

Meeting	Planning Committee B
Date	16 August 2023
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Melly, Orrell, Vassie, Warters and Waudby
Apologies	None
Officers Present	Becky Eades, Head of Planning and Development Services Lucy Yates, Principal Development Management Officer Neil Massey, Development Management Officer Victoria Bell, Development Management Officer Natalie Ramadhin, Development Management Officer Ian Stokes, Principal Development Control Engineer Sandra Branigan, Senior Solicitor

19. Declarations of Interest (4.36 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

In relation to item 4a, 12 Sturdee Grove, YO31 8FD, Cllr Warters declared that, as he had objected to the previous application made for this site, and given his previous dealings with the applicant (Joseph Rowntree Housing Trust) in relation to his Ward, he could be considered pre-determined. He therefore chose to speak on the item, as a public speaker, and subsequently withdrew from the meeting for the duration of the item. In relation to the same item, the Chair noted, for transparency reasons, that he had worked as an officer for the City of York Council in the housing development team. He had been involved in the initial consultation process with the applicant however, he did not consider this to be a conflicting interest.

20. Minutes (4.38 pm)

Resolved: That the minutes of the last meeting held on 18 July 2023 were approved as a correct record.

21. Public Participation (4.38 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

22. Plans List (4.38 pm)

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

23. 12 Sturdee Grove, York, YO31 8FD [22/02349/FULM] (4.38 pm)

The committee considered a major full application by the Joseph Rowntree Housing Trust (JRHT) at 12 Sturdee Grove, York, YO31 8FD, for the erection of two storey apartment building containing 10 no. units, landscaping, vehicle access with parking.

The Head of Planning and Development Services gave a presentation on the plans and the Development Management Officer explained the additional written information provided at the meeting. This included the amended wording for recommendation (i) as follows:

The completion of an agreement made pursuant to section 111 of the Local Government Act 1972 between the Council and the developer, providing that the developer will immediately upon completion of the land transfer (or any part thereof) enter into a Section 106 Agreement(s) that covers the whole of the application land (or the land to be transferred) with the Council as local planning authority containing the planning obligations set out below:

- A contribution of £6,000 towards a Traffic Regulation Order. Unspent funds would be re-funded.
- A contribution of £2,130 towards the improvement of sports and leisure provision within 2km of the development.
- A contribution of £1,510 towards improved seating provision at King George's Field.

- Payment of the Local Planning Authority's fees associated with the preparation of the legal agreement).

There was also a change to recommended condition 4 (Boundaries), as follows:

To allow the Local Planning Authority to ensure that access gates leading to the garden area meet the needs of people pushing cycles or using mobility scooters the condition below has been changed to make reference also to details of the gates.

Notwithstanding the details shown on the approved drawings details of means of enclosure, including access gates shall be submitted to and approved in writing by the Local Planning Authority before the installation of such means of enclosure and access gates and they shall be provided in accordance with the approved details before the development is occupied. Reason: In the interests of the visual amenities of the area, the amenities of neighbouring properties and convenience of users of cycles/mobility scooters.

In response to questions from Members on the plans, it was reported that:

- Sustainable design was achievable through current building regulations. It was not possible to comment on the impact of future legislation.
- The location of the crossing had not been finalised.
- Car parking was estimated at fifty percent of the green space.
- The intention for the building and therefore the design for the accommodation was for disabled and/or elderly residents.

Public Speakers

Lynn Jones, a resident, spoke in objection to the application. She raised concerns regarding the access to parking and the overdevelopment of the space.

Elizabeth Griffiths, a resident, spoke in objection to the application. She highlighted concerns regarding the impact on wildlife as well as the disruption to residents and loss of car parking during the build.

Cllr Warters spoke in objection to the application. He outlined his concerns relating to the overdevelopment of the site, loss of green space and biodiversity as well as the loss of car parking for existing residents. He also expressed concerns regarding JRHT meeting conditions 5, 8 and 14 of the report.

[5.01 pm Cllr Warters left the meeting and took no further part in the consideration of the item.]

David Boyes-Watson, agent for the applicant, spoke in support of the application. He described the plans and highlighted the sustainable elements of the build, as well as the aim to deliver affordable housing within the city.

In response to questions from Members, he clarified residents parking, which he explained was unallocated. He confirmed that the intention was for 60% of the homes to be affordable rent and 40% shared ownership. Solar panels would be on the building rooves, so green rooves were not possible in this instance.

Officers responded to further questions from Members as follows:

- Condition 14, in relation to crossings, this could be made more detailed to include colour as well as the tactile requirements, if desired.
- The parking plan was the responsibility of JRHT. However, a condition could be added for a parking management plan to explain how the spaces would be used in future.

Following debate, Cllr Hollyer moved the officer recommendation to approve the application, subject to the changes to recommendation (i) and condition 4 (Boundaries), as outlined in the written additional information provided at the meeting, and with the additional condition for a parking management plan as referred to above. This was seconded by Cllr Waudby.

On being put to a vote, Members voted 7 in favour and 1 against, it was therefore:

Resolved: That the application be approved.

Reason: The proposal is to construct a two storey pitched roof building containing 10 one bedroom flats. It would be located on a mix of land uses including a communal garden serving two blocks of flats on Fossway, a warden's bungalow and communal off-street car parking serving JRHT homes on Sturdee Grove. The accommodation would be built to enhanced access standards to support use by the elderly and disabled people.

The applicant has indicated that the homes will be affordable and occupied by the elderly or people with disabilities, however, there is no policy requirement to provide affordable housing for a development of the size proposed. The applicant is unwilling to accept a condition restricting the 'groups' who can occupy the flats - they state that this would undermine their ability to gain a loan to develop the scheme. Although it might be likely that the property is occupied as affordable accommodation by older people and is suited for occupation by people who are elderly or disabled, it must be assessed on the basis that it is open market accommodation with no occupancy restrictions.

If approved the scheme will see the loss of most of the communal garden space associated with 16 flats on Fossway. The communal land is owned by the Council's Housing Department and they do not object to the proposals given they consider it will enable sites in different ownerships to be combined to bring forward new affordable housing. It is considered that the communal land that will be lost serves a relatively modest role in terms of meeting the day to day needs of the occupants. In terms of access to open space, King George's Field is within close proximity.

It is considered that the proposed development would sit comfortably in its surroundings and would not have an unacceptable impact on neighbours living conditions. Subject to the proposed new landscaping being conditioned it is not considered that the loss of existing trees and vegetation on the site would detract from the streetscene, or the ecological value of the site. Taking account of existing parking conditions in the vicinity and the fact that the proposed flats would contain 1 bedroom, it is considered that ten off-street parking spaces when coupled with available on-street parking provision will allow the development to be constructed without having an unacceptable impact on highway safety or local parking needs.

On balance the proposal is considered acceptable and approval is recommended subject to conclusion of a

Section 106 Agreement securing commuted payments towards off site open space and leisure improvements in the locality and funding towards a Traffic Regulation Order should it be required following occupation.

[5.25 pm The meeting adjourned to enable Cllr Warters to re-join the meeting]

24. Pigotts Autoparts, Sheriff Hutton Road, Strensall, York YO32 5XH [21/02757/OUT] (5.33 pm)

Members considered an outline application at Pigotts Autoparts, Strensall, York, YO32 5XH for the demolition of existing structures and erection of 6no. dwellings with associated access, car parking and landscaping.

The Head of Planning and Development Services gave a presentation on the plans and the Development Management officer outlined the additional written information provided at the meeting. This included an amendment to Reason for Refusal 3 as follows:

No information has been submitted to demonstrate that the proposal would comply with the requirements of Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018). On the basis of the lack of information, Officers are unable to assess whether the proposed development complies with these policies and Paragraph 81 of the NPPF.

Public Speaker

Jim Pigott, the applicant and Tim Ross, the agent for the applicant, spoke in support of the application. They provided some context for the plans and requested a deferral in order to undertake an ecological survey. They highlighted the site's proximity to shops, which they stated was a 15 minute walk, and the potential for multi-modal transport options.

In response to questions from Members, the agent for the applicant confirmed their willingness to undertake an ecological survey should the item be deferred.

Further to questions from Members, officers reported that, in accordance with paragraph 149 (g) of the National Planning Policy Framework (NPPF), the redevelopment of the previously developed land would not have a greater impact on the openness of the Green Belt than the existing development. It was therefore considered to be appropriate development within the Green Belt.

Following debate, the Chair proposed the officer recommendation to refuse the application for the reasons contained within report and in line with the update referred to above, subject to the amendment of the wording from 'these policies' to 'the policy'. This was seconded by Cllr Hollyer. A vote was taken and Members voted, 7 in favour, 1 against and 1 abstention, it was therefore:

Resolved: That the application be refused.

Reason: The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt and habitats sites (180) indicate that permission should be refused.

The application site is located within the general extent of the York Green Belt and serves a number Green Belt purposes. The proposal is not considered to further impact on the openness of the Green Belt and proposed development is considered to fall within exceptions 149 (g) of the NPPF.

Insufficient information has been submitted with the application for the LPA, as the Competent Authority, to undertake a Habitats Regulations screening Assessment and Appropriate Assessment. On the basis of the lack of information, Officers are unable to assess whether there are any adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects, or if any necessary mitigation measures may be required.

The proposed development is in an unsustainable location. It will require dependency on motorised vehicles due to the lack of sustainable transport options available. The nearest bus stop and local facilities are located 1200 metres away in Strensall village. Residents of the proposed dwellings would be entirely reliant on private cars. The proposed development fails to comply with paras 92 104, 105, 112, 124 and 130 of the NPPF.

No information has been submitted with respect of policies EC2 (Loss of Employment Land)), as such without further information officers are unable to assess whether the loss of employment land is acceptable and therefore determine if the proposed development

complies with Draft Local Plan Policy EC2 and paragraph 81 of the NPPF

It is noted that the proposal would provide additional housing, however this is not considered to outweigh the above specified harms.

[5.50 pm, Cllr Hollyer left the meeting.]

25. Land and Buildings lying to the North West of Moor Lane and forming part of Oakwood Farm, Northfield Lane, Upper Poppleton, York [22/02605/FUL] (5.55 pm)

Members considered a full application by Mr Alastair Gill at land to the north west of Moor Lane, Upper Poppleton, York, for the change of use of 3no. existing agricultural buildings to use classes B2, B8 and E(g) to include; lighting, amendments to external materials and fenestration and additional hard standing to create new service yards, parking and access. Extension of Cropton Road to provide access to development from Northminster Business Park.

The Head of Planning and Development Services gave a presentation on the application and the Development Management Officer outlined the additional written information presented at the meeting. In response to additional comments received prior to the meeting, the travel plan condition (14) was re-worded as follows:

14. Each of the units hereby approved shall be subject to a Travel Plan.

The Travel Plan(s) shall be developed and implemented in accordance with National Planning Policy Guidance and shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each of the units hereby approved.

The Travel Plan(s) shall be updated annually following occupation and the development shall operate in accordance with the aims, measures and outcomes of the approved Travel Plan(s).

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

The annual travel surveys shall be made available to the Local Planning Authority within 5 working days of any such request. Should the targets

within the plan not be achieved, following annual review, details of further actions (to achieve such targets) shall be submitted to, and approved by the Local Planning Authority and implemented accordingly.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

In response to questions from Members concerning the plans, officers confirmed the location of the site in relation to the community woodland. They reported that the public protection consultant had no objections to the plans but had been concerned about potential noise from the site, a number of conditions had been recommended and had been included in the report. It was confirmed that the Biodiversity net gain condition was missing from the report and would be added retrospectively.

Public Speaker

Kathryn Jukes, the agent for the application, spoke in support of the application. She highlighted the economic benefits, including employment opportunities, of the proposed development and the potential reduction in traffic from Moor Lane. She confirmed the aspects of the design, such as EV charging points and bike stores, that would contribute to both the city's sustainable transport and climate change objectives.

Cllr Hook, Ward Councillor for Rural West York, spoke in objection to the application. She raised concerns regarding poor signage to the business park, highway safety, noise, the operational times of the business park and intrusive lighting.

In response to Member's questions, officers confirmed that condition 22 of the report covered the reduction of intrusive lighting. Officers advised that signage to the business park could not be included within the conditions as it was not within the red line of the planning application. They also advised that the council's ecologist had considered the application and raised no concerns regarding the proximity to the community woodland.

Following debate, the Chair proposed the officer recommendation to approve the application, in line with the written additional information provided to the committee at the meeting and including the bio diversity net gain condition which had been omitted from the report. This was seconded by Cllr Melly. A vote was taken and Members voted 4 in favour of the recommendation and 4 against. The Chair therefore used his casting vote and it was:

Resolved: That the application be approved after referral to the Secretary of State.

Reason: The site is considered to remain within the general extent of the Green Belt, until the Local Plan is adopted. However, the site is identified as part of the portfolio of sites to meet identified employment needs in the city and is therefore excluded from the Green Belt in the defined Green Belt boundaries. The re-use of the buildings and associated alterations to the buildings are considered to be appropriate development within the Green Belt, however the associated external works on the site is inappropriate development in the Green Belt, which are harmful by definition. It is considered however that there are very special circumstances that would clearly outweigh any harm to the Green Belt. Further, there is no case for refusing the scheme on prematurity grounds. Matters such as design, landscaping, amenity, biodiversity, trees, drainage, sustainability, contamination, waste, access and parking are adequately addressed either within the plans or via a specific condition.

The application accords with policies within the National Planning Policy Framework, Rufforth with Knapton Neighbourhood Plan, Poppleton Neighbourhood Plan (in so far as it relates to the Business Park) and policies set out within the Draft Local Plan (2018) (as modified March 2023). Based on the merits of this case, approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 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 part of the development is considered to be inappropriate development in the Green Belt and the proposed 3 buildings would consist of 1931m² of floor space which is in excess of the 1000m² floor space threshold set out in the Direction.

Cllr B Burton, Chair

[The meeting started at 4.31 pm and finished at 6.31 pm].