

Meeting	Planning Committee
Date	14 February 2018
Present	Councillors Ayre (Chair), Reid, Cullwick, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Flinders (Substitute for Cllr Derbyshire), Fenton (Substitute for Cllr Cuthbertson and Taylor (Substitute for Cllr D'Agorne)
Apologies	Councillors Cuthbertson, D'Agorne, Derbyshire, Dew, Pavlovic and Warters

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## **28. 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. Cllr Flinders declared an interest in the Hungate Block G application (item 4d), as a resident.

## **29. Minutes**

Resolved: That the minutes of the last meeting held on 18 January 2018 be approved and then signed by the chair as a correct record.

## **30. 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.

## **31. 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.

**32. Whinney Hills, Appleton Road, Acaster Malbis  
[17/00342/FUL]**

Members considered a full application by Mr and Mrs Clarke for the creation of new access, excavation of a pond and siting of two static caravans (part retrospective) at Whinney Hills, Appleton Road, Acaster Malbis.

Members were provided with an Officer update which advised that consideration had been given to implications that may arise from the European Convention on Human Rights (ECHR), in particular Article 8 (the right to respect for private and family life) and Article 1 (protection of property). It was considered that the recommendation to refuse the application as detailed in the report did not interfere with ECHR rights as City of York Council (CYC) was permitted to control the use of land in accordance with the wider public interest, and as such, the recommendation was considered to be a proportionate response to the submitted application based on the considerations set out in the report.

Officers clarified that the internal driveway related to a crushed stone above a membrane laid over the grass and did not comprise an excavation of the land.

Chelsea Clarke, representing the applicant, spoke in support of the application. She explained that at the time of purchase, the applicant had not been made aware by CYC that the land was in green belt. She noted that the applicant would like to install a temporary eco friendly log cabin in place of the two static caravans. She added that the applicant would be willing to compromise on the new access arrangements and pond.

In response to Member questions, Ms Clarke clarified that:

- When the solicitors acting on behalf of the applicant carried out the searches, the solicitor had not been informed that the land was in green belt.
- The applicants had a record of the written advice from CYC officers.

Officers were asked and explained that:

- With regard to green belt status being identified by the land searches during the purchase of the land, solicitors or conveyancers ask standard questions and they may ask specific additional questions regarding the status of the land.
- During a meeting with the applicant, the applicant had been informed that the land was in green belt and that the changes would require a planning application.

Following debate it was:

Resolved: That the application be refused.

Reason:

- i. The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the elements of the development that relate to the access, siting of the static caravans and the driveways constitute inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the 'other considerations' put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (poor design, and harm to the intrinsic character of the countryside) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. 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 conflicts with Draft Development Control Local Plan (2005) Policy GB1: Development in the Green Belt, and Policy GB1 of the Pre-publication Draft Local Plan (2017).

- ii. No special circumstances have been demonstrated that would justify the location of residential development in an unsustainable rural location that will increase car borne activities and is unrelated to services and amenities. As such it is contrary to paragraph 55 of the NPPF.
- iii. The proposed static caravans are of a poor design that fails to reflect local distinctiveness or the character of this rural area. As such the development is contrary to section 7 of the NPPF, policy GP1- Design criteria a), and b), of the City of York Draft Local Plan Incorporating the 4th set of changes, and policy D1 of the Pre-publication Draft Local Plan.
- iv. The proposed new access would result in the loss of a substantial area of hedge and tree planting in order to achieve the required sight lines. As such it would have an adverse impact on the intrinsic character of this part of open countryside, and conflict with one of the Core planning principles in the NPPF in relation to ‘recognising the intrinsic character and beauty of the countryside, together with that part of paragraph 32 that relates to achieving a safe and suitable access to the site for all people.

**33. New Earswick Sports Club, White Rose Avenue  
[17/02835/FUL]**

Members were advised that since the publication of the report, further discussion had taken place between the applicant and officers in order to resolve the submission of a case for “very special circumstances,” and to resolve concerns in respect of the precedent being set for the provision of additional sports facilities for each of the sports making use of the sports grounds. Therefore, it was:

Resolved: That the application be deferred.

Reason: In order to resolve the submission of a case for “very special circumstances” and concerns in respect of

the precedent being set for the provision of additional sports facilities for each of the sports making use of the sports grounds.

**34. Crabtree New Farm, York Road, Deighton [17/02824/FUL]**

Members considered a full application by Mrs Anna Hopwood for the use of agricultural land for the siting of 3 glamping cabins at Crabtree New Farm, York Road, Deighton.

Officers clarified the location of the access road and that the applicant had put forward a case for “very special circumstances” for the development.

Sam Harrison, agent for the applicant, spoke in support of the application. He noted that there had been no objections to the application. He explained the case for “very special circumstances” could be demonstrated and he noted a previous similar application which had been approved by the committee on that basis two miles from the site at Wheldrake. He considered the need for diversification in the farming sector as being “very special circumstances.”

Anna Hopwood, the applicant, then addressed Members in support of the application, explaining the case for “very special circumstances”. She explained that the farm consisted of 47 acres of land, which did allow an income to continue the farm business. She noted that no objections to the application had been received and other options for diversification on the farm had been examined and were unfeasible. She explained the size of the cabins and added that they had a minimal visual impact on other buildings in the area.

Members asked Anna Hopwood a number of questions to which she answered that:

- The reduction in the size of the land to 47 acres was the actual size of Crabtree New Farm.
- The installation of wind turbines, solar panels on the buildings and land and storage has been considered as areas of diversification. She explained why these were not feasible.

Officers were asked if the cabins could be screened off and they explained that the cabins would be visible from the track up the

highway and from Escrick Village (from the doctors surgery). The cabins could be screened off and would take time to grow and the addition of cars near the cabins would add to the domestication of the site.

Discussion followed, during which Members expressed a number of different views concerning the application. Whilst discussion took place, officers clarified that under paragraph 88 of the NPPF, Members needed to be satisfied that “very special circumstances” existed to overcome the harm to the green belt.

Cllr Galvin moved and Cllr Looker seconded a motion to defer the application. On being put to the vote, the motion was lost.

Cllr Taylor moved and Cllr Funnell seconded a motion to approve the application. On being put to the vote, the motion was lost.

Cllr Reid then moved and Cllr Flinders seconded the Officer recommendation to refuse the application. On being put to the vote, it was:

Resolved: That the application be refused.

Reason: It is considered that the proposed glamping pods 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 one of 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 the glamping pods in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and therefore 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'.

**35. Hungate Development Site, Hungate [17/03032/REMM]**

[Note: Councillor Flinders withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major reserved matters application by Hungate (York) Regeneration Limited for the approval of access, appearance, landscaping, layout and scale for Block G comprising 196 residential units with 459 square metres of commercial floorspace at ground floor (to comprise flexible retail/leisure uses), landscaped courtyard, pedestrian, cycle and vehicular (service) access, and associated infrastructure at Hungate Development Site.

Members were advised that:

- Since the submission of the scheme, the colour of the brick had been changed from light cream to a pink tone. The design was supported by the Council's architect.
- The building included a communal garden in the courtyard, roof terrace on the sixth floor and green roofs on levels 6, 7 and 8.
- Access from Garden Place was for service traffic.
- There was no dedicated car parking for Block G.

In response to Member questions, it was clarified that:

- The apartments in the building were intended for long term rental. The class for the use of the building (Class C3) did not distinguish between residential use for rental (long term or short term) and purchase.
- With reference to whether the cladding at the top of the building was combustible, the type of cladding used would have to be approved under the building regulations.
- Regarding whether a condition could be applied to restrict the short-term letting of the flats, officers explained that whilst it could be possible to do so if there was evidence to show that it was necessary in planning terms there were no grounds to put conditions on properties in the urban area.
- The views from Peaseholme Green were demonstrated.

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

Reason:

- i. The development of Block G (the subject of this application for the approval of reserved matters) is derived from the outline element of Hybrid Planning Permission 17/02019/OUTM for the Revised Hungate masterplan. The Revised Masterplan was subject to an Environmental Statement, and is controlled by a series of parameter plans which form part of the outline permission, and are referred to in the planning conditions, as well as a planning condition controlling the type and quantum of development. The hybrid planning permission is also bound by Section 106 legal obligations.
- ii. The detailed proposals that have come forward as part of this submission are in accordance with the parameter plans approved as part of the outline application. These parameter plans established an envelope within which the future detailed design of blocks G and H would be brought forward. These indicate building heights of up to eight storeys, or a maximum of 35.7m, an underground car park (below Block H) and on street car parking/servicing, internal courtyards, public realm improvements and landscaping.
- iii. The layout and the scale of the development proposed are considered appropriate within the context of the site and the surrounding area. At ground floor, commercial /retail units would line the pedestrian route from the city centre (Stonebow) into the wider site with the scheme providing 420sq m of flexible commercial floor space accessed directly off The Stonebow and Hungate. A variety of uses including residents' entrance, lobby, gym and concierge would continue to provide an "active" frontage along the pedestrianised Hungate.
- iv. The predominant building material would be a red/brown toned brick to embed the development into the predominant brick tones of the city and a dark brick plinth would wrap around the ground floor signifying the change of use from residential to



commercial. The upper levels will be set back in places and clad in metal to give the appearance of a rooftop extension and to help break up the massing. The windows will be grouped into vertical pairs and aligned one on top of the other with regular spacing and sizes.

- v. Two areas of external residential amenity spaces are proposed within the scheme; the courtyard at ground floor, and the residents' roof terrace at the sixth floor. There are also small areas of planting and landscaping to the public realm. Green roofs will also be incorporated across the sixth, seventh and eighth floors which is welcomed by Officers. Three of the roof areas will be put down to a bio-diverse wildflower and grass turf mix. The landscaping proposed is supported by the Council's Landscape Architect.
- vi. A new vehicular access (approved as part of the outline application) would be formed on Garden Place and would only be used for servicing traffic. Car parking for Block G has also been considered and approved through the Hybrid Masterplan and consists of 74 car spaces within the multi story car park serving Block F. Similarly, the level of cycle parking being provided is to the same ratio as has been considered and approved through the aforementioned Hungate Hybrid masterplan.
- vii. In terms of the impact on heritage assets, this reserved matters application, which provides details of layout, external appearance and landscaping, is not considered to affect the conclusions made in the consideration of the outline application. Whilst there may be minor harm to the setting of the Conservation Area resulting from the scale and massing of the Stonebow elevation of Block G, there would be no harm to the character and appearance of the Conservation Area or to the setting of those listed buildings on the opposite side of Stonebow and across the river at Rowntree Wharf, resulting from the details of layout, design and landscaping, submitted as part of this reserved matters application.

**36. Premier Inn, Clifton Park Avenue [17/02572/FUL]**

Members were advised that the full application from Whitbread PLC for a two storey side extension to the existing Premier Inn hotel to provide 19 additional bedrooms and associated alterations to the existing car park had been withdrawn.

**37. Appeals Performance and Decision Summaries**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2017 and summarised salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report. Of the 10 determined, 4 had been allowed. Appeals that currently remained outstanding were listed in Annex B. Excluding tree-related appeals, these numbered 18.

Officers were asked and explained that the inclusion of North Selby Mine in Annex B related to an appeal that had been held in abeyance and was likely to be withdrawn following the conclusion of a procedural issue with the Planning Inspectorate.

Resolved: That the content of the report and annexes be noted.

Reason: To confirm that Members are informed of the current position in relation to planning appeals against the Council's decisions, as determined by the Planning Inspectorate.

Cllr N Ayre, Chair

[The meeting started at 4.30 pm and finished at 5.55 pm].