City of York Council	Committee Minutes
Meeting	Planning Committee
Date	13 September 2018
Present	Councillors Reid (Chair), Ayre, Boyce, Carr, Cuthbertson, D'Agorne, Funnell, Galvin, K Taylor, Warters and Flinders (Substitute)
Apologies	Councillors Shepherd, Cullwick, Doughty and Richardson

Site Visits

Application	Reason	In attendance
Pavers Ltd, Catherine House, Northminster Business Park Harwood Road, Upper Poppleton	To allow Members to familiarise themselves with the site	Cllrs Boyce Cuthbertson, D'Agorne and Reid
Beetle Bank Farm and Wildlife Sanctuary, Moor Lane, Murton	To allow Members to familiarise themselves with the site	Cllrs Boyce Cuthbertson, D'Agorne and Reid

20. 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. There were no declarations of interest.

21. Minutes

Resolved: That the minutes of the meeting held on 11 July 2018 be approved and then signed by the chair as a correct record.

22. 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.

23. 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.

24. Crabtree New Farm York Road Deighton York [18/01256/FUL]

Members considered a full application from Anna Hopwood for the use of agricultural land for the siting of two glamping cabins (resubmission).

The Head of Development Services gave an update, advising that paragraph 4.9 of the Committee Report referred to paragraph 145 of the NPPF which stated that the construction of certain new buildings was not inappropriate in the Green Belt. This included the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation, providing the facilities preserved the openness of the Green Belt and did not conflict with the purposes of including land within it. As a point of clarification, Officers considered that even if the proposal were to be considered appropriate facilities for outdoor recreation, the proposal would still not fall within the forms of development considered not inappropriate within paragraph 145 of the NPPF as a result of the identified impact on openness as detailed within the committee report. The Head of Development Services clarified that this did not alter the officer recommendation and she noted the amended reason for refusal.

Anna Hopwood, the Applicant, spoke in support of the application. She noted the application had reduced to two cabins which would be non permanent leisure buildings with the car parking located in a different area. She explained that because of the overhead power lines the cabins could not

located on a different part of the site. She outlined the size of the cabins noting that they would make minimal visual impact and would be constructed from sustainably sourced materials. She stated that there had been no objections to the application and there had been support from local businesses. She noted the financial pressures which had led to the need for diversification.

Anna Hopwood was asked and confirmed that there had been no discussions with officers regarding changing the cladding on the cabins and she added that they would age and look the same as the other buildings on the farm in time.

In response to Member questions, Officers confirmed that:

- If the application was for caravans this would not be allowed.
- Building and landscaping would have a detrimental impact on the openness of the site.

Following debate it was:

Resolved: That the application be refused.

Reasons:

i. The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. The proposal is therefore assessed against the restrictive policies in the NPPF relating to protecting the Green Belt.

ii. The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm caused by the proposal, is clearly outweighed by other considerations. In this case, the proposal conflicts with one of the five purposes of including land within the Green Belt and has significant impact on the openness of the Green Belt as a result of the introduction of the cabins within an otherwise undeveloped location. The proposal is inappropriate development and substantial weight is to be attached to these harms to the Green Belt. In addition, the proposal would also significantly harm the character and appearance of the landscape through the urbanising impact from the cabins. The applicant has put forward a case for very special

circumstances to clearly outweigh these harms which include the future viability of the farm and need to diversify; the good location of the site and the impact on the local economy. Officers do not consider that these considerations collectively are of sufficient weight to clearly outweigh the significant harm identified to the Green Belt (to which substantial weight attaches) and other harm identified to the character and visual amenity provided by the rural landscape. Therefore the very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist and planning permission should be refused.

iii. It is considered that the proposed glamping cabins *are inappropriate development and* will result in harm to the openness of the Green Belt and will conflict 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 the glamping cabins 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 13 'Protecting Green Belt land'.

25. Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York

Members considered a major full application from Jim Young for an extension to the existing warehouse with associated parking, loading, access, and sprinkler tanks.

Discussion took place regarding the number of electric charging points, boundary landscaping and drainage. It was clarified that surface water drainage would be discussed in consultation with City of York Council Flood Risk Engineers and the Internal Drainage Board.

Resolved: That Delegated Authority to be given to the Assistant Director (Planning and Public Protection) to approve the proposal subject first to agreement relating to the resolution of the surface water drainage, and any resultant additional conditions that may be required in respect of this issue, no objection following referral to Secretary of State and the amendments to conditions 4, 5 and 10:

Amended Condition 4
The landscaping shall be in accordance with Drawing Number 1645/2 Revision A (received 21 August 2018) *for the lifetime of the development*. This scheme shall be implemented within a period of six months of the completion of the development. 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

Amended Condition 5
The existing boundary hedge, which bounds the site to the north, south, and west boundary of the site and shown as being retained on Drawing Number 1645/2 Revision A (received 21 August 2018) and Drawing Number C450 (received 20 July 2018) shall not be removed or reduced in height below 11.00 m in height.

If in the circumstances that a the hedge or part of the hedge is removed *this should be replaced with native species.* Details illustrating the number, species, height and position of the replacement *native* trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented

within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

Amended Condition 10

A scheme which provides a minimum of two electric vehicle recharge point shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the extension. The location and specification of the recharge points and an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years shall be submitted to approved in writing with the Local Planning Authority prior to installation

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110

of the National Planning Policy Framework.

Reasons:

i. 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 143 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.

ii. 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 three 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.

iii. It is considered that cumulatively the considerations put forward by the applicant: the economic benefits and job creation, the successful business already established on the site, and the significant screening are considered to be very special circumstances that are considered to outweigh the definitional harm to the openness and permanence of the greenbelt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.

iv. If councillors consider that the principle of the recommendation of approval is acceptable it is recommended that the application be delegated to

officers to seek an adequate drainage method or sufficient details to condition a drainage scheme. The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

26. Beetle Bank Farm And Wildlife Sanctuary, Moor Lane, Murton, York [18/01411/FUL]

Members considered a full application from Derek Farmer for the erection of a steel container for use as astronomical observatory.

Members were provided an update to the report in which they were advised that of additional supporting information from York Astronomical Society and updates on responses from Murton Parish Council, Flood Risk Management, Network Management and information on the original planning permission at the site. In response to a question from a Member, Officers explained the recreational use of land in the Green Belt.

Isobel Waddington, Chair of Murton Parish Council, spoke in objection to the application. She noted that the emerging Local Plan followed the NPPF and that the application which stated that inappropriate development, by its definition was harmful to the Green Belt and cannot be approved except in very special circumstances. She outlined the Parish Council's objection to the application, adding that it supported the Officer recommendation.

Suzanne Farmer spoke on behalf of the Applicant in support of the application. She explained that York Astronomical Society was a registered charity which had always included public outreach as part of its work. She noted that as an optical observatory, dark skies were needed and she went on to explain why Beetle Bank Farm had been chosen for the siting of the observatory. She added that the observatory could be considered as being for recreational use and that York Astronomical Society were not aware of any other suitable sites.

Derek Farmer, the Applicant, then responded to a number of questions from Members. He confirmed that:

- The reason that York Astronomical Society had needed to move the observatory was because they had been asked to leave Rufforth Airfield (their current site).
- The size of the observatory was necessary to hold a viewing platform. A warm room was needed in winter to store equipment and telescopes.
- The observatory could be made smaller but would lose the warm room.
- In order to make the site useful, concrete needed to be put down and there was a 5 year lease for the land.
- A potential partnership with the university had been assessed and the reason for choosing Beetle Bank Farm was explained.

Tony Fisher spoke in support of the application. He outlined is background as an Astronomer and Physics teacher and eplained why Beetle Bank Farm had been chosen. Concerning the Green Belt, he noted that the effect of the observatory on it was negligible, and he noted that planning applications that had been approved in the Green Belt.

Members debated the application at length, noting the need for there to be very special circumstances in order for the application to be approved.

Resolved: That the application be approved subject to the following conditions:

Condition 1
Time limit

Condition 2
Plans

Condition 3
Personal permission to tie to York Astronomical Society

Condition 4
Only for use as an observatory and no other use

Reason: It is considered that the proposed building does not fall within one of the acceptable uses within the green belt location as outlined within the NPPF 2018 and thus constitutes an inappropriate form of

development that would, by definition, be harmful to the Green Belt. *In addition the proposal would not preserve openness of the Green Belt*. However, very special circumstances have been put forward that would clearly outweigh the harm *and any other harm* and as such it is considered that the proposal is in line with to national planning advice contained within paragraphs 143 to 145 of the National Planning Policy Framework (June 2018) and Policy GB1 of the Publication Draft Local Plan (2018) and Policy GB1 of City Of York Draft Local Plan (2005).

The very special circumstances that exist relate to the unique nature of the application. York Astronomical Society contributes to the value of education by encouraging science and activities to young people. It has been in York since 1972 and its loss would be the loss of an asset to the city. The observatory is a specialist activity being relocated. There is a need for the observatory to be located on a site outside the city with dark skies and a clear horizon for observing night skies. The Astronomical Society has looked for other locations but there were none suitable outside the Green Belt and there is already some built development on the site.

27. Appeals Report

Members received a report informing of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2018, and providing a summary of the salient points from appeals determined in that period, together with a list of outstanding appeals at the date of writing.

Resolved: That the report be noted.

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

Cllr A Reid, Chair
[The meeting started at 4.30 pm and finished at 6.05 pm].