

Meeting	Planning Committee
Date	15 June 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, Cuthbertson, D'Agorne, Dew, Doughty (for minute no 6 only), Funnell (for minute no 6 only), Galvin, Looker, Richardson, Shepherd, Warters and Mercer and Hunter (as a substitute for Cllr Cullwick)
Apologies	Councillors Cullwick
In attendance	Cllr Pavlovic

1. Site Visits

Application	Reason	In attendance
Cocoa Works and Memorial Library, Haxby Road	As the officer recommendation was for approval and objections had been received.	Councillors Cuthbertson, Dew, Galvin, Reid and Richardson
Holly Tree Farm, Murton Way	To allow Members to familiarise themselves with the site which is located in the Green Belt.	Councillors Cuthbertson, Dew, Galvin, Reid and Richardson
Smith Brothers Ltd, Osbaldwick Link Road	As the officer recommendation was for approval and objections had been received.	Councillors Cuthbertson, Dew, Galvin, Reid and Richardson
Land north of Unit 8 Derwent Valley Industrial Estate	To allow Members to familiarise themselves with the site.	Councillors Dew, Galvin, Reid and Richardson.

2. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may

have in respect of business on the agenda. None were declared.

3. Minutes

Resolved: That the minutes of the last two meetings of the committee, held on 20 April and 11 May 2017 be approved and then signed by the Chair as correct records.

4. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

5. Plans List

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

6. York St John University Playing Fields, Windmill Lane, York (16/02358/OUTM)

Members considered a major outline application by York St John University for residential development (circa 70 dwellings) with associated access and demolition of existing buildings.

In response to a late objection, officers provided clarification on a number of points as follows:

- the site was not located within the extent of draft Green Belt as per the 2005 Proposal maps accompanying the Local Plan;
- Haxby Road, containing 2 artificial pitches, 5 grass football pitches, 2 rugby pitches and 3 junior pitches along with netball courts, sports hall and changing facilities was an adequate replacement of existing sports provision;

- there was no need for another outdoors sports contribution arising from the new development;
- refusal of planning permission on grounds of prematurity would seldom be justified where a draft Local Plan had yet to be submitted for examination.

Officers also advised that the last sentence in paragraph 4.44 of the report should be deleted and that the retention and management of The Green was to be secured by the S106 agreement.

Following Members' questions, officers clarified that:

- the community (public) access to this privately owned site was limited to 16 hours per week. This could happen on private land in order to replicate the sport function of this land. The land was available to be booked by sports clubs on the open access basis.
- the Community Access Committee had not met over the past two years because community access at Haxby Road had been provided. There was anecdotal evidence that schools and local charities applied for access at Haxby Road and CYC made recommendations where else to apply if there was no access due to overbooking / sites not being playable.
- they had not been aware of any complaints on noise from local residents;
- the proposed highway development (Paragraph 4.46) would be an adopted road;
- the Arboricultural Method Statements (AMS) were enforced by the Planning Authority.

Three speakers representing Save Windmill Lane Playing Fields delivered their speeches at that point.

Chris Wedgwood spoke in objection to the proposal, highlighting his concerns about inappropriate development within the outer boundary of the Green Belt (and potential disputes as to whether the site is within the Green Belt or not) should the application be approved, providing an example of Heslington Village Design Statement (supplementary planning guidance that was part of the Local Plan at that time) specifically saying that the village must be permanently open to protect its character. Mr Wedgwood then explained that the Regional Development Plan formed a basis for him to consider the outer

boundary of Green Belt to be within six miles outside of York (within the site location).

Adrian Fayter also spoke in objection to the proposal, emphasising health and wellbeing matters such as child obesity and need for green space as the main reasons for the objection. He also clarified that there had not been any barriers in relation to general use of the fields over the past seventeen years and there was no reason to think that this would cease should the application be refused; this could also be an opportunity for York St John to revisit their work and partnership with City of York Council and educational providers.

Andrew Payne then spoke, also in objection to the proposal. He pointed out that over 1300 people had signed a petition to preserve their fields and numerous objections from local spokespeople, including the MP for York Central, had been received. He added that the University of York confirmed their willingness to purchase the land due to their maximum capacity; he also commented on the overall lack of playing facilities in York, particularly during the winter months. He supported his analysis with excerpts from the Local Plan relating to prohibition of combatting deficiency and encouraging diversity of nature available for public use. He added that eight people/organisations applied to use the fields in the past/confirmed their interests in using them but they were not available.

Janet O'Neill, the agent for applicant, spoke in support of the proposal. She asked Members to note the following:

- 55% of the site, including the boundary trees and open space would be preserved;
- three pitches would be maintained for University games and tournaments, one of which would be available for community teams;
- the University could not maintain three pitches for public use due to its charitable status;
- the University invested £9.5m in the Sports Hub and complied with the S106 agreements;
- there was no evidence that the site's maintenance costs (£60k p.a.) could be funded by local authority;
- the site was surrounded by development from all sides and, therefore, did not fulfil the Green Belt definition;

- previous appeals in relation to new housing development had been unsuccessful.

She then explained that the University decided to purchase Nestle playfields due to its convenience for students and affordability and that the 16 hours' community usage was classified as minor use. She also confirmed that obtaining alternative land value for housing would be more expensive as the playing fields were bought under the agricultural land purchase. The University agreed to the community use of 66 hours per week. The number of pitches on Haxby Road increased from three to fifteen. It was clarified that whoever bought the site would be responsible for issues relating to drainage and preserving the 55% of the land.

Cllr Pavlovic spoke in his capacity as a ward councillor. He highlighted prematurity and procedural impropriety should the approval for the application be granted before a Local Plan was submitted to the Secretary of State and questioned how the community use would be achieved given that anecdotal evidence suggested that Haxby Road was currently at near capacity. It was explained at this point that the Officer's update suggested that the "Local Plan Designation" was not appropriate for most green areas or open space and should not be used as a tool to prevent development.

Members requested the following amendments to the proposed conditions should the application be approved:

- that the wording of condition 15 (Construction Environmental Management Plan) be amended to state that "measure **shall** include" rather than "measure may include.... "
- that Condition 20 (landscaping scheme) be amended to refer to the lifetime of the development in relation to replacement of trees or plants rather than the 10 years currently stated (and the associated informative 4 be amended accordingly).
- that Informative 6 (Construction Environmental Management Plan) be amended to include the City of York Council enforcement number for contact.

Members discussed the proposal and acknowledged the emotional aspects of the case, noting however that relatively few planning or legal factors had been considered by previous speakers and their arguments had been generally weak. It was

noted, however, that the issues related to community use prevailed and more attention should be given toward the suitability of the new location. Members also commented that:

- the city had a large demand for housing and there were currently no alternatives if adequate provision was to be secured;
- York St John's primary objective was to look after its students and community aspect was of secondary nature;
- the loss of fields would result in fewer sporting facilities being accessible, particularly during the winter period, due to lack of suitable locations placed nearby;
- the 55-minutes-long distance to the replacement facilities could encourage car use, increase noise and decrease air quality;
- if the application was refused, the appeal was likely to be unsuccessful as there were no legal or planning grounds to refuse it;
- Sport England supported the application should the community access be granted.

It was acknowledged that the University had made every effort to cater for its students and had gone beyond its duty to support local residents in order to use the facilities.

Resolved:

That the application be REFERRED to the Secretary of State, and provided that the application is not called in for their own determination, on completion of s S106 legal agreement to secure:

Trees :- Access and management plan for future maintenance of the tree belt that bounds the site with Hull Road and Windmill Lane

- Open space: –
 - a) Community use agreement for the University's facilities at the applicant's Haxby Road site
 - b) On-site children's play area
- Highways: –
 - a) Provision of 2x real time (BLISS) displays at the adjacent inbound/outbound bus stops (£10k each – total contribution £20k) and
 - b) The choice to first occupiers of either bus travel (in the form of a carnet of day tickets) or cycle/cycle

accessories. Such contribution to be £200 per first occupier.

- Affordable Housing: – on site provision of 30%
- Education: - Financial contribution of £215,935 towards:
 - a) three additional places at Badger Hill Primary School
 - b) eight spaces at Archbishop Holgate's CE Secondary School
 - c) eight pre-school places.

And that DELEGATED authority be given to the Assistant Director Planning and Public Protection to APPROVE the application subject to the conditions listed in the report and the following amended conditions and informatives:

Amended Condition 15

No development shall take place until a Construction Environmental Management Plan (CEMP), to outline measures to minimise emissions to air and restrict them to within the site boundary during the construction phases has been submitted to and approved in writing by the local planning authority.

*Measures **shall** include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust.* The plan should also provide detail on the management and control processes including the hours of construction. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

Reason: to safeguard the amenities of the existing residential occupiers and those as they move onto the site.

Amended Condition 20

The first reserved matters application shall include a detailed landscape scheme showing both soft and hard landscape proposals that shall include the following information: the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing

regimes where applicable; types and heights of boundary treatment such as fencing, railing, hedging; paving materials; street furniture; layout of equipped areas of play. The trees alongside the existing access road shall be retained or replaced with a suitable species in the same or similar location and incorporated in to the proposed landscape scheme. The boundaries of ownership and responsibilities for landscape maintenance following completion, sales and/or hand over should be clear from the landscape scheme. The scheme will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. *Any trees or plants which, during the lifetime 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 the Local Planning Authority agrees alternatives in writing.* This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area, are subject to local authority approval and notification respectively within and beyond this ten year period.

Reason:

The landscape proposals are integral to the function, character and amenity of a development; and as such are an essential component when giving the detailed development proposals due consideration, since the landscape scheme is integral to the amenity of the development.

Amended Informative 4

To allow the local authority to monitor the planting within the *lifetime* of the development

Amended Informative 6

Construction Environmental Management Plan should include City of York Council enforcement number for contact.

Reason:

The application site could appropriately provide up to 70 dwellings in a highly sustainable and accessible location. The scheme would not lead to unacceptable levels of traffic generation, affordable house would be provided in line with Council policy, as would financial contributions towards education and sports provision, which would be secured through

a S106 agreement. Amenity space and an equipped children's play area would be provided on site and access would be retained to the belts of mature trees which bound the site.

Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The scheme would result in some harm due to the loss of the sports pitches within this location. It is concluded that this is outweighed by the application's benefits of providing housing in a sustainable location within defined settlement limits and with good access to public and sustainable transport links and services. This is in line with the NPPF which seeks to boost, significantly, the supply of housing and to deliver a wide choice of high quality homes.

7. The Cocoa Works, Haxby Road, York (17/00284/FULM)

Members considered a major full application by York 123 Ltd for the conversion and extension of the former Almond and Cream blocks to form 258 apartments, the demolition of buildings to the rear of the Joseph Rowntree Library and rear extension to accommodate concierge and community room, as well as erection of convenience store with associated access, car parking, cycle stores and landscaping.

Officers advised that progress had been made in relation to negotiations on the S106 agreement to secure affordable housing, open space, education and sustainable transport measures and provide an update on this. They advised that it was considered that the children's onsite play facility, which was proposed as a condition in the written update, would be better secured through the S106 agreement instead.

Officers explained that an anonymous written representation in objection to the proposal had been circulated to Members; this raised concerns about affordable housing need in the city, air quality issues, highway safety, heritage assets and the composition uses.

A further objection from Mr David Merrett had been received and this included concerns about location of the new pedestrian

crossing near the roundabout, potential loss of cycle lane and inadequate provision for cyclists.

It was also advised that the Conservation Areas Advisory Panel welcomed the removal of the additional floor and changes to the window detailing and, with regard to listed building consent, had no objection to any of the proposed alterations.

In response to Members' questions, officers explained that:

- the concept of the Environmental Management Plan was to encourage developers to be pro-active in preventing potential complaints; this did not preclude the complainant from alerting Local Authority if the complaint was not resolved;
- The Condition 16 (Landscaping) was for lifetime by default;
- the replacement windows would be double-glazed.

Gregory House, a local resident, spoke in objection to the proposal, highlighting the need for holistic development and strategic plans to be put into place. He explained that the current state provided houses, medical facilities and catering for community needs which would not be the case should the application be approved. He also raised issues of traffic, pollution and the location of Haxby Primary School as arguments supporting his objection.

Janet O'Neill then spoke in her capacity as the agent for the applicant, pointing out that:

- the site had been neglected for nearly ten years;
- the heritage assets would be preserved;
- the needs of existing and future residents would be met by facilities such as convenience store;
- it was critical for developers to obtain planning permission now in order that work can start on the new access road for Nestle as per the applicant's contractual obligations;
- the play provision area would be accommodated;
- the connection of the cycle route to Sustrans was out of the applicant's control and would result with a large amount of trees being removed.

Officers then responded to Mr Dave Merrett's written representation, reassuring Members that the road safety conditions were met, particularly near the roundabout area

where pedestrian refuges and access points would be provided. Many Members challenged the current traffic circumstances at Haxby Road, focusing on bus and cycle use, pedestrians as well as staff working on the site, highlighting traffic competition and not enough of road space. Members agreed that, overall, the new provision would be accessible for the city centre users and that the development would greatly improve the condition of the site although some Members queried how many of the units would be occupied by people living and working in the city.

Resolved:

That, on completion of a S106 legal agreement to secure affordable housing, open space, education and sustainable transport measures as follows:

- Affordable housing (5 dwellings on site or commuted sum in lieu towards off site provision in accord with Council policy)
- Off site sport - £106,074;
- On site children's play facility
- Off site children's play - £57,334;
- 28 pre-school places and 7 secondary school places (£287,382)
- Traffic Regulation Order (£5,000);
- Sustainable travel – £200 per dwelling to be used towards car club, cycle equipment or bus travel.

And that DELEGATED authority be given to the Assistant Director, Planning and Public Protection to APPROVE the application subject to the conditions listed in the report.

Reason:

The proposals re-develop a previously developed site, finding new uses for vacant buildings in the conservation area. The re-development will enhance the character and appearance of the conservation area, and not harm the historic and architectural importance of the listed library and provided needed housing. Conditions are necessary to ensure the site is fit for its proposed use, the required highway works be carried out, sustainable travel measures are implemented, and adequate landscaping undertaken.

8. Joseph Rowntree Memorial Library, Haxby Road, York, YO31 8XY (17/00285/LBC)

Members considered an application for listed building consent by York 123 Ltd for the demolition of buildings to the rear and erection of a rear extension to accommodate the concierge, community and cycle store.

This report linked directly to the plans item 4b (application ref 17/00284/FULM) which had already been discussed during the meeting.

Resolved:

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

Reason:

The scheme leads to the loss of C20 buildings which are not prominent in public views and have a neutral value to the library and its setting. The scheme would bring the library back into a communal use and introduce a building which by virtue of its single storey scale, proposed shape and harmonious materials would improve the setting. There would be no harm to the historic and architectural importance of the library.

Proposals are in accordance with the NPPF policies on conserving and enhancing the historic environment, in particular paragraph 126 (referred to in 4.2) by virtue of putting the listed building into a viable use consistent with its conservation, which will provide an amenity for residents. The re-development scheme will make a positive contribution to local character and distinctiveness.

9. The Cocoa Works, Haxby Road, York, YO31 8TA (16/02815/FUL)

Members considered a full application by York 123 Ltd for the construction of an access road into the site from Haxby road (on the north side of the buildings) with associated landscaping and highway works. Some of the issues related to this item had

already been discussed during consideration of item 4b (application ref 17/00284/FULM).

Gregory House, a local resident, spoke in objection to the proposal, stating that the current proposal would lead to greater congestion and risk to pedestrians in the surrounding area. He also described potential solutions that could pre-empt these issues, including seeking permission for additional crossroads to be installed in the area.

Janet O'Neill also spoke, in support of the proposal, explaining that the application had been put forward separately to item 4b due to its urgency as per the obligations with Nestle who agreed to the application if a separate entrance to the factory was provided and highlighting that all the changes requested by the Officers as part of the application had been undertaken. She advised that that the royal oak tree (which had been planted as a memorial) which would be removed should the application be approved could be replaced as part of the landscaping scheme.

Members discussed the proposal, acknowledging the traffic issues which had been raised in relation to the detail of the junction. Some Members suggested deferring the application in order for the applicants to explore with Nestle the possibility routing the access road to connect directly with the nearby roundabout .

Resolved:

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

Reason:

The road access and associated changes in the highway are necessary to facilitate re-development of a considerable previously developed site in the urban area which has been identified by the Council to assist in meeting housing need. Re-development is desirable; consistent with the following core principles within the NPPF -

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Whilst this would lead to the loss of trees which have amenity value, these would be replaced and overall the former industrial site would see an increase in tree cover and an enhancement to the character and appearance of the conservation area.

The works would not have an adverse effect on highway safety in this respect and nor would there be undue conflict with the NPPF which states developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.

10. Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL)

Members considered a full application by Mr Andrew Thompson for the change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block. This application had been deferred by the committee at their meetings on 23 March and 20 April 2017 in order to allow the applicant to provide further supporting information on the operation of the proposed business and its financial circumstances in order to justify very special circumstances. It was noted that paragraphs 4.25 and 4.27 of the report included this updated information.

Eamonn Keogh spoke in support of the application in his capacity as the agent for the applicant, emphasising that it was the decision makers' responsibility to consider whether the very special circumstances in relation to the question of the Green Belt applied. He advised Members that the openness of the Green Belt would be improved should the application be approved and that the caravan site would be closed between November and March.

Members proceeded to further discuss the application, questioning whether pig odour or the development's positive impact on visual qualities merited the special circumstances definition and whether there were any special economic reasons giving the reason for approval. Some Members referred to other applications where very special circumstances had been

demonstrated despite the overall bigger impact in the area. It was also noted that, if the application was approved based on circumstances put forward by the Applicants in this case, the Committee could face potential challenges from other applicants in the future.

Some Members felt that the proposed caravan park was small in scale and was not likely to compromise the Green Belt and that it was only a minor part of the application, provided a different business opportunity for the applicant and a recreational opportunity for those who wanted to enjoy it. Other Members, while acknowledging the case for the livery stables, did not feel that very special circumstances had been proven in respect of the caravans.

Resolved:

That the application be refused.

Reason:

It is considered that the proposed touring caravan pitches constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of touring caravans in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and do not amount to very special circumstances for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

**11. Holly Tree Farm, Murton Way, York YO19 5UN
(17/00846/FUL)**

Members considered a full application by Mr Peter Mandy for the construction of a realigned and widened access road and bridge (retrospective) to serve the approved log cabins and fishing lake adjacent to the property.

Officers provided an update, stating that since the committee report had been written, consultation responses from the Environment Agency and Strategic Flood Risk Management had not been received. It was, therefore, recommended that the second reason for refusal in respect of flood risk be withdrawn.

Mark Stothard spoke in support of the proposal in his capacity as the agent for the applicant and asked Members to note the following:

- the reason for refusal on grounds of the green belt development was contrary to the previous planning approval for the bridge;
- the bridge was designed to the minimum size possible in order to cross the brook.
- The bridge has been constructed to the same detail and size of the previous approved drawing.

Members noted that the bridge was wider than the approved permission allowed and discussed whether there were grounds for refusal given the minimal impact of development in the area. They acknowledged however that the site was in the Green Belt and that very special circumstances for development in the Green Belt would need to be shown for it to be approved. Most Members felt that, in the absence of any very special circumstances, that the application should be refused.

Resolved:

That the application be refused.

Reason:

The proposal constitutes an engineering operation. Due to its scale, design and palette of materials it gives rise to substantial harm to the openness of the Green Belt and as such is inappropriate development contrary to paragraph 90 of the NPPF. No other considerations have been put forward by the Applicant that would clearly outweigh the harm to the Green Belt and therefore in the absence of any very special circumstances the proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

12. Land to the North of Unit 8 Derwent Valley Industrial Estate, Dunnington, York (17/00272/FULM)

Members considered a major full application by Ness Hall Ltd for the erection of a building for storage and distribution (use class B8).

Members acknowledged that although the proposed building was 6m higher than surrounding buildings, it was difficult to predict if it would be seen from a distance although it was likely that the roof would be seen from some parts of the area. A dark colour would be used on the roof rather than a light colour to reduce visibility.

Resolved:

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

Reason:

It is considered that the proposed development will be located in an appropriate location within an existing industrial estate. Furthermore, it accords with a core principle of the National Planning Policy Framework (NPPF) to 'positively drive and support sustainable economic development'. It is not considered that the development will result in a significant adverse impact on residential amenity which can also be protected by imposition of a condition restricting access to the site from the alternative. Accordingly, it is considered that the development complies with the principles of the NPPF and those draft Local Plan policies that are consistent with the NPPF, in particular policies E3B and GP1. The requirements of policy GP15a and GP6 can be addressed by conditions.

It is not considered that there are any material considerations that would outweigh the general support for economic development.

13. **Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (17/00620/FULM)**

Members considered a major full application by Askham Bryan College for the erection of a silage clamp and silos (retrospective application) within the existing farm unit located to the west of the campus on the brow of the hill.

Officers provided an update to the report, highlighting that the Flood Risk Management Team had no objections to the development. They also proposed an amendment to Condition 1 to include the revised site plan as well as additional conditions to cover surface water drainage and landscaping. Members discussed the reasons why the silage clamps needed to be formally approved by the Committee.

Resolved:

That the application be REFERRED to the Secretary of State and, provided that the application is not called in for their own determination, DELEGATED authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to the conditions listed in the report as well as the amended and additional conditions below:

Amended Condition 1

The development hereby permitted shall be carried out in accordance with the following plans:-

- Drawing Number (05)20 Revision A ' Farm Area: Proposed Silage Clamp' received 15 March 2017;
- Drawing Number LL01 Revision F 'Landscape Proposal' received 25 April 20147;
- Drawing Number (05) 01 'Location Plan' received 15 March 2017
- **Drawing Number (05)25 Revision A 'Proposed Site Block Plan' received 12 June 2017;**

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

Additional condition: Surface Water Drainage

The surface water drainage scheme for the development hereby approved shall be in accordance with Flood Risk Assessment and Drainage Statement (by Dosser Mason Clark Associates received 15 March 2017) and the Surface Water Drainage Design Proposals and Calculations, job number 12905 (by Dosser Mason Clark Associates received 15 March 2017).

Reason: So that the Local Planning Authority may be satisfied that there is proper and sustainable drainage of the site

Additional condition: Landscaping

The approved landscaping scheme (Drawing Number LL01 Revision F received 25 April 2017') shall be implemented within a period of six months of the granting of this planning permission. 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 interests of the visual amenity of the area. To ensure that the screening of the silage clamp is undertaken.

Reason:

The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine 2 of the five Green Belt

purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

The proposed development is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting of the proposed development would impact and cause harm to the openness and visual amenity of the Green Belt. The proposed development is required for the college to expand and compete, and improve existing courses, this is supported by local and national planning policy. The proposed development is agricultural in function and appearance and would be required in proximity to the current campus and cannot reasonable be sited elsewhere. The proposed silage clamp is in the same position and a similar scale to that approved in planning permission 13/02946/FULM. The principle of a slightly larger silage clamp in this location has been agreed in planning permission 13/02946/FULM. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed building would create floor space (1319.8 sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

14. Smith Brothers Ltd, Osbaldwick Link Road, Osbaldwick, York, YO10 3JA (17/00791/FUL)

Members considered a full application by Selco Trade Centres Ltd for the use of premises as a trade only building supplies warehouse (use class B8) with associated external alterations to external elevations as well as erection of 3m high palisade fencing and gates and 5m high external storage racking.

Officers provided an update, advising that Condition 8 should be amended slightly to add clarity on delivery times. They also proposed that the colour of fencing and external racking be controlled by a new condition.

Members noted that the proposed hours were greater than the current operating hours for the site's current use which was a concern of some residents, but acknowledged that these were standard hours for builders' merchants.

The question of retaining the existing hedge along the highway frontage was also discussed and it was suggested that a condition be added to ensure that the hedge was maintained at a reasonable height. With regard to lighting and noise levels, Members were advised that the change in noise levels would be minimal and that the lighting was considered appropriate and should not have any impact on the surrounding area.

Resolved:

That the application be approved, subject to the conditions listed in the report as well as the amended and additional conditions as follows:

Amended Condition 8

No deliveries (other than those agreed in writing with the Local Planning Authority) shall be taken at or despatched from the site outside the following hours:

- Monday - Saturday 07:00 to 20:00
- Saturdays 07:30 to 20:00
- Sundays and bank holidays and public holidays 10:00 to 16:00

Reason: To Protect the amenity of nearby premises.

Additional Condition 15

Notwithstanding any proposed colours specified on the approved

drawings or in the application form, details of the colour of the palisade fencing and external racking shall be submitted to and approved in writing by the Local Planning Authority prior to its erection. The development shall be carried out using the approved colour and notwithstanding the provisions of the Town and

Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), shall be retained as approved.

Reason: To ensure that the colour of tall fencing and racking erected adjacent to landscaped areas bounding the site is not obtrusive.

Additional Condition 16

A hedge on the front boundary of the site shall be retained along minimum height of 2.2m. If any hedge or replacement hedges along the front boundary die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with a new hedge of a similar size and species, that shall be retained at a minimum height of 2.2m.

Reason: To protect the semi-rural character of the street and help to screen the outdoor storage.

Additional Condition 17

Before the commencement of and during building operations, adequate measures shall be taken to protect the existing hedgerow along the front boundary of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

Reason:

The proposed use makes efficient use of the existing building and site. It is considered the key consideration is whether the proposal will cause undue noise and therefore detract from the living conditions of homes located to the west of Osbaldwick link Road. It is considered that subject to the suggested conditions, particularly, those relating to operating hours and a noise management plan the proposal is acceptable.

**15. 2 College Road, Copmanthorpe, York, YO23 3US
(17/00731/FUL)**

Members considered a full application by Mrs Jane Keely for the erection of a single storey flat roof side and rear extensions, pitched roof front porch and alternations to front dormers.

Members welcomed the informative in relation to avoiding damage to the highway grass verge.

Resolved:

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

Reason:

The proposals are considered to comply with the NPPF, DCLP Policies H7 and GP1, Supplementary Planning Guidance – House Extensions and Alterations (Approved 2012) and Copmanthorpe Village Design Statement.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 8.40 pm].

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