

Meeting	Area Planning Sub-Committee
Date	8 September 2016
Present	Councillors Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer, Reid (Substitute for Councillor Orrell) and Rawlings (Substitute for Councillor Galvin)
Apologies	Councillors Galvin and Orrell

Site	Visited by	Reason
Land Adjacent Telecommunications Mast, Poppleton Road	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Part Highway Verge Fronting Holgate Park, Poppleton Road	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Plot 7, Great North Way, Nether Poppleton	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Roundabout at Junction of Kingsway North and Burton Green	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Central Reservation, Hull Road, Osbaldwick	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.

## 15. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or

any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

Councillor Craghill declared a personal interest in Item 4i (23 New Walk Terrace, York YO10 4BG) as she was a friend and colleague of the applicant Councillor Dave Taylor. She abstained from the vote and took no part in the debate (minute 18i refers).

## **16. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 4 August 2016 be approved and then signed by the Chair as a correct record.

## **17. 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.

## **18. 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.

### **18a) 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.

Written representations in objection were received from Brian Watson, a local resident. He expressed concern over the escape route in the event of fire or floods. This was published online with the agenda following the meeting.

Two members of the public spoke in objection to the application:

Dr. Diane Lister, who raised issue with the amount of detail provided with regard to the external works to the listed building. She highlighted that there was insufficient public benefit to outweigh harm to a listed building.

Chris Pickering who expressed concern over crime prevention, waste collection and the flood and evacuation plan, in particular the fact that the emergency steps would be unsuitable for all residents and create additional work for the emergency services.

Janet O' Neill, agent for the applicant was present to answer questions from Members. She stated that she felt the application could be approved at this meeting and conditions met, however she would be happy for the application to be deferred if Members so wished.

In response to a Member question about the external details missing from submitted drawings, she explained that the staircase in question was on the opposite side of the building to the listed side.

An Officer update was considered by members which contained several additional conditions which would be required if the application was approved, full details of which have been published with the online agenda. In this update Officers reported:

- An additional condition in relation to cycle parking was being sought to ensure the building would not be occupied until cycle parking had been provided.
- A condition was to be attached to both the listed building and full applications to ensure that crime prevention measures would be achieved. This would include CCTV on the walkway and improvements to glazing and locking mechanisms.
- Additional conditions were being sought with regard to plant and machinery noise. Details of all machinery to be installed or located in the premises were to be submitted to planning for approval. Any noise mitigation measures should be fully implemented before first use commenced.
- Wording was to be added to condition 8 in the report of the full application stating 'The details submitted shall ensure a minimum of 2.4 metres is achieved between the

ground floor level and the underside of the platform to the staircase’.

After some discussion Members felt that because of the length of the officer update, and the amount of additional information to be considered, the application should be deferred to allow the information to be addressed by the applicant and incorporated into the published report.

Resolved: That the application be deferred.

Reason: To allow the applicants to address issues in the Officers update.

### **18b) Rowntree Wharf, Navigation Road, York (15/01892/LBC)**

Members considered a listed building application by Bonner One Ltd for internal alterations associated with partial conversion of ground and first floor offices to 34 apartments.

Updates and discussion for this item were as minute item 18a (Rowntree Wharf, Navigation Road, York, York (15/01891/FULM)).

Resolved: That the application be deferred with the application at minute 18a above.

Reason: To allow the applicants to address issues in the Officers update.

### **18c) Groves Chapel, Union Terrace, York, YO31 7WS (16/01540/FULM)**

Members considered a full major application by Clarence Union Developments for a variation of condition 6 of permitted application (15/02833/FULM) to alter delivery times on Monday to Saturday from 07:00 to 18:00 to 07:00 to 19:30.

Representations in objection were received from:

Andrew Dickinson, who raised concerns about the detrimental impact the extended hours may have on local residents. He also stated that the road was unsuitable for HGV's.

Angus McArthur, who suggested that other stores, such as a Tesco Express in YO31, managed to operate with delivery hours shorter than the ones Sainsbury's were originally granted.

Rosie Dickinson who stated that the recommendation of the Highways Officer should be reconsidered in light of the criticism levelled at the application for another store on Hull Road.

Billie Dickinson, age 12, expressed her concern about the noise on the road from deliveries disturbing her while she was studying.

Michael Askew, who spoke on behalf of Hope Church to reiterate that the church was ready and willing to take over the chapel and restoration works should the applicant withdraw.

Alistair Rycroft, the vicar of St. Thomas' Church, spoke on behalf of both the church and his parishioners. He suggested that there was a 'groundswell' of disapproval within the local community. He reminded members that the original application had been approved by a small margin, and that this was only due to the concession of restricted hours.

Councillor Mark Warters also spoke in objection. He suggested that the committee would lose credibility were they to go back on their original decision. He reminded Members of the importance of protecting the amenity of residents.

Representations were then heard in support of the application from the agent, Gavin Douglas. He discussed the perceived impact to residents and stated that the extended hours would not increase noise or the amount of deliveries taking place, it would just allow for a later delivery avoiding peak traffic. He also clarified that the developers were creating a public turning head which would mean that all vehicles using the street would benefit from not having to reverse out.

In response to Member questions he responded that:

- The background noise measurements taken were recorded by independent assessors at three points and at the location with the most noise there was little variation in levels between 1600 and 2000 hours.

- That the agent was contractually obliged to lodge an appeal should this application be refused, and this would include the extension of delivery hours until 2300.

During debate Members discussed the impact of noise and general disturbance on resident's amenity. Some Members felt that it was not up to the Council to ensure the viability of the business by extending delivery hours.

Resolved: That the application be refused.

Reason: The proposed variation of condition 6 to allow deliveries to be taken at or dispatched from the store up until 19:30 would if approved create unacceptable harm to the living conditions of the proposed and existing nearby residential properties by reason of noise and general disturbance at a time that many residents would normally be at home and expect to be free of such disturbance. As such the proposal conflicts with advice in the fourth bullet point of paragraph 17 and the first and second bullet points of paragraph 123 of the National Planning Policy Framework and with advice in policy GP1 (criterion i), and S10 (criterion iii) of the 2005 Development Control Local Plan.

#### **18d) 15 Heslington Lane, York, YO10 4HN (16/01047/FUL)**

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

Officers circulated a response from Fulford Parish Council in support of the revised application which was attached to the online agenda following the meeting.

Representations in support of the application were made by John Skelton, agent for the applicant. He explained that after extensive discussions with planning officers a revised application had been submitted and this was recommended for approval by both planning and conservation officers. He also confirmed that discussions had been underway with building control over the foundations and quality issues.

After discussion Members acknowledged that the previous deferral had allowed the applicant to make the necessary revisions.

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

Reason: The proposed flats would provide reasonable to good quality living accommodation and any increase in vehicle movement would not harm neighbour amenity or highway safety. The proposals would not harm the appearance of the conservation area. The application is in accordance with draft local plan policies H7, H8, and HE3 and the National Planning Policy Framework.

**18e) St Joseph's Convent of Poor Clare Collentines, Lawrence Street, York, YO10 3EB (16/01233/ADV)**

Members considered an advert application by Vita York 1 Limited for the display of 8no. signs on the convent walls and lodge building for a temporary period of three years.

Officers provided an update from Planning and Environmental Management who raised no objection to the revised proposals. Full details can be found in the Officer update which was attached to the online agenda after the meeting.

Councillor Mark Warters spoke as the Member who called in the item, originally as an enforcement case, due to some of the signs already being displayed without prior permission. He proposed that there was no public benefit from the signs and that they were merely advertising, which was unacceptable on a listed building.

Rebecca Housam made representations on behalf of the agent. She stated that the majority of the signs were informative, relating to the development and health and safety. She also explained that care had been taken to ensure that the size of the signs and material used would ensure they were in keeping with and sympathetic to the building.

During debate some Members suggested that as the target market for this development was young people who lived

outside of York, and potentially the UK, that this was not the most effective way to advertise. Others highlighted that permission for the development had been granted based on a need for student housing and therefore the viability of the project should not rest on such adverts. It was agreed that as the majority of the signs were for marketing rather than safety purposes, and that this was not the most effective way to market the development, that the harm to the listed building was not outweighed by public benefit.

Resolved: That the application be refused.

Reason: The precinct walls which enclose the convent complex are listed at grade 2 and are of high historic importance as they illustrate the historic seclusion demanded by the original function of the site. It is considered that the number of proposed signs, their size and location would harm the appearance of the wall which is characterized by its simple uncluttered and extensive stretch of brickwork. Whilst the harm is considered to be less than substantial there are insufficient public benefits to outweigh the harm to this designated heritage asset. The harm is contrary to paragraph 132 and 134 of the National Planning Policy Framework. The advertisements would have a negative impact on the appearance of the built environment contrary to paragraph 67 of the National Planning Policy Framework.

**18f) St Joseph's Convent of Poor Clare Collentines, Lawrence Street, York, YO10 3EB (16/01234/LBC)**

Members considered a listed building consent application by Vita York 1 Limited for the display of 8no. signs on the convent walls and lodge building for a temporary period of three years.

Updates and discussion for this item were as minute item 18e (St Joseph's Convent of Poor Clare Collentine's. Lawrence Street, York, YO10 3EB (16/01233/ADV))

Resolved: That the application be refused.

Reason: The precinct walls which enclose the convent complex are listed at grade 2 and are of high historic

importance as they illustrate the historic seclusion demanded by the original function of the site. It is considered that the number of proposed signs, their size and location would harm the appearance of the wall which is characterized by its simple uncluttered and extensive stretch of brickwork. Whilst the harm is considered to be less than substantial there are insufficient public benefits to outweigh the harm to this designated heritage asset. The harm is contrary to paragraph 132 and 134 of the National Planning Policy Framework. The advertisements would have a negative impact on the appearance of the built environment contrary to paragraph 67 of the National Planning Policy Framework.

**18g) Proposed Telecommunication Mast at Grid Reference  
463372 451307, Hull Road, Osbaldwick, York  
(16/01845/TCMAS)**

Members considered a telecommunication mast notice application by Cornerstone Telecommunications Infrastructure Ltd for the installation of a 12.5m monopole with 3no. antennas, 1no transmission dish, 2no. equipment cabinets and a 1no. meter cabinet.

Officers provided an update from Traffic and Highway Development stating they had no objections as the cabinets, pole and railings would not impact on highway users. The full update has been published with the online agenda following the meeting.

One letter of objection had been received from neighbours on the following grounds:

- Would attract schoolchildren
- Mobile masts can be harmful
- A more appropriate site could be found

In response to Members questions Officers confirmed that alternative sites considered by the applicant would not provide the necessary coverage.

Representations in objection were made by Councillor Mark Warters. He called for a deferral of the application until a consultation had taken place, as this was a major approach

road into the city and not a suitable site. He suggested that the boxes would be vandalised and that there was no suitable parking for maintenance vehicles.

Officers clarified that if the committee failed to notify the applicant of whether approval was granted or refused within 56 days of submission, the development would obtain deemed planning permission. This would therefore rule out deferral.

During Member discussion it was pointed out that planning committees had refused very few of these applications over the years, and many of those had been granted at appeal. Members felt that people expected good telecommunication services at all times and therefore new masts were sometimes necessary.

Resolved: That the application be approved.

Reason: It is considered that the visual impact of the proposed mast is acceptable and would not have any detrimental impact upon the character of the area or highway safety.

**18h) Plot 7, Great North Way, Nether Poppleton, York  
(16/01297/FUL)**

Members considered a full application by Arnold Clark for the use of land for car parking and car storage linked to an adjacent vehicle dealership with associated hard surfacing.

Officers circulated an update which included details of a required method of works statement and updated and additional conditions. The full update has been attached to the online agenda following the meeting.

During discussion it was noted that it was unlikely the land would be used for other purposes whilst surrounded by car dealerships. However, as it was being used to store cars, rather than for development, this could easily be repurposed in the future.

Resolved: That the application be approved subject to the conditions listed in the Officer's report, plus the following updated conditions:

1. Site Plan 2737/50B and landscape plan PL01D

and the following additional conditions:

HWAY 14 – Access be approved

HWAY 35 – Servicing within the site

Reason: The proposed site has been marketed and no proposals have come forward for a traditional employment use. The proposed car storage associated with the adjoining Arnold Clark dealership will result in some employment creation and brings an appropriate use to the site. There would be no harm to residential or visual amenity or highway safety. The application is in accordance with policies GP1 and E3 and the National Planning Policy Framework.

**18i) 26 New Walk Terrace York YO10 4BG (16/01676/FUL)**

Members considered a full application by Councillor Dave Taylor for a single storey rear extension.

In response to Members questions, Officers confirmed that no objections had been received and there were no updates. They also clarified that this application was only at committee due to the applicant's role as a City of York Councillor.

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

Reason: The proposed extension is not considered to harm the appearance of the dwelling and conservation area and will not harm the residential amenity of existing or future occupants of the dwelling or neighbouring residents. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. As such the scheme complies with the NPPF, draft Local Plan policies GP1, H7 and HE3 and the House Extensions and Alterations SPD.

**18j) Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)**

Members considered an advert application by City of York Council for the display of a non illuminated sponsor sign.

Two speakers made representations in respect to this item, but asked for their comments to also be taken into consideration in respect of agenda items 4k-4p (minutes 18k to 18p refer).

Councillor Mark Warters spoke in objection to the proposed applications as he felt the signs were unjustified street clutter. He stated that the amount of income generated by these signs would negligible compared the cost of maintenance.

Lisa Nyhan, Corporate Transactional and Business Manager, spoke on behalf of the applicant. She clarified that Highways Officers were content that the signs would not be a distraction or pose a danger to drivers. She explained that the revenue created from advertising was used towards the cost of maintaining the city's roundabouts, which was welcome when budgets were stretched.

In response to Member questions Officers clarified that:

- There was no evidence that placing signs on roundabouts would encourage non-regulated 'copy-cat' advertising. There were already signs in several areas of York and Councillors agreed there had been no issues with the signs within these Wards.
- It would not be acceptable to refuse these applications on the grounds that other signs may appear. This was an enforcement issue which would be dealt with if it occurred.
- Mr Alan Barton listed as the applicant was an employee of CYC and his name appeared in error, the applicant was the City of York Council.

During debate Members who had attended the site visit suggested that this was an inappropriate area due to the telecommunications mast which was in close proximity.

Resolved: That the application be refused.

Reason: The display of the proposed sponsor sign when viewed alongside other street furniture and

telecommunications equipment would result in a cluttered appearance on this important entrance road into York which would be harmful to visual amenity. This would be contrary to paragraph 67 of the National Planning Policy Framework.

**18k) Part Highway Verge Fronting Holgate Park, Poppleton Road, York (16/01601/ADV)**

Members considered an advert application by City of York Council for the display of a non illuminated sponsor sign.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York(16/01331/ADV)).

During debate Members who had attended the site visit suggested that this was an inappropriate area due to the proposed placement area being on a very narrow grass verge in a residential area.

Resolved: That the application be refused.

Reason: The proposed location is a narrow highway verge in a residential area and adjacent to an area of open space the display of a sponsor sign would be out of character with its setting and would harm visual amenity on an important route into York. This would be contrary to paragraph 67 of the National Planning Policy Framework.

**18l) Roundabout at Junction of Kingsway North and Burton Green, York (16/01600/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and

this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

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

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

**18m) Highway Verge Fronting Sovereign Park Development, Boroughbridge Road, York (16/01602/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Resolved: Withdrawn by applicant.

Reason: No decision is required as the application has been withdrawn by the applicant.

**18n) Highway Verges at Askham Bar Park and Ride Entrance, Tadcaster Road, Dringhouses, York (16/01603/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

Members asked that an informative be added to this application to ensure that landscaping for the Park and Ride site be completed prior to the erection of the sign.

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

2. The sponsor signs shall not be displayed until the landscaping scheme for the highway verges approved under condition 6 of planning permission 09/01313/FULM (Construction of park and ride facility) has been implemented in accordance with the terms of the condition.

Reason: In the interests of visual amenity.

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

**18o) Highway Central Reservation Fronting Grimston Bar Park and Ride, Hull Road, Dunnington, York (16/01604/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per Item 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

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

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

**18p) Vangarde Way Junction, Jockey Lane, Huntington, York  
(16/01605/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

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

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

Councillor Shepherd, Chair  
[The meeting started at 4.30 pm and finished at 7.30 pm].