on planning enforcement cases for the period 24 October 2015 to 25 January 2016.

Resolved: That the report be noted.

Reason: To update Members on the number of outstanding planning enforcement cases.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.40 pm].