

Meeting	Planning Committee A
Date	16 May 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Hollyer, Merrett, Nelson, Steels-Walshaw, Steward, Whitcroft, B Burton (Substitute for Cllr Kelly) and Vassie (Substitute for Cllr Ayre)
In Attendance	Becky Eades – Head of Planning and Development Services Jonathan Kenyon – Principal Officer Development Management Natalie Ramadhin – Development Management Officer Erik Matthews– Development Management Officer Sandra Branigan – Senior Lawyer
Apologies	Councillors Ayre, Kelly and Waudby

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### **97. Declarations of Interest (4.34pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. There were none.

### **98. Minutes (4.34pm)**

Resolved: That:

1. The minutes of the meeting of Planning Committee A held on 7 March 2024 be approved and signed as a correct record.
2. The minutes of the meeting of Planning Committee A held on 19 March 2024 be approved and signed as a correct record subject to Tony Franklin being amended to Tom Franklin and the sentence at the end of Cllr Kilbane’s speech to change from ‘At this point he was asked how many trees would be removed and the Chair detailed the removal of trees to the committee’ to ‘At this point he was asked how many trees would be removed and using the screen in the room showing the site plan, the Chair detailed the removal of trees to the committee.’

## **99. Public Participation (4.35pm)**

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 A.

## **100. Plans List (4.36pm)**

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

## **101. Bradleys Farm Shop New Lane Huntington York YO32 9TB [22/01733/FULM] (4.36pm)**

Members considered a major full application for the erection of a charity children's centre with outdoor recreation facilities to also include; landscaping, footpaths, crossings, car parking and cycle parking following demolition of existing barn and polytunnel at Bradleys Farm Shop, New Lane, Huntington, York.

The Head of Planning and Development Services gave a presentation on the application. She showed the location of the site in relation to the outline planning permission housing on New Lane. Members were provided with an update in which they were informed that there was an additional letter of support from a Ward Cllr for Huntington and New Earswick Ward. There had also been a request from the Agent for the Applicant for a change of wording to conditions 11, 15, 16, 20, 22 and 26 (Prior to commencement of development (excluding demolition), which had been agreed. The Head of Planning and Development Services showed where planning applications for parcels of land to the north of the application site were. She also noted condition 3 that the site shall operate in strict accordance with the submitted Operator Statement (dated July 2023) at all times.

### Public Speakers

Diane Geogheghan-Breen (Chair of Fulford Huntington Parish Council) explained that the Parish Council objected to the application as it was in the

green belt and had supported applications for housing on New Lane. She noted that there would be a further application for housing on New Lane. She expressed the Parish Council's concern about flooding in the cemetery which would mean that there couldn't be double graves and was impacting on the cemetery finances. She noted the Parish Council's further concerns about car parking and a lack of public transport. She noted that if approved, the Parish Council would like to work closely with The Island. She was asked and explained that because the site was not being used for housing, in the neighbourhood plan it was agreed that there would be no further building on New Lane and the application would mean a loss of green belt.

Nigel Poulton MBE (Chief Executive Officer, The Island) spoke in support of the application, stating that it had supported over 2000 young people who had faced challenges. He explained that despite increased demand, they had limited space that impacted on it. He added that the new building would allow them to build relationships with community groups and young people participating in workshops. He explained the outdoor areas of the site noting that it would have diverse areas. He explained how the building would be used and that it would be a permanent legacy.

Nigel Poulton MBE was joined by Philip Holmes (O'Neill Associates - Planning Consultant) and Simon Pratt (SCP - Transport Planning) to answer Member questions. In response to questions from the committee they explained that:

- The Island had funding for capital costs and the new centre would help support young people.
- [At this point, the Chair noted that the Head of Planning and Development Services had drawn attention to condition 3].
- Young people could travel independently to the site and there was public transport.
  - The application met 10% and significantly more biodiversity net gain and there was a comprehensive landscaping scheme and biodiversity management plan in the conditions.
  - There was a transport addendum that detailed people using the building.

Faye Simpson, a former mentee of The Island, spoke in support of the application. She explained that The Island had helped her gain confidence after she had experienced bullying. She explained how her mentor had helped her and had given her confidence to talk to people when she went to university and work.

Cllr Webb (Executive Member for Children, Young People and Education) spoke in support of the application. He explained that as Executive Member he was keen that the administration helped disadvantaged people and as Executive Member he saw the difficulties faced by young people. He noted

that there was always a need for more community space and The Island should be seen as an asset. He noted the comments of York Civic trust, adding that there was a long list of supporters. He noted that he was happy to support the application.

Members then asked clarification questions to officers, who explained that :

- Active travel were not consulted on the application.
- There was an existing cycle lane and it was explained where the new crossing would be.
- The applicant was funding the crossings.
- How the decision was made regarding the crossing with the floating island.
- Only the impact of the flooding of this development could be considered.
- Condition 10 included soakaway testing.
- Officers had acknowledged the previous use of the site and the application included employment use.
- Regarding the £16k S106 contribution seeming low, this was because of the type of development and the highway works were conditioned. [The Chair explained that S106 funding was used for different things].
- Accessible cycle space was in condition 26.
- Regarding the Secretary of State's decision to approve housing on New Lane, applications needed to be considered on their own merit and officers had looked at very special circumstances as part of this.
- The weight carried by the Neighbourhood Plan, Local Plan, and consideration of national planning policy.

Following debate, Cllr Merrett moved the officer recommendation for delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to the application being referred to the Secretary of State and to delegate the final terms and details of the Section 106 Agreement and the final detail of the planning conditions to Head of Planning and Development Services. This was seconded by Cllr Nelson. Following a unanimous vote in favour it was;

Resolved: That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to the application being referred to the Secretary of State and to delegate the final terms and details of the Section 106 Agreement and the final detail of the planning conditions to Head of Planning and Development Services.

Reasons:

1. The application seeks permission to erect a Children's Charity Centre with outdoor recreation facilities. It is proposed to erect a two storey building, with single storey elements, of u shape

form with an entrance courtyard, landscaping and parking. The site would be occupied by 'The Island' - a registered charity (1120420) which delivers a service supporting disadvantaged, vulnerable, and isolated young people in the city through positive mentoring relationships and activities.

2. The application site lies within the Green Belt. The development is classed as inappropriate in the Green Belt, which is harmful by definition. Harm has also been identified to the openness of the Green Belt, urban sprawl, landscape character, loss of trees, limited bus accessibility and a parking shortfall of 6no. vehicles. The benefits of the scheme include; providing a permanent base with enhanced facilities for the Charity, opportunities for outdoor sport and recreation, public access to the site, habitat creation, environmental improvements, creation of jobs, upgrades to the existing bus stop and use of the site by other community groups. It is considered that there are very special circumstances that would clearly outweigh any harm to the Green Belt and other harm identified as required by paragraph 153 of the NPPF, policy H14 of the Huntington Neighbourhood Plan and policy GB1 of the Draft Local Plan (2018). Matters such as landscaping, archaeology, amenity, biodiversity, trees, drainage, sustainability, contamination, waste and highways are adequately addressed either within the plans or via a specific condition.
3. On planning balance and based on the merits of this case, approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt and the proposal would consist of floorspace in excess of 1000m<sup>2</sup> (the floorspace threshold set out in the Direction).
4. Following the referral of the application to the Secretary of State and subject the application not being called in, that delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

- a. The completion of a Section 106 Agreement to secure the following planning obligations:
  - £6,000 towards amending the Traffic Regulation Order to introduce the extension of the 30mph speed limit.
  - £10,000 towards City of York Council Travel Plan Support (@ £2,000/per year for 5 years)
  
- b. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
  
- c. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions.

[The meeting adjourned from 5.28pm to 5.35pm].

**2a) North Selby Mine New Road Deighton York YO19 6EZ  
[23/01309/REMM] (5.35pm)**

Members considered a Major Reserved Matters Application for appearance, landscaping, layout and scale of redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans and associated facilities following the grant of outline permission 19/00078/OUTM at North Selby Mine, New Road, Deighton, York.

The Head of Planning and Development Services outlined the application and gave a presentation on it. She noted that the siting of the static and touring caravans was in line with the reserved matters application. She was asked and showed the location of the amenity block, which was shown as welfare facilities on the plans.

The Development Management Officer gave an update on the application noting that corrections to the report included references to chalets in the report should read static caravans. He explained that the applicant indicated that the total number of caravans envisaged would be 92 touring caravans and 231 static caravans which are the numbers conditioned under condition 3 of Outline Permission 19/00078/OUTM and 20/01546/FUL at the approved density. He also noted additional representation from Escrick Parish Council regarding the entertainment/amenity buildings which should be conditioned as necessary. A draft condition was proposed restricting use of any facilities at the site to

those resident and regarding permitted development, there was no permitted change within the scope of the Use Classes Order.

### Public Speaker

Bruno Hannemann, a local resident (representing himself, his wife and the residents of two other properties), spoke in objection to the application. He noted that the new application brought in new buildings and facilities that were not included in the other application which would impact on noise and introduce noise disturbance. He was also concerned about non residents on site, and he requested that the committee read his letter in full before considering the application.

Bruno Hannemann was asked a number of questions from Members. He was asked how long he had lived there and the Chair noted that this was not a material consideration. The Chair advised that the objection letter could not be considered as officers had considered comments on the application.

Members asked officers further questions to which they responded that:

- The reception and wellness building was in the previous application and the existing buildings would be retained for recreational use. There was a noise management plan conditioned and public protection had been consulted and were happy with the application.

- There was no agreement to take away any other buildings.

[At this point, Cllr Steward noted that his partner's family owned a caravan site].

- There were no day visitors to the park. Condition 6 was noted and it was clarified that the facilities on site could only be used by residents. The Chair noted that the wording of the condition could be tightened if the committee felt it was required.
- The recreational strategy and noise management plan were included in the outline planning permission.
- Regarding the concerns of Yorkshire Wildlife Trust, there was a site management plan for species of site. There was also a SINC (Site of Interest for Nature Conservation) management plan.
- Concerning a condition regarding numbers of cats, it would need to be determined where the cats came from. [At this point the Senior Lawyer advised that conditions imposed could only relate to the reserved matters and the Head of Planning and Development Services added that the committee needed to consider reasonableness.
- Regarding concerns about the site becoming a permanent site, Members were advised that the outline consent as this was the reserved matters application.

- Regarding cat proofing the fencing, the materials for the fencing could be conditioned.
- All disabled car parking was level access with two parking spaces in the carparking spaces.

Members debated the application. During debate Members considered the use of a cat proof fence and were advised that a deer proof fence could be used as a cat proof fence. There was detailed debate on the management of visitors to the site. Following debate, Cllr Merrett proposed the officer recommendation to approve the application subject to an amendment to condition 2 with an additional reference to domestic animals, the wording of which delegated to officers in conjunction with the Chair and Vice Chair. This was seconded by Cllr Whitcroft. Following a vote with eight voting in favour and two abstentions, it was:

**Resolved:** That the application be approved subject to an amendment to condition 2 with an additional reference to domestic animals, the wording of which delegated to officers in conjunction with the Chair and Vice Chair.

**Reason:** The principle of the use of the site as a leisure facility based upon caravan stays has previously been established by grant of Outline Permission. The submitted layout details are broadly consistent with that with the proposed entertainment and amenity buildings making use of the disused mine structures. Detailed measures have been indicated at the same time to safeguard the biodiversity value of the adjacent SINC which are felt to be acceptable. With the management plans proposed and the degree of protection afforded by the surrounding landscaping it is felt that the proposal would not unacceptably harm the amenity of neighbouring properties. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

[The meeting adjourned from 6.39pm to 6.45pm].

## **102. Pavers Ltd Catherine House Northminster Business Park Harwood Road Upper Poppleton [23/00823/FULM] (6.45pm)**

Members considered a Major Full Application for an extension to provide storage, integrated distribution and logistics centre (B8 Use) with ancillary office/welfare space, service yard, parking areas, and landscaping (resubmission) at Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York.



The Head of Planning and Development Services outlined and gave a presentation on the application. The Principal Officer Development Management gave an update noting a correction to proposed plans list. Clarification was given on the economic benefits, as set out in sections 5.22 and 6.3 of the published report.

### Public Speakers

Jason Paver (Managing Director, Pavers) spoke in support of the application. He explained that Pavers was a family owned business based in York for 70 years. He detailed the number of people working for the company and its contributions to charity. He explained that the company had had to use storage all over the country and there was a desire to keep the company in York. He added that they had worked hard to address the concerns since the last application was submitted and had worked with officers on the application. He noted that approval would allow Pavers to remain in York and provide economic growth in York.

Jason Paver was joined by Jim Young (Head of Facilities, Pavers) and Philip Holmes (O'Neill Associates, Planning Consultant) to answer Member questions on the application. In response to Member questions, they explained that:

- Pavers had intended to buy the DPD site.
- There had been a 200% online expansion since COVID in buying online and the expectation was that the building being applied for would meet their needs and the majority of retailers used one site for distribution.
- Regarding landscaping, the intention was to start with mature trees and they would like to get landscaping started as soon as possible.
- There was a mixture of deciduous trees in the landscaping plan.
- They had had a number of conversations with Northminster estates it wasn't envisaged at the time that the whole site would go. The scheme for DPD essentially landlocked Pavers.
- The conveyor belt did not need to be in a straight row.

In response to questions from Members, officers explained that:

- The principle for very special circumstances was the same for a new building in the green belt and extending a building on the green belt.
- Regarding the weighting of economic benefits should the economic position change, the committee had to consider the application before it.
- The Planning Inspector has not considered the site as part of the Local Plan process.
- The BREEAM rating of very good was consistent of buildings of that type and was as good as it could be for that type of building.
- Strategic policies were not being applied to the site.

Cllr Merrett moved the Officer recommendation to delegate authority to be given to the Head of Development Services to determine the final detail of the planning conditions and refer the application to the Secretary of State and should the application not be called in by the Secretary of State, then approve the application subject to planning conditions. This was seconded by Cllr Steward. Following a vote with eight voting for, one against and one abstention it was:

Resolved: That delegated authority to be given to the Head of Development Services to:

- To determine the final detail of the planning conditions below.
- Refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to planning conditions.

Reasons:

1. The proposals are for a warehouse extension of significant scale (11,275sqm floorspace) which is over double the size of the existing premises, along with associated car parking and loading bays for HGV's on what is currently open agricultural land within the general extent of the Green Belt. The land is proposed to remain Green Belt in the draft Local Plan 2018 which remains subject to examination. There would be adverse effects on the openness and rural character of the Green Belt due to the amount and scale of development proposed. Further to adverse effects on the Green Belt there is landscape and visual harm due to the scale and type of the proposed building in its countryside setting. Technical matters can all be addressed through the use of planning conditions.
2. This is a resubmission of 21/02804/FULM which was for a comparable proposal and was refused because very special circumstances were not identified that outweighed the identified harms. In the previous application there was further harm in respect of drainage, sustainable travel measures and lighting. Each of these issues are addressed in this submission. The submission also advances the applicants case for very special circumstances.

3. The applicants have provided a business case demonstrating the benefits of the existing premises being able to expand, allowing growth and increased efficiency of the business with up to 30 extra jobs. In addition to jobs in the warehouse the business also involves office-based jobs, both at the application site and at additional offices in York. Pavers would employ up to 430 employees in York and contribute in the region of £51,99m annually to the York economy. There are considerable economic and environmental benefits in enabling a local business to continue to expand and it is accepted, it is not financially viable for this to occur at a different site within York. The economic benefits and lack of a deliverable alternative York site have been advanced since the previous application and result in an officer recommendation to approve.
4. The financial benefits of the proposed extension have been advanced and as the company grows, the inefficiencies and costs of storage off site increases. Officers now accept there are not viable options for the company to either operate multiple sites or fully relocate within the city. The Council's Economic Team have outlined their strong support to enable the business to grow and have verified the applicant's case for expansion of the existing site. Furthermore, the scheme has strong support from the Council's Economic Development Team and local amenity bodies; the York Civic Trust, York & North Yorkshire Chamber of Commerce and the local MP.
5. The NPPF in respect of the economy advises "policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".
6. NPPF Policy requires substantial weight to be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7. The NPPF requirement to give substantial weight to Green Belt harm would typically outweigh the significant weight applicable to supporting economic growth. In this particular case though there is a robust argument in favour enabling expansion of a local business experiencing significant growth. It is accepted it would not be viable for such growth at an alternative location in York outside of the Green Belt and there is a tangible risk the business could relocate outside York if it is unable to expand.
8. Officer's recommendation is that in this particular case the reasons for the scheme and the economic benefits proposed (as set out in paragraph 5.22) do amount to very special circumstances that clearly outweigh all identified harm; the identified harm to the Green Belt and the landscape and visual harm. As such the scheme can be supported when applying policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan, the NPPF and local Green Belt policy.
9. Should members decide to approve the application then referral to the Secretary of State would be required to determine whether the application be called-in for consideration, as the development is considered to be inappropriate development in the Green Belt and the proposal would consist of floorspace in excess of 1,000m<sup>2</sup>, following the Town and Country Planning (Consultation) Direction 2024 and Section 77 of the Town and Country Planning Act 1990.

Cllr J Crawshaw, Chair

[The meeting started at 4.30pm and finished at 7.33pm].