

Meeting	Planning Committee
Date	14 July 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre(for plans items 4a, b & c only (minutes 13-15 refer), Boyce, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Richardson, Warters and Cannon (as a Substitute for Cllr Shepherd)
Apologies	Councillors Dew, Shepherd and Looker

8. Site Visits

Application	Reason	In Attendance
Red Lodge, Haxby Road	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Folk Hall, Haxby Road, New Earswick	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Sports Ground, White Rose Avenue, New Earswick	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Askham Bryan College	To familiarise members with the site in this Green Belt location.	Cllrs Boyce, Cannon, Cullwick, Cuthbertson, Galvin and Reid.
Land at Grid Ref 469030 444830, Church Lane, Wheldake	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cannon and Reid.

9. Declarations of Interest

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they might have in the business on the agenda.

Councillor Boyce declared a personal non prejudicial interest in the plans items relating to New Earswick (4a Sports Ground, White Rose Avenue, 4b Red Lodge, Haxby Road and 4c The Folk Hall, Haxby Road) as a resident of a Joseph Rowntree property.

Cllr Cullwick declared a personal non prejudicial interest in plans item 4a (Sports Ground, White Rose Avenue), 4b (Red Lodge, Haxby Road) and 4c (The Folk Hall, Haxby Road) as, along with his fellow ward councillors, he had raised a number of concerns about the original application which had been dealt with subsequently. He advised Members that he had taken advice on this and was confident he could approach the debate with an open mind.

Cllr Cuthbertson declared a personal non prejudicial interest in plans item 4b (Red Lodge, Haxby Road) as his wife was one of the councillors who had objected to this application in her own capacity.

Cllr Galvin declared a personal non prejudicial interest in plans item 4f (Askham Bryan College, Askham Fields Lane, Askham Bryan) as he hired the sports hall from the college four times each year.

Cllr Richardson declared a personal interest in plans item 4d (Land at Grid Reference 469030 444830, Church Lane, Wheldrake) as he knew the applicant.

10. Minutes

Resolved: That the minutes of the meetings held on 12 May and 8 June 2016 be approved as correct records and then signed by the chair.

11. Public Participation

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

12. Plans List

Members considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

The applications were considered in the following order:

1. 4b) Red Lodge, Haxby Road, York (15/00758/FULM)
2. 4d) The Folk Hall, Haxby Road, New Earswick, York (15/00865/LBC)
3. 4a) Sports Ground, White Rose Avenue, New Earswick, York (15/02446/FUL)
4. 4g) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (16/01095/FUL)
5. 4e) Land At Grid Reference 469030 444830, Church Lane, Wheldrake (16/00952/FUL)
6. 4f) Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF(16/01251/FUL)

13. Sports Ground, White Rose Avenue, New Earswick, York (15/02446/FUL)

Members considered a full application by the Joseph Rowntree Housing Trust for the construction of two all-weather tennis courts and an all-weather multi-use sports court with associated perimeter fencing and ten 8 metre floodlight columns.

Mr Andrew Calverley, a local resident, addressed the committee. He stated that New Earswick had been influenced by the garden city movement with everything, from living spaces to garden spaces and had been very carefully planned. He expressed his objections to where the building would take place, in one of the main central parts of the village, which he felt

would lead to a permanent and detrimental change to the environment of the village. ¹

Ms Kathryn Jukes, Planning Consultant for Joseph Rowntree Housing Trust, addressed the committee in support of the application. She explained that the proposals would compensate for the loss of the tennis courts in the centre of the village on the Red Lodge application site. The new tennis courts would utilise an area of the New Earswick Sports Club which was currently overgrown and under utilised therefore they wouldn't be any loss of existing sports facilities currently at the sports club. She advised that they had worked with planning officers to satisfy a number of different parties' requirements and the proposed scheme was the culmination of discussions and collaborative working. She advised that the relocation of the tennis courts to the new location would facilitate the redevelopment of the Red Lodge Care Home site in the centre of the village. Furthermore the presence of the tennis club on the same site should help New Earswick Sports Club to secure funding as part of an ongoing programme to extend and update facilities at the sports club.

Members felt that there was sufficient space for the construction of the tennis courts and multi use games court and felt that this could increase the use of the sports club by providing a dedicated sports area within the village.

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

Reason: The wider benefits to the community of co-locating with other sports and the relocation to enable continued provision of a well-used tennis facility in New Earswick are considered to amount to very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and modest harm to openness, even when affording substantial weight to that harm. The proposal therefore accords with Green Belt policies within the NPPF. At the same time the location of the facilities relative to the adjoining railway would not be such as to impact upon its operational effectiveness.

¹ [Note: *It became evident only when Mr Calverley was speaking that, although he had registered to speak on Plans item 4a (Sports Ground, White Rose Ave), his comments related to the Red Lodge application which had already been considered prior to this application. The Chair advised that, whilst Members noted his views, they were unable to take these into account in relation to the Red Lodge application as this had already been considered.*]

14. Red Lodge, Haxby Road, York (15/00758/FULM)

Members considered a major full application by the Joseph Rowntree Housing Trust for the erection of 129 extra care apartments (class C3B) and 44 care suites (class C2) and play area following demolition of Red Lodge, former library and tennis clubhouse buildings, external alterations to the Folk Hall and the construction of multi-use games area on the recreation ground.

Officers advised that, for the avoidance of doubt it was recommended Condition 2 included a comprehensive list of plan references (listed below).

They advised that since the committee report had been written, the balance of the proposed accommodation had been further clarified and that paragraph 4.26 should be amended to read that it was proposed that nomination rights would be given to the Council in respect of 30% of the extra care housing and would be secured as affordable social rented dwellings within Use Class C3(b) on site by means of a Section 106 Agreement. This requirement was necessary to make the development acceptable in planning terms, and ensure that the S106 agreement met the CIL Regulation requirements, and could be a reason for granting planning permission. A total of 105 Extra Care Apartments (Use Class C3b), (of which 28 will be “Adaptable Flats”) were now proposed with 44 Care Suites (Use Class C2) and two Respite Care Suites (Use Class C2).

They advised that the applicant had also recently provided drawings identifying those C3(b) units that would be “Adaptable Flats”, that could switch between C3(b) and three C2 Care Suites, depending upon the care needs of the occupants. Provided the ability to switch between these uses was restricted to the units shown on Drawings AA4761/2090, AA4761/2091,

and AA4761/2092, dated 13th July 2016 a condition could be imposed that permitted such a change without planning permission and Officers therefore sought authority to draft an appropriate condition to achieve this.

Officers advised that there were sufficient non-adaptable C3(b) Units to enable 30% of the affordable units to be identified and secured through a S106 agreement and to enable this, the recommendation should be amended accordingly.

Mr Shaun Rafferty, Strategic Director of Communities for the Joseph Rowntree Foundation, addressed the committee. He advised the committee that the proposed redevelopment of Red Lodge would provide the basis for a new vibrant centre for village life and would integrate people into village life. The proposed building would increase the amount of affordable high quality care provision in the city and could be reconfigured in the future to meet the changing needs of residents. The proposals would also include the revival and improvement of community facilities in the village.

Members expressed their support for the scheme. Some concern was raised with regard to massing with a lot of development in one area of New Earswick and the possible effect on a row of shops further up the road and the loss of informal open space. However they agreed that the proposals would address a need for affordable high quality housing for older people in York which would in turn free up larger houses for families. They agreed that it would improve community cohesion and would provide an inclusive place for citizens to live.

Members agreed that the landscaping condition should be amended to refer to the lifetime of the development in relation to replacement planting.

Resolved: That delegated authority be given to the Assistant Director of Planning and Regeneration to APPROVE the application subject to:

- (i) Satisfactory completion of a S106 Agreement to
 - define and secure 30% affordable extra care C3(b) residential units within the residential apartment buildings in line with the

requirements of the Adopted Interim Policy on Affordable Housing, and

- link the provision of replacement tennis facilities and works to the Folk Hall to the provision of the care home and residential extra care units, and

(ii) Suitably worded conditions to enable those “Adaptable Flats” shown on Drawings AA4761/2090, AA4761/2091, and AA4761/2092, dated 13th July 2016 to change use between C3(b) and C2 uses without the need for express planning permission, and amendments to proposed Condition 37 to ensure that the development is occupied only by persons aged over 55 and in need of defined care (and their spouse/partner)

(iii) the other conditions set out in the report, the amendment to condition 6 to refer to the “lifetime of the development” for the replacement of planting and the amended condition 2 below:

Amended Condition 2

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

AA4761/2030/D;AA4761/2031C;AA4761/2040D;AA4761/2041B;AA4761/2045B;AA4761/2050A;AA4761/2051A; AA4761/2060G; AA4761/2061D;AA4761/2062F;AA4761/ 2063C; AA4761/2066E; AA4761/2067E;AA4761/2068C;AA4761/2069;AA4761/2070;G3869-401 and 402 C; AA4761/2080A; AA4761/2081A; AA4761/2082A; AA4761/2083A; 10752-135; AA4761/2000A; AA4761/2001C;AA4761/2004B;AA4761/2005B; AA4761/2006B; AA4761/2007B;AA4761/2010F; AA4761/2011F; AA4761/2012E; AA4761/2013C;AA4761/2014B;AA4761/2015B; AA4761/2016B; AA4761/2020E and AA4761/2021B.

Reason: The proposal, as amended, would fulfil the statutory tests within Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act of preserving and enhancing the Conservation Area in respect of both the new built development and the

relocation of the MUGA as well as safeguarding the character and setting of the Listed Folk Hall building. A substantial public benefit arising from the wider proposal can also be demonstrated in each case to justify the less than substantial harm that would be caused by the development in respect of paragraph 134 of the NPPF. At the same time the residential amenity of the adjacent properties to the north and west would similarly be safeguarded.

15. The Folk Hall, Haxby Road, New Earswick, York (15/00865/LBC)

Members considered an application for listed building consent by the Joseph Rowntree Housing Trust for internal and external alterations including installation of lift and alternations to entrances and ramps.

Officers advised that, for the avoidance of doubt it was recommended that Condition 2 should include the following plan references: AA4761, 2060 G ground floor, 2061 D first floor, 2062 F demol plan grd, 2063 C demol plan fst, 2066 E elevs 1, 2067 E elevs 2, 2068 C works to ground floor, 2069 works to first floor and 2070 internal and external doors .

Ms Kathryn Jukes, Planning Consultant for Joseph Rowntree Housing Trust, addressed the committee in support of the application. She explained the background to the history of the Folk Hall, the proposed changes and the reasons for these. She advised that the main entrance would be moved to the front of the building with a garden area at the back with a terrace and toddler play area. The proposals would integrate the Folk Hall into the community and provide a space where barriers could be broken down.

Members welcomed the scheme which they noted would update and improve the Folk Hall to meet current needs and would provide a focus for community events and somewhere for residents to meet. They felt it was an exciting proposal which would ensure the future of the Folk Hall.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 2

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

- Drawing Refs:- AA4761
- 2060 G ground floor
- 2061 D first floor
- 15/00865/LBC Page 2 of 3
- 2062 F demol plan grd
- 2063 C demol plan fst
- 2066 E elevs 1
- 2067 E elevs 2
- 2068 C works to ground floor
- 2069 works to first floor
- 2070 internal and external doors .

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

Reason: The proposed works would cause less than substantial harm to the significance of the property. The re-creation of the Parker and Unwin design concept together with the establishment of a role for the hall as a community focus for the proposed re-constructed Red Lodge scheme would provide a suitable degree of public benefit to justify the proposed works, even when attributing considerable importance and weight to the minimal harm caused to the listed building.

16. Land At Grid Reference 469030 444830, Church Lane, Wheldrake (16/00952/FUL)

Members considered a full application from Derwent Valley Glamping for the erection of four seasonal tents utilising existing access, the creation and maintenance of a footpath link, and the incorporation of a habitat enhancement plan (resubmission).

Mr Chris Hobson, the applicant, addressed the committee in support of his application. He explained that the seasonal tents would incorporate kitchen and toilet facilities to avoid the need for additional external facilities. The car parking area would have the appearance of grass. A footpath had been constructed down the side of the site which was in private ownership but

would be kept open to the public for access. He expressed the view that the proposals would provide an acceptable form of development in the green belt as the tents were temporary structures and would be removed out of season. He stated that the proposals would provide a significant amount of benefit including benefits to the local economy and to environmental habitat enhancements.

Members noted that the site was well screened from the road but the vista opened up once into the site and that the tents would overlook spectacular countryside and should attract visitors looking for peace and quiet with access to country walks and wildlife.

Some Members remarked that at the site visit they had observed local wildlife and had seen birds of prey and expressed concerns that the proposed use could not be achieved without creating a disturbance to this wildlife. They acknowledged that the tents would only be in place for part of the year but that they were of a substantial size and would impact on the greenbelt and the adjacent nature reserve with concerns of noise and light pollution associated with the use of the site. They noted that connections to sewerage and water would remain even when the tents were taken down.

Members considered whether it would be practical to grant permission for a year and view its operation after this period but acknowledged that this would involve a significant outlay to purchase tents and equipment. The officer advised that while some grades of greenbelt could potentially take this type of development, this was an important area of greenbelt and the harm to the greenbelt would be high with the reasons being put forward as very special circumstances being quite low.

Resolved: That the application be refused.

Reason: Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the

National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including harm to the purposes of Green Belt and openness and harm to the character and appearance of the area through visual impact and noise and disturbance). The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014) and Policy GB1 of the City of York Development Control Local Plan (April 2005).

17. Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF(16/01251/FUL)

Members considered a full application by Mr James Edwards for the change of use of part of the car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to the boundary (part retrospective).

Officers advised that the agent had requested that the application be deferred. They had queried the status of the local plans with regards to the greenbelt. They had also taken comments made by consultees as the assessment made by officers. Officers confirmed that the report was very clear regarding the status of the greenbelt and the local plans, the feedback of the consultees was also clearly set out. Officers considered that the opinions of the agent did not affect the recommendation as it was clear that the site was within the Green Belt.

Members noted their decision to refuse an application for a mobile storage unit for public use for bulk re sale or recycling of clothing, shoes and clothing accessories on this site at a previous meeting. They felt that, as for that application, these proposals constituted inappropriate development in the greenbelt and would have a negative effect on the highway and agreed that for consistency, and for the reasons outlined by officers, this application should be refused.

Resolved: That the application be refused.

Reason: The application site is within the general extent of the Green Belt as set out by 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 change of use of the site for a car wash facility with associated storage container, canopy, and screening constitutes 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, the sprawl, merging and coalescence of development; and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification 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 (harm to visual amenity and character of the A59 transport corridor) 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 conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

The application site is in an area which is open in character and appearance and contributes to the character and setting of the A59 transport corridor. The proposed change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary, by virtue of its location adjacent to a junction on the A59 transport corridor, would be unduly prominent

and intrusive in the streetscene in addition to creating a cluttered appearance. As such the proposed development would fail to respect the character of the area and cause harm to the visual amenity and open character and therefore would conflict with Policy SP3 and GP1 of the City of York Council Development Control Local Plan (2005) and contrary to the core principles and part 7 of the National Planning Policy Framework.

18. Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (16/01095/FUL)

Members considered a full application by Askham Bryan College for the erection of 7 animal shelters associated with the Wildlife and Conservation Area and Animal Management Centre.

Officers advised that condition 1 should be amended to include the revised location plan and that condition 5 should be amended to state that the existing hedge should be grown to a minimum of 3 metres and be retained at that height.

Ms Kathryn Jukes, Planning Consultant for Askham Bryan College, addressed the committee. She reminded Members that in 2013 planning approval had been given for a number of new buildings and alterations to the college to extend and update the teaching facilities to accommodate an increase in numbers and an extended curriculum. The planning application had included a new animal management centre and adjacent wildlife conservation area as well as paddocks with the intention of providing new teaching facilities for students in relation to more exotic animal species rather than simply farm animals. Since then the college has finalised the list of animals to be housed within the wildlife conservation area and had researched their habitat requirements. This meant the generic housing types included in the 2013 application needed to be updated to suit the needs of those animals the college was now to home. This application therefore included specific details of houses designed for specific small mammals as well as a number of gazebos for students to use by the dipping ponds. She

acknowledged that the site was in the greenbelt but the needs of animals provided special circumstances to justify erection of modest structures as did the general college activity.

Some members raised the issue of the need to protect the openness of the green belt but acknowledged that this application was for the animal shelters within enclosures which had planning permission and that the new shelters were required for wellbeing of the animals. They accepted that very special circumstances had been demonstrated and that this would increase the opportunities for young people at the college.

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

Amended Condition 1

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

- Drawing Number (0-)02 Revision B 'Wildlife and Conservation Area: Enclosure No. 11A and 11B' received 04 May 2016;
- Drawing Number (0-)03 Revision B 'Wildlife and Conservation Area: Enclosure No.04' received 14 June 2016;
- Drawing Number (0-)04 'Wildlife and Conservation Area: Enclosure No. 14' received 04 May 2016;
- Drawing Number (0-)05 Revision A 'Wildlife and Conservation Area: Enclosure No. 7' received 04 May 2016;
- Drawing Number (0-)06 Revision A 'Wildlife and Conservation Area: Enclosure No. 3' received 14 June 2016;
- Drawing Number (0-)01 Revision H 'Wildlife and Conservation Area' received 14 June 2016;
- Drawing Number 15/087/09 'Site Location Plan V2' received 14 July 2016;

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

Amended Condition 5

The existing hedge along the southern boundary between the A64 and the 2 no. shelters (referred to as (3) on Drawing Number (0-)01 Revision H 'Wildlife and Conservation Area received 14 June 2016) shall be grown to a minimum height of 3 metres and shall not, except with the prior approval in writing of the Local Planning Authority, be removed or reduced in minimum height below 3 metres above ground level at the hedge roots.

If in the circumstances that a tree/s or part of the hedge is removed details illustrating the number, species, height and position of the replacement 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: To prevent views of the shelters from the A64, and to ensure that the hedge provides adequate screening and does not harm the visual amenity of the transport corridor, or the openness of the greenbelt.

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.

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 openness and that the proposal would undermine two of the five Green Belt purposes.

The applicant has advanced factors which they consider to amount to very special circumstances in respect of the proposal:- principle set by 13/02946/FULM planning permission; and animal welfare. Officers have considered the justification put forward by the applicant in support of the proposals and, having weighed these considerations against the harms that have been identified, has concluded that these considerations together with: the proposed facilities being required for the college to expand and compete and improve existing courses; and the proposed college facilities being required in proximity to the current campus and not reasonably being sited elsewhere cumulatively, clearly outweigh the harm to the Green Belt and other harms identified. It is concluded that very special circumstances do exist to justify the proposal.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.45 pm].