

Meeting	Planning Committee
Date	4 March 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher and Craghill (Substitute for Cllr D'Agorne)
Apologies	Councillor D'Agorne

18. 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 Barker declared a non prejudicial interest in agenda item 4b [York Microlight Centre Limited, Rufforth Airfield, Rufforth, York YO233NA [20/01448/FUL] as the Ward Councillor for that Ward. There were no further declarations of interest.

19. Minutes

Resolved: That the minutes of the meeting held on 4 February 2021 be approved and then signed by the chair as a correct record.

20. 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.

21. 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.

**21a North Selby Mine, New Road, Deighton, York
[20/01546/FUL]**

Members considered a full application from Peter Massie for the Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year at North Selby Mine, New Road, Deighton, York.

A presentation on the application was given, detailing the site location plan and site parameters plan.

Officers provided an update noting that the full committee report had been republished that day (including the alternative wording for condition 4). Late correspondence had been received Deighton Parish Council in response to the alternative wording of proposed condition 4. Members were also advised of an amendment to condition 4 to require development to be carried in full compliance with the approved site management plan. It was noted that the additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

In response to Member questions, officers confirmed that:

- Proof of residency could include council tax or utility bills to prove primary residence and this could be stipulated to residents.
- There were two pieces of legislation for the classification of a caravan. Both were detailed to Members.
- The placement of lodges on the site would depend whether those lodges fell under the definition of a caravan. If the lodge was permanent and had bigger dimensions than a caravan it would need a new planning permission.
- It could be clarified within a condition what was meant by caravan to make it clear for future developments on site.
- There would be a separate areas for static and touring caravans.
- The limit for a caravan was a width of 6.2m
- Notification letters were sent to Deighton Parish Council and Escrick Parish Council on 25 February 2021

- The Deighton Parish Council response was clarified and read out
- Condition 4 referred to all caravans on site
- Geothermal use of the site was not part of the application

[At 16:53 Cllr Barker confirmed that he had heard all of the discussion when his camera was briefly off]

Public Speakers

Chris Brack spoke in objection to the application on behalf of Deighton Parish Council. He explained that the application was inadequate in stopping caravans from becoming permanent dwellings and that keeping a register of addresses was academic if there was no information on their length of stay. He suggested that the site management plan should include a leasehold clause. A Member noted that only caravans could be sited to which he asked if this included motorhomes and it was clarified that if motorhomes fit the definition of a caravan they would be allowed.

Mr Brack then asked a number of questions from Members to which he responded that:

- The proof of residency could via council tax or utility bills would go some way to towards proof but was not infallible.
- It was suspected that the caravans would not be used as holiday accommodation as the nearby Hollicars, occupiers used their caravans as permanent residences.

Cllr Vassie, Ward Member spoke in objection to the application. He urged the Committee to reject the amendment to the variation of condition 4. He noted that the council had declared a climate emergency and this application would have been an opportunity to address the climate emergency. In response to a question from a Member, Cllr Vassie confirmed that the applicant had not contacted him and that the previous owners of the site had been aware of the carbon benefits of the site.

Liam Toland (Agent for the Applicant) spoke in support of the application. He explained that the amended condition would ensure that the site would not be used for permanent residences. Members asked him a number of questions which he responded that:

- In regard to the 6 month occupancy in a 12 month period, the majority of sites on a similar scale had no occupancy

restrictions. It was felt that the 6 week period was the best way of promoting the site.

- The intention was for touring and static caravans on the site.
- It was felt that the condition put forward was sufficient for the site not to be used for permanent occupancy.
- The lengths/patterns of stay were generally for long weekends, and pitches would be sold for static caravans and rented for touring caravans.
- Concerning the issues raised by Cllr Vassie, technical experts said that the shafts were unviable for geothermal heating. He confirmed that he had responded to Cllr before the last meeting at which the application was considered.
- Prior to the previous application there had been two public consultations with Escrick and a nearby village. Both were well attended.
- The council felt that the 6 week period was acceptable in planning terms.
- The applicant would be willing to accept stipulation regarding proof of residency such as council tax and utility bills.

In response to further questions from Members, officers clarified that:

- They were confident that the management plan condition covered the 6 week period. The Senior Solicitor clarified that the condition could be amended to specify the use classes.
- Case law has confirmed that motorhomes fall within the category of a caravan.
- The negotiations with the applicant has been through their agent.
- The Senior Solicitor advised that with regard to the suggestion from Escrick Parish Council for a leasehold condition, any condition would need to meet the six tests and would need to be necessary and reasonable. She further advised that it was in the gift of the Committee to change the wording of Condition 4.
- It was not in the gift of the Committee to take into account the geothermal use of the site.

Cllr Warters then moved and Cllr Craghill seconded refusal on the grounds of the Condition 4 being changed from 28 days to 6 weeks.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Barker, Craghill, Daubeney, Fisher, Myers and Warters and voted for the motion;
- Cllrs Ayre, Doughty, Douglas, Fenton, Hollyer, Kilbane, Lomas, Pavlovic and Cullwick voted against the motion.

The motion fell.

Cllr Fenton then moved and Cllr Ayre seconded approval subject to an amendment to condition 4 to the effect that the site would not be occupied for more than 6 months in any calendar year and the wording of this amendment to be delegated to officers in consultation with the Chair and Vice Chair.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Craghill, Daubeney, Doughty, Douglas Fenton, Fisher, Hollyer, Kilbane, Lomas, Myers and Pavlovic and Cullwick voted for the motion;
- Cllr Warters abstained from the vote.

The motion was carried and it was

Resolved: That the application be approved with the delegation of the final wording to officers in consultation with the Chair and Vice Chair.

Reasons:

- i. The applicant considers the wording of condition 4 previously imposed to be unduly restrictive and, therefore, would not be attractive to the market; it would potentially make the development economically unviable and not on a level playing field with other large holiday sites in neighbouring authorities that the site would compete with.
- ii. It is considered that a condition is required to restrict occupancy in order to avoid permanent residential accommodation and, on the basis of the case put forward by the applicant, this could be achieved

through similar wording to that suggested by the applicant, but amended with the applicant's agreement to include a Site Management Plan and closure of the site for 6 weeks. Subject to the retention of an occupancy condition, there would be no further harm identified.

- iii. Overall, the changes are not substantial or fundamental in the context of the approved scheme and can therefore be dealt with as a variation to the original approval, and that the wording of the condition should be varied for the reasons set out above.

Members confirmed they were present for the item.

[The meeting adjourned from 18:15 to 18:27 during which time Cllr Myers left the meeting].

21b York Microlight Centre Limited, Rufforth Airfield, Rufforth, York YO23 3NA [20/01448/FUL]

Before consideration of the application, the Chair advised Cllr Warters that his comments regarding officers may be in breach of the Member Code of Conduct. Cllr Warters declined an offer from the Chair to apologise for his comments.

Members considered an application from Beckett for the erection of building to provide training facilities, bike and equipment storage for motorcycle training school and microlight hangar, and erection of extension to hangar at York Microlight Centre Limited, Rufforth Airfield, Rufforth, York.

A presentation on the application was given to the Committee. The included the site location plan in context and detail, the existing cluster building, the side elevation to be extended, the existing and proposed site plans and the proposed elevations. Following the presentation officers were asked and confirmed that:

- The motorcycles were currently stored at Tockwith and under the application would be moved to Rufforth. There would also be the addition of an office/classroom area.

[At 18:33 Cllr Hollyer dropped out of and rejoined the meeting].

- Regarding the use class of the buildings on the site, Members were considering the buildings related to this application. Cllr Barker advised that the site was in his Ward and that the buildings were used for light industrial use.
- It was not known whether there would be an increase in employees at the site.
- The airfield had various uses all of which had been granted planning approval. This application related to existing permission for motorcycle training and for a building to continue that operation.
- Concerning other motorcycle activities on the site (Yamaha GT experience) the building was for CBT training and the Yamaha training was unrelated to the application.
- In relation to the Knapton and Rufforth Neighbourhood Plan criteria not supporting new buildings, this application was associated was related to an existing use as set out in paragraph 5.28 of the committee report. It was confirmed that the Knapton and Rufforth Neighbourhood Plan was an adopted plan.
- The classrooms in the application were for mixed use.
- The 1998 planning permission was for the use of a motorcycle training facility.
- The case for very special circumstances was explained.

Cllr Pavlovic then moved and Cllr Barker seconded approval of the application.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Barker, Daubeney, Douglas, Fenton, Fisher, Kilbane, Pavlovic and Cullwick voted for the motion;
- Cllrs Ayre, Craghill, Doughty, Hollyer, Lomas, and Warters voted against the motion.

The motion was carried and it was:

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

Reason: The proposal represents inappropriate development in the green belt and does conflict to a limited extent with Neighbourhood Plan policy RwK11. However,

the proposal does not conflict with the purposes of including the application land in the green belt and only results in a limited loss of openness. The proposal is satisfactory subject to conditions with regard to matters such as contaminated land, drainage and climate change mitigation. The other considerations identified in this case clearly outweigh the harms identified and therefore very special circumstances have been demonstrated to justify the proposal.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 7.06 pm].