

Meeting	Area Planning Sub-Committee
Date	6 March 2014
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson and Hyman

Site Visited	Attended by	Reason for Visit
25 Garden Flats Lane, Dunnington, York. YO19 5NB (13/01960/OUT)	Councillors Fitzpatrick, Galvin, McIlveen, Semlyen, Warters and Watson.	As the recommendation was for approval and objections had been received.
Monk Bar Garage, Lord Mayors Walk, York. YO31 7HB (13/03338/FUL)	Councillors Fitzpatrick, Galvin, McIlveen, Semlyen and Watson.	As the recommendation was for approval and objections had been received.
May Gurney Limited, 312 Tadcaster Road, York. YO24 1HF (14/00285/FUL)	Councillors Fitzpatrick, Galvin, McIlveen, Semlyen and Watson.	At the request of the Ward Member.

#### **47. Declarations of Interest**

At this point in the meeting, Members were invited to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

#### **48. 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 Committee.

## **49. Plans List**

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

### **49a) 25 Garden Flats Lane, Dunnington, York. YO19 5NB (13/01960/OUT)**

Members considered an outline application by Ms Anna Craven for the erection of a detached dwelling and garage with room in roof to rear.

In their update to Members Officers reported that the published map of the site was incorrect and that the application site would included the house at 25 Garden Flats Lane.

In response to questions from Members, Officers confirmed that;

- The Conservation Area started further to the south and across the road from the site.
- Drainage wise they felt that the development would comply with current established standards.
- That in reference to a previous application on the site, the Planning Inspector had refused the appeal on the grounds of the impact on the neighbours of the proposed driveway and because of the impact of the proposal on the character of the area.

Representations in objection were received from Mr Preece, an adjacent neighbour to the application site. His comments to the Committee included;

- The National Planning Policy Framework (NPPF) stated that Local Authorities should resist developments in gardens.
- Dunnington's Village Design Statement (VDS) also stated that larger garden plots in the village should be protected.
- That the development would be visually prominent.

- That associated noise from vehicles using the driveway, which was close to the boundary of the site would affect the tranquil environment.

Some Members asked the speaker if previous applications had been submitted from adjacent properties. The speaker informed the Committee that an application from 23 Garden Flats Lane had included a development in their back garden. He reported that this application had been refused and that the Secretary of State had upheld this decision.

Officers clarified to Members that the NPPF did not say that Local Authorities should resist granting planning permission for development in gardens but that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy GP10 was considered to be in line with the NPPF.

Representations in support of the application were received from Jenny Hubbard, a planning consultant. She commented that;

- That the application was a sustainable development.
- That the site was large but the visual impact on neighbouring properties would be reduced through boundary treatment.

In relation to if the application would conflict with the VDS, the planning consultant responded that there would not be a material impact on the adjacent property, the density of the site. She added that the development of different styles of buildings in the village was encouraged in the Statement.

Representations in objection were received from Stuart Kay, the Vice Chairman of Dunnington Parish Council. He explained his reasons for objection. These were;

- He felt the context of the part of the village, that the property would be located in, had not been considered by the applicant. In his view, the new building would be out of keeping with the existing buildings.
- He felt the VDS had not been taken into account.
- He felt that the loss of amenity to the adjacent property had not been considered.

- That the current infrastructure of the village, and that flooding occurred had not been considered.

When asked to expand on why he felt the application conflicted with the VDS, Mr Kay felt that it was uncertain what materials would be used for the building and wanted to protect trees.

Discussion between Members took place. Some Members felt that the VDS should not be disregarded when making a decision on the application. In addition, they felt that there were practical concerns of inserting driveways in at a different level and there was a need for an acoustic barrier. Furthermore, some felt that there had not been significant changes to a previous application on the site.

Other Members felt that the property's garden was larger in comparison to other properties in the village and so the development would be acceptable in the space.

Councillor Warters moved and Councillor Douglas seconded a motion to refuse the application. On being put to the vote this motion fell.

Councillor Hyman moved and Councillor Galvin seconded a motion to approve the application. On being put the vote this motion was carried.

Resolved: That the application be approved subject to a Section 106 agreement.

Reason: Members felt that the benefit of the development outweighed any adverse impact, it was in a sustainable location with good access to local services and public transport and that it would be in keeping with the residential area and would not be prominent from any public viewpoint. The proposal would also not be detrimental to the character of the local environment and the amenity of neighbouring occupiers and on balance accords with the National Planning Policy Framework and policy GP10 of the 2005 Local Plan.

**49b) Monk Bar Garage, Lord Mayors Walk, York. YO31 7HB  
(13/03338/FUL)**

Members considered a full application by Mr and Mrs Plowman for the erection of 2no. dwellings and garage block with 1no. residential flat following demolition of existing buildings.

Officers suggested that if Members were minded to approve the application that a number of conditions be attached to permission, such as;

- That details of railings be agreed.
- That trees be protected during construction works.
- That surfacing for car and cycle parking be laid out before occupation.

It was noted that comments had not been received from Guildhall Planning Panel. A model of the development was provided by the applicant and appeared at the bottom of the table for Members to view.

Officers informed Members that;

- The eaves level of the development would be lower than what was currently on the site.
- The buildings would be lower than the city walls.
- The main living rooms of the two storey dwellings would be on the top floor and would have access outside and bedrooms located on the ground floor.

Representations in support were received from the applicant, Mr Tony Plowman. He commented that he was in attendance to answer questions that Members might have had.

Questions from Members included;

- As the Council's Environmental Protection Unit felt there were difficulties, would noise from the vicinity affect the use of the garden space.
- Why were the two roofs on the two storey building and garage block designed to have contradictory bowed roofs.
- Had other design options other than that of a contemporary design, been considered.
- If the bricks used in construction would be recycled or new.

- What would be the energy rating for the development.

The applicant reported that;

- In relation to noise affecting the use of the garden space, 80% of the site would be landscaped to avoid this.
- There were two bowed roofs because the development dropped down from a two storey building to a one storey building. The levels of the eaves would be at the same height.
- Regarding design, a blend of contemporary and traditional styles were considered between the applicant, the Council and English Heritage. Comments had also been received from the Civic Trust.
- Recycled bricks could be used in the construction, but there was a quality control issue with this and the applicant felt it was felt that new bricks would be better.
- In regards to the energy rating that the buildings would have, windows could be inserted at a deeper level to allow for a great level of insulation.

Councillor Watson who had called in the application raised concerns about the application, including that he felt the development would detract from the views of the Minster.

During discussion some points were raised by Members were;

- That although the development might detract from some views of the Minster, the existing view of the site was unattractive.
- That although the design of the buildings proposed were modern, it did not appear to be too oppressive.
- That although this would give Lord Mayors Walk a mixture of building styles, other streets in the city centre included a similar mix of styles.
- That some felt it was the wrong scheme, in the wrong place and that the plans should be withdrawn.
- That the views from the walls towards the site should be taken into consideration, not just the views towards the Minster from the site.
- That although it was disappointing that no comments had been received from Guildhall Planning Panel, English Heritage had offered their support.

- Although the site would be lost as a business space, the area would be enhanced by the green space provided by the development.

Councillor Warters requested that his vote against approval be recorded.

Resolved: That the application be approved with the following additional condition;

#### 17. Tree Protection

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837. Trees in relation to construction (and as recommended in section 6 of the JCA Arboricultural Report 11298/SR).

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a 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. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees during development which make a significant contribution to the amenity of the conservation area.

Reason: Members felt that as the scheme was well considered and proposed high quality materials, the conservation area would be enhanced and there would be no undue effect with regards amenity and highway safety.

**49c) Country Park, Pottery Lane, Strensall, York. YO32 5TJ  
(14/00096/FUL)**

Members considered a full application by Miss Raquel Nelson for a change of use of part of caravan site to display and sell caravans.

In response to a question from Members, Officers confirmed that pitches for touring caravans were considered to be appropriate development under the National Planning Policy Framework and Council Planning Policy.

However, if the pitches were being used for the retail sale of caravans, the applicant needed to demonstrate very special circumstances as to why the proposal should be approved contrary to the NPPF or Council Policy. No very special circumstances had been submitted.

Representations were received from John Chapman of Strensall with Towthorpe Parish Council. He supported the Officer's recommendation of refusal and highlighted that the applicant had not given a description of the type of caravan being sold.

Resolved: That the application be refused.

Reason: The proposal by virtue of extending the developed area of the site and by introducing an element of outdoor retail use throughout the calendar year would materially harm the open character of the Green Belt and the purposes of including land within it by introducing a land use more appropriately located within the urban area contrary to Policy GB1 of the York Development Control Local Plan and paragraph 89 of the National Planning Policy Framework.



**49d) May Gurney Limited, 312 Tadcaster Road, York. YO24 1HF  
(14/00285/FUL)**

Members considered a full application by Mrs Vanessa Warn for a change of use from office to private day nursery (use class D1) (resubmission).

In their update to Members, Officers reported that;

- The description of the development had been amended to include covered decking to the rear of the building.
- That two additional letters of objection had been received which highlighted a number of traffic and transport concerns.
- That one further letter of objection raised concerns about the limited car space on the site and possible congestion.
- That twenty one letters of support had been received which highlighted the need for a facility of this nature in the area and the increased accessibility for parents and children.
- That a letter had been received from Julian Sturdy MP which stated that;
  - The applicant had strong links with York College where she had taken apprentices on for her existing nursery.
  - The previous business that was based at the site had 62 employees working there.
  - There appeared to be a considerable demand for nurseries within the area.
  - He accepted that there were concerns over the application, however he believed any problems could be overcome by approving the application and attaching conditions which must be met in order to limit the impact on local traffic and parking issues.
- The Council's Economy and Enterprise Manager said, "The proposed creation of 47 jobs, and Little Green Rascals reputation as an Investors in People employer, meets the Council's objectives to create jobs and grow the economy. York requires a full range of nursery provision and this would provide facilities in an area where demand clearly outweighs supply. Further, we would not want to see a lack of suitable nursery care in this area to act as barrier to residents' access to employment and training."

- That the applicant had provided Officers with the following additional information;
- York Racecourse had agreed in principle to allow staff to park on racecourse land (including Tadcaster Road stables) on non-racedays.
- That Yorkshire Tourist Board stated that when they occupied the building with around 50 staff plus regular visitors there was never to their knowledge any issue over parking or entering/exiting the property.
- Revised drawings showing the area of the access within the applicant's control, this had reduced the width of the access to a single car width.

Representations in objection were received from Jill Morris, a local resident. Her concerns about the application related to;

- The size of site and the small number of parking spaces. She felt that it would have a detrimental impact on the access road.
- That parents would use the driveways of neighbouring properties to park. This had apparently happened during the building's previous use as offices. This would lead to an increased cost in maintenance of driveways for the owners of the neighbouring properties.
- Safety concerns for vehicles, cyclists and pedestrians.

Members asked if a wall could be built between the nursery ownership and the adjacent neighbouring property. Officers advised that this would be permitted development and that it would limit the width of the access road to only allow one car in and one car out at a time.

Representations in support were received from the applicant, Vanessa Warn. She spoke about transport issues, interest from families in the nursery, and employment opportunities. It was reported that;

- There would be free bus passes and pooled bikes for staff to travel to the nursery to reduce car usage.
- The owner of the Marriott Hotel would be happy to help out in providing additional parking space for parents to use.
- There would be staggered pick up and drop off times, so this would reduce congestion occurring.

- Deliveries to the nursery would happen outside of operation times.
- There had been significant interest from families (80 families) in sending their children to attend the nursery.
- Two free nursery places would be offered.
- The nursery would create 25 full time and 20 part time jobs and four apprentices would be trained a year.
- The nursery would be willing to pay for parking measures.

In response to questions from Members, the applicant stated that the busiest time of drop offs and pick ups would be 8 am- 9 am and 5pm- 6pm. She added that a minibus would also pick up members of staff from the Park and Ride site, service vehicle deliveries would take place between 10 am- 4pm and that the location of the fire drill evacuation point from the nursery would be assessed. Additionally, the only point at which all children in the nursery would be gathered in one place would be in the event of a fire drill.

Representations were received from the Ward Member, Councillor Reid. She explained how she was in support of the application as she felt it was a good use of the building and that parking concerns would be worse if the building was returned to its former use as offices.

Discussion took place between Members. Some Members felt that there was a need for a nursery in the area, particularly following the closure of the nursery at York College. Others felt it was reassuring that the Ward Members were supportive of the application. They felt confident that the quality of the service provided by the nursery would be high, as this had been demonstrated at another nursery in Elvington also owned by the applicants. They added that they appreciated the additional parking and travel options suggested by the applicant.

Other Members felt that highway concerns still remained, particularly given the access and egress to the site. Officers advised that the access to the site could be widened, but this would reduce the number of parking spaces. Finally, they felt that the facility was needed in the local area.

Officers highlighted to Members that the agreement in principle from York Racecourse to allow parents to park on their land on non racedays would probably only be short term and would not be enforceable by the council. They were satisfied that an acceptable access could be provided, but reiterated that this would reduce the number of overall parking spaces for the nursery.

Members suggested that the conditions attached to planning permission be delegated to the Chair and Vice Chair of the Committee to agree.

Councillor Semlyen moved a motion to approve the application. This was seconded by Councillor Looker. On being put the vote this motion was carried.

Councillor Warters asked that his vote for refusal be recorded.

Resolved: That the application be approved with the following conditions;

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Site Location plan - Y-3550-AP/BSP-13-01 Rev A received 5th March 2013

Existing Site Plan Y-3550-AP/BSP-13-02 Rev B received 5th March 2014

Drawing number 'As Existing' - Y-3550-AP/BSP-13-03 Rev A, Y-3550-AP/BSP-13-04 Rev A, Y-3550-AP/BSP-13-05 Rev A and Y-3550-AP/BSP-13-06 received 6th February 2014

Drawing numbers 'As Proposed' - Y-3550-AP/BSP-13-09 Rev A, Y-3550-AP/BSP-13-10 Rev A, Y-3550-AP/BSP-13-11 Rev A and Y-3550-AP/BSP-13-12 Rev B received 6th February 2014

Proposed Site Plan is subject to amendments in connection with parking, turning and access and is covered by condition 7

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

3 No more than 30 children shall be permitted within the gardens at any one time.

Reason: to protect the amenity of neighbouring residents and to protect the health and recovery of patients in near by hospital.

4 Details of an acoustic noise barrier to protect adjoining properties to the Southern and Western boundaries of the rear garden shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall have a sound reduction index of at least 10dB. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: to protect the amenity of the local residents and patients from noise

5 The development shall not be begun until details of the junction between the internal access and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans. The width of the access adjacent to the back of the footway should be a minimum of 4.5m wide to allow two-way traffic.

Reason: In the interests of road safety.

6 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such 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.

7 Prior to the development commencing a drawing containing details of car parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the car parking and turning areas have been provided within the site in accordance with such approved details, and these areas shall be used solely for their intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

8 Prior to first occupation, a Full Travel Plan should be 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. In formulating the Travel Plan consideration should be given to the following options, and used in connection with information contained within the itravelyork website and in consultation with the iTravel York Programme Manager:

#### Staff

- A policy of no parking on site or on neighbouring streets
- Provide an information pack on sustainable travel options to and from the site prior to commencement of employment
- Free bus pass (3 months) for all new staff
- Company interest free loan for cycle purchase
- Monthly promotion of walking, cycling for the health benefits
- Staff incentives for cycling or using the bus
- Identify opportunities for staff to car share
- Minibus service - to collect and drop off staff from pre-agreed points

#### Customers

- Information pack for parents in connection with sustainable travel options
- Promotion of walking and cycling with monthly cycle or walk to Nursery days
- Car sharing database for customers
- Timetable for drop off and collection times

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 local and national planning and transportation policy, 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.

9 All deliveries associated with the use shall be confined to between the hours of 10:00 and 15:00 Monday to Friday

Reason: To prevent conflict with vehicles, pedestrians and cyclists dropping children off at the nursery during peak hours and vehicles delivering goods to the site

Reason: Members considered that the measures put forward by the applicant to address the issue of staff parking combined with amendments to the submitted plans to secure alterations to the parking layout and access to be secured through planning conditions were sufficient to alleviate concerns regarding highway safety. As such the proposal would comply with the requirements of the NPPF and Policy C7 of the Development Control Local Plan.

## **50. Any Other Business**

One Member raised a comment about the method of voting during planning meetings. He suggested that for a greater level of transparency, that named votes should take place. Some Members disagreed with the process of named voting, namely because it was time consuming not that Members wanted to preserve anonymity. The Chair stated that he would meet with other Committee Chairs to discuss this.

Councillor N McIlveen, Chair  
[The meeting started at 2.00 pm and finished at 4.40 pm].

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