

Meeting	Planning Committee
Date	23 October 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Burton, Crisp, D'Agorne, Firth, King, Looker, McIlveen, Reid, Simpson-Laing, Watt, Williams, Watson, Fitzpatrick (Substitute) and Richardson (Substitute)
Apologies	Councillors Boyce and Doughty

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#### **16. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

#### **17. Minutes**

Resolved: That the minutes of the meeting held on 21<sup>st</sup> August 2014 be approved and signed by the Chair as a correct record.

#### **18. Public Participation**

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

#### **19. Plans List**

Members then considered 2 reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning application, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**20. Cockey Hill Farm, Wheldrake Lane, Cockey Hill, York, YO19 4SN (14/01845/FULM)**

Consideration was given to an application (re-submission) by Gary Cooper for the erection of 6 holiday lodges and a wildlife pond, together with landscaping works following a change of use of agricultural grass land and change of use of former quarry to public amenity area.

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- A change to the application description to remove reference to the change of use of a former quarry.
- A further supporting statement had been received from the applicant's agent, full details attached to the online agenda for information.
- In reference to the issue of 'outdoor sport and recreation' exception, it is considered that the lodges remain inappropriate as they fail to preserve the openness to the Green Belt.
- The Committee Report addressed all other issues raised in the applicant's additional statement.
- Green Belt Appraisal – A recent Court of Appeal decision, Redhill Aerodrome Limited v The Secretary of State, the judgement does not affect the application and harms identified in the Officer's report are harms to the Green Belt.

The Council's Legal Officer spoke to advise Members on the approach to Green Belt policies, in particular that the usual presumption in favour of sustainable development is reversed and there is a strong presumption against new development unless 'very special circumstances' for the particular proposal can be demonstrated. The Officer also pointed out that the test relating to the impact on openness does not simply relate to visible impact of a development in the Green Belt, but to the act of enclosing open land by a structure or building. Full details of the Legal Officer's briefing are attached to the online agenda for this meeting.

The applicant's wife spoke in support of the application. She advised that the land in question was redundant and it was intended to bring it back into use for local residents as well as for the proposed Holiday Lodges.

Members asked a number of questions of the agent and officer's as follows:

- Further information regarding how the lodges would be fixed to the ground. The applicant's agent confirmed that there is a variety of systems available including screw-in methods which can be reversed or low impact pad systems. Further research would still need to be carried out if the application was to be approved.
- Whether the lodges fell within the Caravan Act. Officers confirmed that they do not.

Members then entered debate and made the following points:

- While the Local Plan is still draft, Members should follow the legal advice given by the Council's Legal Officer on the Green Belt and refuse.
- Concern was raised at the number of such applications being made on Green Belt land.
- Recent similar applications had been for smaller pods and some Members considered the size of the lodges to be too large.

Following further discussion it was:

Resolved: That the application be refused.

Reason: Policies 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. Crockey Hill Farm is located in Green Belt identified in the City of York Development Control Local Plan (April 2005). It is considered that the proposed development consisting of six holiday lodges, as well as the associated infrastructure constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such the proposal results in substantial harm to the Green Belt by definition, and by reason of any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within it. No 'very special circumstances' have been put

forward by the applicant that would outweigh this substantial harm. The proposal is, therefore considered contrary to advice within the National Planning Policy Framework, in particular Section 9 'Protecting Green Belt Land' and City of York Draft Local Plan Policies GB1 and V5.

**21. Site adjacent to Frog Hall Public House, Layerthorpe, York, (14/00112/FULM)**

Consideration was given to a major full application by Tiger Developments for the erection of a five storey hotel with a public house/restaurant/retail use to the ground floor, single storey drive through restaurant with associated parking, landscaping and access including an extension to the James Street/Heworth Green Link Road.

Officer's circulated an update to the committee report, full details of which are attached to the online agenda for this meeting for information. The main points were as follows:

- Consultee response - The Environment Agency had provided a revised comment. The Environment Agency do not object to the proposals and have recommended a condition requiring implementation of the proposals within the Flood Risk Assessment.
- Additional conditions for drainage, flood risk and land contamination.

The applicant's agent was in attendance and gave a brief statement in support of the application. He advised that the previous scheme had been unable to go ahead due to the proximity of the gasholders to the site and the Health and Safety requirement for them to be de-commissioned. The new application would move the buildings further away to remove the need for the gas holders to be decommissioned. The applicant was happy with all conditions being placed on the scheme.

Members noted the comments made by the agent and following a brief discussion it was:

Resolved: That the application be delegated to Officers for approval subject to a legal agreement requiring:

- Delivery of the final section of the James Street/Heworth Green Link Road.
- Delivery and maintenance of the Riverside Walk/Cycleway.
- Contamination bond of £250k to cover the need for remediation works in the event that groundwater contamination occurs.

Reason: The site is derelict and the proposed scheme will deliver both a river walkway along the Foss and the James Street Link Road, two aspirations within the existing Local Plan. The building would be constructed to meet sustainable construction requirements and there would be no undue harm to amenity, highway safety and flood risk. Proposals constitute the type of sustainable economic growth recommended within the NPPF and there is no evidence that there would be a significant impact on the vitality of the City Centre, as required by the NPPF.

### **Vote of Thanks.**

Members expressed thanks to the outgoing Chair Councillor Horton for his services to Planning Committee over the past few municipal years.

Cllr D Horton, Chair  
[The meeting started at 4.30 pm and finished at 5.30 pm].