

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

Site	Visited by	Reason
Oak Haven, 144 Acomb Road, York YO24 4HA	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	To enable Members to familiarise themselves with the site.
York District Hospital Wigginton Road York YO31 8HE	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
15 Heslington Lane York YO10 4HN	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
2 Hambleton Avenue Osbaldwick York YO10 3PP	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
Rowntree Wharf, Navigation Road, York	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received
Clifton Moor Centre, Stirling Road, York	Councillors Cannon, Carr, Craghill, Flinders, Galvin, Gillies and Shepherd	As the recommendation was to approve and objections had been received.

9. 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 had in the business on the agenda.

Councillors Shepherd, Cannon, Looker and Flinders all declared personal and prejudicial interests in the planning application at Agenda Item 4b) (Oakwood Cottage, Pottery Lane, Strensall) in that they were colleagues of the applicant as fellow Labour Councillors. They abstained from the vote and took no part in debate.

Councillor Mason declared a personal interest in Agenda Item 4c) (York District Hospital, Wigginton Road) as he ran a company which held contracts with York District Hospital. Councillor Galvin declared a personal interest in the same item as an ex Governor of the Hospital Trust. Councillor Orrell also declared a personal interest in the item as he had undergone an endoscopy.

10. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 7 July 2016 be approved and then signed by the Chair as a correct record.

11. 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.

12. 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.

**12a) Oak Haven, 144 Acomb Road, York YO24 4HA
(16/01535/GRG3)**

Members considered a General Regulations (Reg3) application by City of York Council for a change of use of a vacant elderly persons care home to temporary accommodation for up to 15no. families and individuals.

Representations in objection were received from Paul Wright, a local resident. He spoke about the lack of publicity around the application and the use of the home for homeless people's accommodation.

Officers informed Members that the majority of the residents would be families who presented themselves as homeless in order to access the temporary accommodation.

Members supported the application as they felt that it was an efficient use of a council property.

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

Reason: The proposed use is in keeping with the character of the area and considered to have a minimal impact on neighbouring residential amenity. While allocated as a housing site within the Preferred Sites Consultation document, the proposed temporary use should have no impact on this.

**12b) Oakwood Cottage, Pottery Lane, Strensall, York YO32 5TW
(16/01207/FUL)**

Members considered a full application by Mr Stuart Barnes for a two storey side extension, first floor rear extension and single storey veranda to front and side.

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

Reason: The proposals are considered acceptable and would comply with the National Planning Policy Framework (NPPF), Policies GP1 (Design), GB1 (Development in the Green Belt) and GB4 (Extensions to Existing

Dwellings in the Green Belt) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

12c) York District Hospital Wigginton Road York YO31 8HE (16/01195/FULM)

Members considered a full major application by York Teaching Hospital NHS Foundation Trust for first and second floor extensions above the Remedial Therapy Department to provide additional clinical space for a new Endoscopy Unit.

Officers circulated a statement from the applicant to Members on BREEAM, which detailed how the applicants felt that imposing a BREEAM rating of “very good” would make the scheme unviable. This related to constraints of the application, the particular services requirements for a hospital and the location of the extension which would involve the accommodation of the additional plant. They requested that if planning permission was granted that this BREEAM condition was not attached.

This statement had been published online with the agenda following the meeting.

In their update Officers reported that;

- A concern had been raised in regards to 'out of hours' noise from the boiler house. Officers confirmed that this could be controlled by a condition restricting hours of loading and unloading to 0800-1800 on Monday to Friday and 0900-1300 Saturday with no works on Sundays or bank holidays.
- If Members were minded to approve the application that an additional condition could be added in respect of the noise from machinery, plant and equipment which was audible at the boundary of the hospital site.
- It would cost approximately £150k for the hospital to attain the required BREEAM rating of “very good”.

Representations were received from James Hayward, the project director. He informed the Committee of the need for a new Endoscopy Unit and provided details of the layout of the unit. He requested that the hospital be considered differently when it came to reviewing BREEAM ratings. To achieve a very good rating would cost over £135k, equivalent to 5 nurses salaries.

In response to a question about whether the hospital used sustainable energy, it was noted that solar energy had been investigated as a long term sustainable energy source. It was considered that although the technology had improved, it did not provide sufficient long term measurable benefits.

Some Members expressed concerns that only the finance figures had been shown to the Committee. They expressed disappointment that the BREEAM rating had not been achieved and highlighted that the overall cost to the budget was not large.

Others supported the application as they felt that the development would lead to the prevention of disease at an earlier stage and also be a long term addition to the hospital.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the following additional condition;

6. Details of all machinery, plant and equipment to be installed, which is audible above background noise levels at the hospital site boundaries, and proposed noise mitigation measures shall be submitted to the Local Planning Authority. These details shall include maximum (L_{Amax} (f)) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. 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 appropriately maintained afterwards.

Reason: The application will provide a purpose built endoscopy unit for the hospital to meet modern standards. Policy C4 of the Local Plan relates specifically to new development at the York District

Hospital site and allows for new development providing sustainable methods of transport are promoted and residential amenity is not impacted. The application does not provide additional parking and the site is within a sustainable location with good public transport links. The extension is some distance from residential properties and considered to have little impact on amenity as a result of this. Consequently it is considered to comply with this policy.

12d) 15 Heslington Lane York YO10 4HN (16/01047/FUL)

Members considered a full application by Mr Andre Trepel for the conversion of an existing dwelling into 3no. flats with single storey side extension (part retrospective) (resubmission).

Officers circulated an update which informed Members that they could not take into account either the Draft Supplementary Planning Document (SPD), York's Local Plan or the nationally described space standard for housing. This was following the publication of a Department for Communities and Local Government document "Technical housing standards- nationally described space standards" in March 2015 and Ministerial Statement to Parliament in March 2015.

Representations in objection were received from Barry Campbell, a local resident. He informed the Committee that the flats had been built without planning permission and to a smaller than standard size with a lack of proper foundations or drainage. He urged the Committee to defer the application to allow for building regulation investigations to take place.

Mary Urmston from Fulford Parish Council also spoke in objection. She circulated photographs of the application site. These were published online with the agenda following the meeting. Her concerns included that the development was unsustainable, was not of good design and was visually harmful to the Conservation Area. She questioned why there had been no assessment from the Conservation Officer of the application and why there was no reference in the Officer's report to a previous Conservation Area Appraisal in 2008.

In response, Officers confirmed could be adequately assessed by Planning Officers without Conservation Officer comments.

Councillor Carr moved and Councillor Looker seconded approval as they felt that there were no planning grounds for refusal. However, they hoped that building regulations would take on board issues that had been raised. On being put to the vote the motion was not approved.

Councillor Gillies then moved and Councillor Orrell seconded deferral on the grounds of outstanding issues that they felt needed to be resolved. These included the response from the Conservation Officer, the quality of the building, and the lack of information provided to residents about the quality of the flats.

On being put to the vote, it was;

Resolved: That the application be deferred.

Reason: To enable for a response to be sought from the Conservation Officer and for further outstanding concerns as identified by Members, the Parish Council and residents to be resolved.

**12e) 2 Hambleton Avenue, Osbaldwick, York YO10 3PP
(16/00396/FUL)**

Members considered a full application from Mr D Ward for a two storey side extension and single storey rear extensions.

Councillor Warters spoke as a local member, in objection to the application. He made reference to the large number of Houses in Multiple Occupation (HMO) that were adjacent to the property. He also raised concerns at the visual impact of a terracing effect and safety grounds due to parking.

Members queried Officers regarding the application's side extension and on access and whether there were similar extensions in the vicinity.

It was noted that the Council's Supplementary Planning Document stated that a side extension should not exceed 50% of the width of the house and that the first floor should be set

back a minimum of 0.5 metres. It was also confirmed that there were no similar extensions on Hambleton Avenue.

Members felt that the application should be refused on the grounds of car parking, amenity and overdevelopment.

Resolved: That the application be refused.

Reason: The application site is in a prominent corner location. The proposals would close the gap between dwellings at first floor level that would be an uncharacteristic feature of Hambleton Avenue and detrimental to the character and appearance of the street scene. The increased area of hardstanding to the front to accommodate two additional car parking spaces would further harm the appearance of the street. The proposals are considered to be an overdevelopment of the site. The application dwelling and its neighbour at no.3 Hambleton Avenue are angled together and because of this the proposed extensions along the common boundary would be in closer proximity to the neighbouring property than would ordinarily be the case for a side extension. The projection of the extension rearward of the adjacent dwelling at no. 3 Hambleton Avenue would harm its living conditions by reason of a loss of outlook and being dominated by an overbearing structure. The proposals are therefore contrary to the Draft Local Plan (April 2005) policies GP1 'Design' and H7 'Residential Extensions' and paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

12f) Rowntree Wharf, Navigation Road, York (15/01891/FULM)

Members considered a full major application by Bonner One Ltd for the partial conversion of ground and first floor offices into 34 residential apartments.

Members were informed that following the publication of the agenda, additional information had been received.

As this needed to be reassessed and neighbours re-notified, it was recommended that Members defer the application in order to allow for Officers to be given time to examine the information.

Resolved: That the application be deferred.

Reason: In order for the additional information received to be reassessed and for residents and consultees notified.

12g) Rowntree Wharf, Navigation Road, York (15/01892/LBC)

Members considered a listed building consent application from Bonner One Ltd for internal alterations associated with the partial conversion of ground and first floor offices to 34no. apartments.

This application was deferred at the same time as Minute Item 12f) (Rowntree Wharf, Navigation Road, York (15/01891/FULM)).

Resolved: That the application be deferred.

Reason: In order for the additional information received to be reassessed and for residents and consultees notified.

12h) Clifton Moor Centre, Stirling Road, York (16/01342/TPO)

Members considered a tree preservation order by Clifton Moor RP GP Limited to fell 91no. trees protected by Tree Preservation Order no: CYC344.

Representations were received from Philip Crowe, who spoke on behalf of Treemendous, a group which helped to plant trees in York. He felt the management of the existing trees had not been carried out well and that thinning of trees should have been carried out progressively. He supported the proposal as outlined in the Officer's report, as this would allow for tree management on a phased basis.

Councillor Warters spoke as the Member of Council who had called in the application. He referred to previous landscaping conditions which had been attached to nearby sites and asked that the following conditions be added to any planning

permission, if Members were minded to support the Officer's recommendation;

- 1) For every tree removed, a native species tree replaced it within the screening.
- 2) All replacement trees to remain for the lifetime of the development.
- 3) For visual amenity and safety, trees and shrub underplanting should be a minimum of 6 foot in height.

Representations were received from Mike Hopkins, the agent. He confirmed that his client was due to undertake a refurbishment of that part of the retail park, and this included landscaping works. He informed Members that the trees that were subject to the TPO were part of the original development.

Councillor Rawlings spoke as the Ward Member. He supported the Officer's recommendation, but expressed concern that only 20% of the original trees would be replaced. He commented that there were additional areas that could benefit from tree planting. He urged the applicant to work with Treemendous to plant the trees.

In answer to Members concerns, Officers responded that it was not their intention to use five years as a standard period of time for the replanting of trees. It was also confirmed that if a tree with a TPO was felled, then the TPO would transfer to its replacement tree for its lifespan.

Some Members questioned whether an informative could be added to planning permission to request that the applicant worked with Treemendous on the replacement of trees that were felled.

Resolved: That the application be partially approved and partially refused as per the Officer's recommendation, with the following amended condition and informative as detailed below;

6. There is a duty under the Town and Country Planning Act 1990 to replant with similar/more appropriate species or species as agreed with the Local Planning Authority.

Reason: Requirement under the Town and Country Planning Act 1990.

Informative: Treemendous York' aims to increase tree cover throughout the City of York. The initiative grew out of a recommendation in the 'York City Beautiful: Toward and Economic Vision' report in 2011, to promote a healthier, greener, more environmentally friendly, successful and beautiful city. 'Treemendous York' encourage more trees to be planted in the car park and overall grounds of the Clifton Moor Retail outlets. The sub-committee encourage the applicant to work with Treemendous to achieve this aim and to promote the value of trees within a retail environment.

Reason: The proposed felling is refused because the trees still serve their function as cited under the Tree Preservation Order and are in such a condition that they could be retained under suitable management, at the present time. It is recognised that thinning and replanting operations are required. However a phased management programme would be more suitable in order to limit the loss to public amenity and to be certain that the proposed approach will be successful in improving the quality and viability of the long term tree cover.

13. Appeals Performance and Decision Summaries

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2016. It also provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing were included as annexes to the report.

Resolved: That the report and annexes 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.

14. Planning Enforcement Cases - Update

Members received a report which provided them with a quarterly update on planning enforcement cases.

Information was given by Officers to Members on the work of the Enforcement Team.

Resolved: That the report be noted.

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

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.25 pm].