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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 JULY 2011
PRESENT	COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR), KING, FITZPATRICK, FUNNELL, MCILVEEN, WATSON, HYMAN, ORRELL (SUBSTITUTE FOR COUNCILLOR FIRTH) AND WARTERS (EXCEPT FOR MINUTE ITEM 9B)
APOLOGIES	COUNCILLOR FIRTH

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Site	Attended by	Reason for Visit
Plot 5, Monks Cross Drive.	Councillors Douglas, McIlveen, Warters, Watson and Wiseman	To familiarise Members with the site.
5 Millfield Court, Millfield Lane	Councillors Douglas, McIlveen, Watson and Wiseman.	To familiarise Members with the site as the Officer's recommendation was for refusal.
York Designer Outlet, St Nicholas Avenue.	Councillors Douglas, McIlveen, Watson and Wiseman.	To familiarise Members with the site and to appreciate the concerns of local residents.
York Cricket and Rugby Union Football Club, Shipton Road.	Councillors Douglas, King, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.

## 5. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests that they might have in the business on the agenda.

Councillors Hyman and Orrell declared personal non prejudicial interests in Agenda Item 5a) Plot 5, Monks Cross Drive as they had met with the agent and the applicant but had not expressed opinions about the application.

Councillor Warters declared a personal and prejudicial interest in Agenda Item 5b) 5 Millfield Court, Millfield Lane following an “animated” discussion he had with the applicant’s architect. He withdrew from the meeting during the consideration of the item.

No other interests were declared.

## **6. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 10 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

## **7. 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.

## **8. MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 9 June 2011 be approved and signed by the Chair as a correct record.

## 9. PLANS LIST

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

### 9a **Plot 5, Monks Cross Drive, Huntington, York. (11/00658/FULM)**

Members considered a full major application from Cloverleaf Restaurants Limited for the erection of a part two storey restaurant, part single storey public house with associated residential and staff accommodation, car parking and landscaping.

In their update to Members, Officers stated that the description of the application should be altered to “the erection of a two storey building to provide amenity restaurant/public house at ground floor with first floor ancillary residential and staff accommodation and associated car parking and landscaping”. It was reported that Highways Network Management raised no objections to a revised plan submitted by the applicant, which showed car parking reduced to 81 spaces. There would also be an overspill area which would be surfaced differently to the car park, along with dedicated pedestrian and cycle routes. Officers suggested that an appropriate condition could be attached to the planning permission to ensure the reduction in car parking spaces. It was also reported that the Council’s Landscape Architect was generally satisfied with the amended plans, subject to minor alterations to some species of trees on the site.

Members questioned whether the temporary car park, as mentioned in the Officer’s report, would be retained. It was confirmed that the temporary car park would not be retained. Other Members expressed concerns about the possible effect that the new building would have on the vitality of Ryedale Stadium nearby, given that it would offer similar facilities. Officers responded that planning considerations in this case were restricted to the impact of the proposal on the vitality and viability of businesses in the city centre.

Representations in support of the application were received from the applicant. He stated how the site had been chosen as it was seen as a key business employment site, and due to his company's experience in the development of similar restaurants on business parks. He outlined that the company hoped that the new restaurant could offer other facilities such as breakfast seminars, which were not easily accessible or suitable, on or near the site. Finally he stated that the development would create seventy new jobs and that half of these would be for full time posts. The applicant also thanked Council Officers for their professional advice in the development of the scheme.

In response to a question for clarification on the use of the building for conference purposes, the applicant explained to Members that areas of the restaurant would be multifunctional to allow for business meetings to take place. The applicant added that the company already offered this service at other sites across the country. In response to a question regarding drainage, Officers confirmed that Yorkshire Water raised no objections to the application.

Members felt that the application could boost local employment and could act as a catalyst for other businesses in the area. Some Members expressed concern that the application might draw people away from other facilities in the city when looking for conference and seminar venues.

RESOLVED: That the application be approved with standard Highways Conditions 1,7,10,18,19,29,31 and 37 and additional conditions namely;

- (i) The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. 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 PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, 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.

(ii) No development shall commence unless and until a scheme to ensure adequate improvements to the highways and transportation system or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The improvements to the highways and transportation system shall thereafter be provided in accordance with the approved scheme or the alternative arrangements, as agreed in writing by the Local Planning Authority, prior to the first occupation of the development.

Reason: In order to address the piecemeal nature of the development within the monks cross area in accordance with the member approved Monks Cross masterplan methodology for securing s.106 highway contributions and the aims of PPG13 'Transport' and PPS4 ' Planning for Sustainable Economic Growth'.

(ii) In the first planting season following the occupation of the site the landscaping scheme shown on drawing no shall be implemented to the satisfaction of the Local Planning

Authority. 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: In the interest of the visual amenity of the site.

Informative: The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site. The obligation would require a financial contribution of £12,700 towards the Monks Cross masterplan

No development can take place on this site until the improvements to the highways and transportation system have been provided or the Planning Obligation has been completed and you are reminded of the Local Planning Authority's enforcement powers in this regard.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to;

- Principle of development
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability

As such the proposal complies with Policies EP1a, GP1, GP4a, GP9 and NE6 of the City of York Development Control Local Plan, and national planning advice contained within Planning Policy Statement (PPS) 1: “Delivering Sustainable Development”, PPS4: “Planning for Sustainable Economic Development” and PPS13: “Transport”.

**9b 5 Millfield Court Millfield Lane York YO10 3AW  
(11/00564/FUL)**

Members considered a revised application for a single storey rear extension, cycle store and conversion of garage to bedroom from Mr Alan Ellis.

Some Members questioned the reasons why the application was called in for consideration by the Committee, and also noted that it had not been called in by the relevant Ward Member. Officers confirmed that under the scheme of delegation any Member could call in a planning application for consideration by the Committee. In this particular case the reasons given for the call-in were referred to the Assistant Director, who had agreed that the application should be determined by the Planning Committee.

Officers read out a letter from the architect which stated that the timber boundary fence belonged to the neighbouring property in Burniston Grove, but that it could not have been erected without the applicant’s permission. He considered that the application was a trivial matter of no significance and that planning permission should be granted.

Representations in support of the application were received from the applicant’s architect. In his view, the visual impact on the neighbouring property was negligible, and he welcomed the application being considered by the committee following a previous refusal under the Officer’s delegation scheme.

Some Members felt that the application would impinge on the space of neighbouring properties, whereas other Members felt that that the extension was of a relatively small size.

RESOLVED: That the application be refused.

REASON: The proposed single storey extension would immediately abut the rear garden boundary of 9 Burniston Grove. Because the property has a relatively short garden the extension would be positioned approximately 7 metres from the main rear ground floor opening of that property. Notwithstanding its relatively low height, it is considered that if the development were approved it would, when combined with previous development at the site, lead to the adjoining property and garden being unacceptably enclosed and result in an outlook that would be dominated by a localised level of built development that in scale, form and proximity goes beyond what is considered to be acceptable in this location. As such the proposal conflicts with policy GP1 (criterion a, b, c and i) and H7 (criterion d and e) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.

**9c York Designer Outlet, St Nicholas Avenue, York.  
(11/00868/FUL)**

Members considered a full application from Mrs Maria Farrugia for the temporary siting for five years, of a public ice rink on a coach park adjacent to the York Designer Outlet.

Various documents were circulated to Members, including photographs of examples of indiscriminate parking taken by the Parish Council and a memorandum from a Highways Officer in relation to the application. These documents were subsequently attached to the agenda, which was then republished online.

In their update to Members, Officers highlighted an error in page 42 of the report at paragraph 4.5. The reference to 2 Naburn Lane should be replaced with **32 Naburn Lane**. They also suggested that if approved, condition 12, relating to times of operation of the ice resurfacer be changed from 09:00 to 22:00 to **08:00 to 22:00**.



Discussion between Members and Officers took place relating to highways issues, specifically indiscriminate parking on the site and in Naburn Lane. Some Members suggested that if approved, a condition be added to planning permission relating to the management of the coach park. Other Members questioned whether such a condition could be enforced, and whether it would prevent unauthorised parking on other parts of the site.

Representations in support were received from the applicant. She outlined the hours of operation of the ice rink, stated that the event would use mains electricity and that parking for the rink would be managed by staff from the Designer Outlet. In response to concerns about traffic, she added that the majority of visitors that used the ice rink had also travelled to shop at the Designer Outlet, and that overall there did not seem to be a significant increase in traffic numbers.

Representations were received from a local resident. He expressed concerns about control of noise from the site and traffic management, specifically parking. He felt that even though there had been previous noise problems with the electrical generator, the use of mains electricity would still not mask the noise of music on the site. He suggested that if Members were minded to approve the application, that generators should only be used in an emergency situation. The resident suggested that if the application was approved parking on the verges of Naburn Lane should be monitored closely to reduce possible danger to highway users.

Representations in objection were received from another local resident. He expressed his concerns about light and noise disturbance, and the affect that this had on his right to privacy, due to the proximity of the site to his property.

Representations were received on behalf of Fulford Parish Council. They referred to the location of the site in the Green Belt and questioned whether the facilities associated with the ice rink were desirable rather than essential. She also considered that the additional structures amounted to operational development, and that as such, a Design and Access statement should have been submitted with the application. Additionally, the loss of the coach park would add to parking problems for local residents.

Members asked Officers about whether they had received complaints about lighting during the operation of the ice rink. They responded that there had been some complaints, but it was not deemed to be sufficient to constitute a statutory nuisance. In response to concerns about noise, Officers responded that after initial complaints, a super silent generator had been used which had addressed the problem.

In relation to parking on verges on Naburn Lane, Officers informed Members that the Police could take action if vehicles were causing an obstruction or a danger to others. Parking could be restricted by means of a Traffic Regulation Order, although this was a separate (highway) matter and could not be achieved through planning conditions.

Members queried the timing of the operation of the lights and audio system on the site. The applicant informed Members that the lighting was switched off at 10pm to allow time for cleaning to take place. It was also stated that recorded music would be switched off at 9.15 pm and that live music would only be played between 12-6pm.

Some Members suggested that back up generators should only be used in an emergency situation, such as evacuating the entire site. In relation to concerns raised by local residents about traffic and parking problems, Members requested that if the application was approved, Officers should approach the Highways Department with a view to a Traffic Regulation Order being made in Naburn Lane.

RESOLVED: That the application be approved with the following amended condition;

13. The ice resurfer shall only be operated during the hours of 08:00 to 22:00, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenities of local residents, the impact on the openness of the Green Belt, and impact on the

local highway network and car parking. As such the proposal complies with Policies GB1, GB13, GP1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance Note 2 'Green Belts'.

**9d York Cricket And Rugby Union Football Club, Shipton Road, Clifton, York. YO30 5RE (11/00592/FULM)**

Members considered a full major application from York Cricket and Rugby Union Football Club for the variation of condition 2 of planning permission 08/01930/FULM for a new club house building to allow minor amendments to increase the floor space of phase two(members bar).

Some Members referred to objections to the application from residents which had been made on the basis of visual amenity and potential noise disturbance due to the relocation of the function room inside the club house to the front of the building. Some Members questioned whether the windows at the front of the building could remain closed during a function to decrease the impact of the disturbance.

Other Members pointed out that the Committee could not condition the use of windows in this way, as it would be a Licensing rather than Planning matter.

Officers were asked about the screening provided by trees on the site, and suggested that the applicant be made to provide a replacement tree at the entrance to the site as part of any landscaping scheme.

**RESOLVED:** That the application be approved.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- the openness of the Green Belt
- the character of appearance of the Conservation Area
- neighbouring amenity; and

- car parking

As such the proposal complies with Policies GB1, GB13, GP1, GP4a and HE3 of the City of York Development Control Plan.

## **10. ENFORCEMENT CASES UPDATE**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

**RESOLVED:** That the report be noted.

**REASON:** To update Members on the number of outstanding enforcement cases within the Sub-Committee's area.

Cllr S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 3.50 pm].