
Meeting	Planning Committee
Date	16 August 2018
Present	Councillors Reid (Chair), Ayre [not present for agenda item 3d], Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Galvin, Looker [not present for agenda item 3d] , Richardson, K Taylor [not present for agenda items 3b and 3d], Warters, S Barnes(Substitute for Cllr Funnell), Crawshaw (Substitute for Cllr Shepherd) and Dew (Substitute for Cllr Doughty)
Apologies	Councillors Shepherd, Funnell and Doughty

Site Visits

Application	Reason	In attendance
Former Lowfield School, Dijon Avenue	As the recommendation was to approve and objections had been received	Councillors Boyce, Carr, Cullwick, Cuthbertson, D' Agorne, Galvin, Reid and Richardson
Spark York, Piccadilly	As the recommendation was to approve and objections had been received	Councillors Boyce, Carr, Cullwick, Cuthbertson, D' Agorne, Galvin, Reid and Richardson

13. 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 K Taylor declared a prejudicial interest in agenda items 3b and 3d.

14. 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.

15. 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.

16. Rufforth Poultry Farm, Land At Grid Reference 458205 449925, West Of Bradley Lane, Rufforth, York [16/01813/FULM]

Members considered a major full application from H Barker And Son Ltd for the erection of a poultry farm comprising six poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission).

The Head of Development Services outlined the application and provided an update. Members were advised that the authority had commissioned Eddowes Aviation Safety to produce a report in respect of the application. Mark Eddowes of Eddowes Aviation Safety explained that York Gliding Club objected to the application on the basis of it being close to their airfield. He outlined the methodology used and principle findings of his review noting the significant risks over the control of safety issues with the site. He further noted that the aviation consultant employed by the applicant had not included a number of items in their assessment which had been included in his assessment.

Officers clarified to Members that the proposal was for the erection of three buildings to house poultry, not six as included in the report in paragraph 4.13 and the report title.

Lynne Edwards, on behalf of Animal Aid, spoke in objection to the application. She explained Animal Aid's concerns regarding the significant risk of flooding, waste and water discharge, noise from additional vehicles travelling to and from the site, and a

number of health and safety risks in relation to the effect of spillage from poultry feed, and potential increased risk of outbreaks of bird flu.

Alan Wrigley, on behalf of York Gliding Centre, spoke in objection to the application. He detailed his flight experience and background and noted that the safety standards of flights would be put at risk by the erection of the buildings detailed in the application. He supported the information included in the report to the Committee.

David Hildreth, a local farmer, spoke in objection to the application. He noted impact of the development on the green belt, citing NPPF guidance and noted that approval of the scheme would have a negative economic impact on that the landscaping of the development would have on York Gliding Centre as well as the increased risk of flooding on his farm adjacent to the site.

The agent for the applicant, Paul Leeming (Carter Jonas), spoke in support of the application. He noted that as the poultry farm was for agricultural use as it was in the green belt and that the scale of the proposal had been reduced from the previous planning application made. He noted that the proposal would contribute to economic growth and that there were no material planning issues to be resolved. He noted that the aviation consultant appointed by the applicant had found no issues with the proposal in connection with the flight school and that other sites, such as the site near Selby Golf Club had been deemed unsuitable and he explained the reasons for this.

In response to Members' questions Mr Barker on behalf of the applicant clarified why the Selby Golf Club had been discounted as a suitable site for the poultry farm.

Cllr Steward, Councillor for Rural West York Ward, spoke in objection to the application. He supported the conclusions of the officer report, in particular the information contained within sections 4.16, 4.17 and 4.18. He noted the impact of increased traffic to the poultry farm through Rufforth and neighbouring villages. He expressed concern regarding the different conclusions of the aviation consultant appointed by City of York Council and the applicant to which Mark Eddowes responded with an explanation of the methodology used and resulting conclusions made by both.

Following debate it was:

Resolved: That the application be refused.

Reason: The development by virtue of its scale, dense pattern of landscaping and close physical relationship to a principal run-way of Rufforth Airfield would give rise to significant material harm to the safety of aircraft and associated gliders taking off and landing contrary to Central Government Planning Policy as outlined in paragraph 104 f) to the National Planning Policy Framework. That adverse impact would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole.

**17. Former Lowfield School, Dijon Avenue, York
[17/02429/OUTM]**

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

Members considered a Major Outline Application from City Of York Council for for 165 dwellings, care home (approx 80 bed), health and public service building and associated green space, access and infrastructure.

The Head of Development Services provided an update advising Members of additional consultation responses and representations, specifically in response to the findings of a survey of 250 local residents undertaken between 6 and 14 August on behalf of Westfield Liberal Democrats and a written submission from Save Lowfields Playing Field Action Group.

In response to Member questions it was clarified that:

- The landscaping could be conditioned to the lifetime of the development and not 5 years as detailed in condition 6
- Breaches in construction times on the site would result in enforcement action
- The design code referred to in condition 40 had not been progressed beyond an early stage.

Two written representations in objection had been received from:

- Save Lowfields Playing Green group in which they outlined the reasons that the application should be refused
- Westfield Liberal Democrats Lowfield Survey results (250 residents surveyed between 6 to 14 August 2018)

James Newton (YorSpace) spoke in support of the application. He noted that average house prices had risen by 300% and that property was surging out of the reach of first time buyers. He stated that YorSpace were committed to delivering affordable homes and that the housing model included in the application worked for delivering affordable housing.

In response to Member questions, James Newton noted that:

- The financial model of YorSpace was robust and there was a growing network of and government funding for communal housing.
- There was car parking for 90 homes and plenty of cycle storage on the site.

Michael Jones (Commercial Project Manager, City of York Council) on behalf of the applicant spoke in support of the application. He outlined the types of housing that would be delivered on the site and noted that the scheme had been designed to a lower density than planning limits. With regard to the use of the present site as playing fields he advised that the site was locked and that there would be new football pitches located on Tadcaster Road. He advised that there had been consultation regarding the site with local residents, and that plans had been shaped by local Ward Members.

In answer to questions from Members Michael Jones responded that:

- Public consultation had taken place on 17 July
- Some house types had changed to bungalows
- The site could not be used at present and the application provided the use of green space
- There was no proposal to put a barrier on the small access road from Tudor Road. However, it would be possible to condition the installation of a traffic barrier.

Elisabeth Storrs spoke in support of the application. She explained that the proposed housing would help people on a modest income to change to own a home.

Cllr Waller, Ward Member for Westfield, spoke in objection to the application. He cited the changes from the 2010 proposals for the site. He explained the need for recreational space in the locality and expressed disappointment that the proposals resulted in a loss of open green space, adding that the development did not include enough green space. He noted the need to address traffic to and from the site. He added that it had been confirmed that there was no plan to move a police station to the site.

In response to questions from the Committee, Cllr Waller explained that:

- The footprint of the former school should have been put forward for development.
- The Council could deliver sustainable development on the site
- The police station was to be sited at the Fire Station
- During all public engagement, residents asked for open space to be retained.
- The results of the Westfield Liberal Democrat survey gave a strong indication that residents were against the proposals put forward.

Discussion took place regarding the footprint of the site, which was ascertained to be between 40-45% of the total area of the site. Members were advised by the Senior Solicitor that they could only consider the application presented before them.

A full debate followed in which Members acknowledged the views of residents and the need for affordable housing. NPPF guidance was discussed and the Senior Solicitor advised that the application was to be considered against the July 2018 NPPF. Following debate it was:

Resolved: That the application be approved subject to the conditions listed in the report and the following amended and additional conditions:

- i. Planting for the lifetime of the scheme [amendment to condition 6]

- ii. Barrier to be installed at the site entrance on Tudor Road
- iii. Use of renewable energy

Reasons:

- i. The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. The former school playing field has been used by Woodthorpe Wanderers a Junior Football team who have subsequently relocated to a site in Dringhouses and merged with another local team leaving the playing field unused. Outline planning permission with access only considered is sought for the erection of 96 two and three storey dwelling houses, 26 bungalows and a three storey apartment block containing 18 apartments together with an 80 bed care home, a police station/health centre and an additional 6 self build and 19 community build dwellings.
- ii. The benefits from the scheme would be the provision of a range of housing reflecting the local pattern of demand and need including for affordable properties together with the provision of an 80 bed care home specialising in dementia care for which there is a demonstrable need in western York.
- iii. In applying the relevant planning balance, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. As a result, the proposal represents sustainable development and approval is recommended.

**18. Former Lowfield School, Dijon Avenue, York
[17/02428/FULM]**

[Note: Councillor K Taylor returned to the meeting for consideration of this application].

Members considered a major full application from City Of York Council for the erection of 96 two and three storey houses, 26 bungalows and three storey 18 apartment building with new access and associated infrastructure.

An officer update was given. Members were advised that a detailed consultation response had been received from Strategic Planning raising no objection to the proposal. Attention was also drawn to Policy G15 Loss of Open Space and Playing Fields in addition to the policies within the Publication Draft Local Plan previously highlighted within the report attention was drawn to Policy G15 Loss of Open Space and Playing Fields in which indicated that development would not be permitted that would lead to loss of open space of environmental and/or recreational importance unless the open space can be replaced by provision at an equivalent or better standard within the wider area.

Members were further advised that a revised response had been received from Education Services which reduced the commuted sum payment in respect of educational places to £438,812. It was confirmed that additional conditions applied to the outline approval applied to this application also.

In response to Member questions it was confirmed that permitted development rights in respect of reselling of the bungalows could be removed . It was also clarified that there would be a separate planning application for the self build plots.

Samantha Judd, a local resident, addressed the Committee on behalf of a number of local residents neighbouring the site. She explained that she understood the need for affordable housing but thought that the site was being used to compensate for developments that could be built elsewhere, such as at the former Manor School site. She expressed concern regarding the creation of an entrance to the site on Tudor Road and the impact this would have on traffic.

Michael Jones (Commercial Project Manager, City of York Council) on behalf of the applicant spoke in support of the application. He noted that the houses contained within the application would be built quickly and would be affordable, with the first homes to be occupied by 2019. He detailed the types of accommodation that would make up the 140 homes. He noted that the homes were sustainable, with car charging and cycle parking available in each of the homes.

In answer to questions from the Committee, Michael Jones clarified:

- The position of the dormer windows on the bungalows
- The addition of a second storey to the bungalows would require a new planning application
- That the inclusion of a boundary treatment could be conditioned
- That there was a lift in the apartment block

Clarification was given on the removal of permitted development rights and with reference to retaining hedges on the boundary of the site, it was noted that boundary treatment could be conditioned.

Following debate it was:

Resolved: That the application be approved subject to the conditions listed in the report and the following amended and additional conditions:

- Planting for the lifetime of the scheme [amendment]
- Barrier at entrance on tudor road.
- Use of renewable energy.
- Boundary treatment on the hedges on the boundary of the site.
- Permitted development rights on the bungalows be removed.

Reasons:

- i. The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. The former school playing field has been used by Woodthorpe Wanderers a Junior Football team who have subsequently relocated to a site in Dringhouses and merged with another local team leaving the playing field unused.

Full planning permission is sought for the erection of 96 two and three storey dwelling houses, 26 bungalows and a three storey apartment block containing 18 apartments. It is considered that the proposal would not be premature in terms of the delivery of the 2018 Draft Plan. At the same time appropriate re-provision has been made in terms of the playing fields to be lost. The site has been designed to respect its surroundings in terms of its design, layout and density and would secure the delivery of a site allocated for housing in furtherance of the requirements of the NPPF.

- ii. In applying the relevant planning balance, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. As a result, approval is recommended.

19. Spark York, Piccadilly, York [18/01102/FUL]

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

Members considered a full application from Spark York for the variation of conditions 1 and 3 of permitted application 17/00274/FUL to amend approved plans to omit timber cladding from containers and for external artwork and vinyl lettering.

An officer update was given advising that the identified harm to heritage assets and issues with the design had been assessed against the policies of the NPPF as a whole.

Following their update, Officers were asked and clarified that:

- There was a requirement for a lift on the site which was understood to be installed around October 2018
- Paragraph 3.5 of the report contained the views of the Conservation Officer
- The assessment of the application was not based on the cost of the cladding

Matthew Laverack spoke in objection to the application, suggesting that the report and update were flawed. He urged

the Committee to refuse the application on the grounds of detrimental visual amenity.

Sam Leach, the applicant, spoke in support of the application. He explained that footfall at the end of Piccadilly (where Spark:York was located), was higher than ever. He noted the positive impact that it had had on the local economy, namely Fossgate, Walmgate and the Castle Gateway area. He noted that it was temporary structure and that national street artists had produced the artwork on the containers.

In response to Member questions, Sam Leach explained:

- Spark:York had been successful for Piccaddilly, with families and people of all ages visiting.
- The circumstances behind the application and reasons for not installing the cladding
- Why street art was used

It was clarified to Members that the application was a variation of conditions 1 and 3 of the permitted application to amend approved plans to omit timber cladding from containers and for external artwork and vinyl lettering.

Mike Proctor, a local resident, spoke in support of the application. He noted that he lived adjacent to the site and had found that his original fears around Spark:York were unfounded as the applicants had complied with all the condition around noise, smells (from cooking) and opening and closing times. He noted that the applicants had made functional use of the industrial containers.

Members debated the application in detail, expressing a number of different views about the external artwork in situ on the containers and the impact of this on the conservation area. Following a full debate it was:

Resolved: That the application be refused.

Reason: Inappropriate to the setting and harm to conservation area.

Cllr A Reid, Chair

[The meeting started at 4.30pm and finished at 8.05pm].