Meeting	Planning Committee A
Date	5 October 2023
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair) Ayre, Melly (Substitute for Cllr Kelly), Merrett, Nelson, Steels-Walshaw, Steward, Waudby, Whitcroft and Fenton (Substitute for Cllr Hollyer)
Apologies	Councillors Hollyer and Kelly
Officers Present	Becky Eades, Head of Planning and Development Victoria Bell, Development Management Officer Erik Matthews, Development Management Officer Helene Vergereau, Highways Officer Ian Stokes, Highways Officer Sandra Branigan, Senior Solicitor

57. Declarations of Interest (4.36 pm)

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.

In respect to item 4c (BHE Self Storage, Strensall), Cllr Fisher noted that he had expressed an opinion at a Strensall Parish Council meeting and could therefore be considered pre-determined. He subsequently withdrew from the meeting prior to the start of item 4c and took no further part in the meeting or decisions thereon.

Cllr Stewart, noted a non-prejudicial interest in items 4a and 4b, in that he was the ward member for Copmanthorpe, he stated that he sat on the Ainsty Drainage Board and also, he was a school governor at Copmanthorpe Primary School.

Cllr Merrett noted that he was a member of the York Cycle Campaign and a member of the bus forum.

58. Minutes (4.37 pm)

Resolved: That the minutes of the last meeting held on 6 July 2023 were approved as a correct record.

59. Public Participation (4.37 pm)

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.

60. Plans List (4.37 pm)

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.

61. Land To The South East Of 51 Moor Lane, Copmanthorpe, York [19/00602/FULM] (4.37 pm)

Members considered a major full application from Mr Tate, for the erection of 75 dwellings, landscaping, public open space and associated infrastructure at land to the south east of 51 Moor Lane, Copmanthorpe, York.

The Head of Planning and Development Services gave a presentation on the application and the Development Management Officer gave an update advising Members of the Copmanthorpe Village Design Statement, the change to the public realm contribution request, additional objections received and revisions to conditions 2, 26 and 30 and an additional condition related to timing of works. Members were advised that the additional information had been assessed and the Officer's recommendation remained for approval, following referral of the application to the Secretary of State for Communities and Local Government, subject to the completion of a Section 106 agreement.

In response to questions from Members, officers clarified the plans in relation to the existing trees.

<u>Public Speakers</u>

Graham Auton, Chair of Copmanthorpe Parish Council, spoke in objection to the application. He highlighted concerns in regard to highway safety and traffic congestion.

Liam Tate, the applicant, spoke in support of the application. He noted that the site would contribute to affordable housing targets, a robust traffic assessment had been undertaken and there was to be a significant contribution made to fund the local infrastructure.

In response to questions from Members, Mr Tate explained that

- the additional conditions put forward by officers had been agreed, including the changes to the s106 agreement.
- the details of the sustainable design had not yet been decided. The lower number of dwellings per hectare improved the biodiversity net gain of the build.
- The Council's housing team had lead on the scheme for affordable housing. The management fee would be calculated on the number of bedrooms.
- The site management plan was yet to be finalised.

[The Senior Solicitor advised that a management fee adjustment for the affordable housing could be picked up by the s106 agreement.]

Officers responded to questions from Members and clarified the weighting that should be applied to various planning policies, noting that until the Local Plan was adopted, planning applications must accord with the National Planning Policy Framework (NPPF).

It was confirmed that the housing team were satisfied with the level of affordable housing provided. The details relating to the offsite sports provision of the s106 agreement were also clarified.

Officers noted that an additional condition was needed to cover the Traffic Regulation Order (TRO) relating to offsite highways work and highways officers confirmed that there was no evidence that there would be an unacceptable impact on the access to Moor Lane / Station Road.

Following debate, Cllr Ayre moved the officer recommendation to approve the application, subject to the conditions in the report, the s106 recommendations, the amendments and additional conditions contained within the update, the additional monitoring fee of £14,000, and the additional highway works condition and the revision of the management fee for the affordable housing as discussed during the meeting. This was seconded by Cllr Fenton. Following a vote, with nine Members in favour and two abstentions, it was;

Resolved: That the application be approved, following referral of the application to the Secretary of State for Communities and Local

Government as outlined in the report, subject to the conditions outlined in the report, the completion of a Section 106 agreement and the revised and additional conditions contained within the update and the additional conditions outlined above.

Reason:

i. The application site is located within the general extent of the York Green Belt and serves a number Green Belt purposes. As such it falls to be considered under paragraph 143 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. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

ii. 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 the openness of the Green Belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

iii. It is considered that the points identified in paragraphs 5.60 to 5.73 above are considered to amount cumulatively to' very special circumstances' that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt [] arising from the proposed development.

iv. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 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 proposed 6348.43 sqm of floorspace would be in excess of the 1000 sqm threshold set out in the Direction.

[5.57 – 6.09 pm the meeting adjourned for a comfort break.]

62. Pikehills Golf Club, Tadcaster Road, Copmanthorpe, York, YO23 3UW [22/01074/FULM] (6.09 pm)

Members considered a major full application by Richard Lord for the redevelopment of Pike Hills Golf Course, involving importation and grading of soils.

The Head of Planning and Development gave a presentation on the plans and the Development Management Officer tabled an update which included a correction to paragraph 5.4 and amendments to conditions 4,5, 6, 8, 10, 14, 16 and 17. Officers also made a verbal request to amend condition 19 for the landscaping to be phased and timetabled with the precise wording of the condition to be agreed by the Chair and Vice-Chair.

Officers then clarified the plans in relation to the areas of ground to be raised and the areas for tree and shrub clearance as well as the placement of the new holes.

Public Speaker

Alastair Hoyle, the planning agent for the applicant, spoke in support of the application and outlined the reasons for the required improvements to the golf course. He explained that without the flood prevention measures, the club would find it difficult to survive.
Richard Lord, the applicant, was also in attendance to answer Member's questions. He responded as follows:

- The improvements were not expected to increase either the size of the course or membership numbers.
- They were experienced in this type of work at sensitive locations, they were fully funded and confident in their mitigation measures.
- They would continue to work with Yorkshire Wildlife Trust both during and after the project life.

Members then asked further questions to the planning and highways Officers present. Officers reported that:

- There was no expectation of increased usage and therefore no impact was expected on the existing entrance/exit.
- The risk to the site from imported soil had been mitigated to the lowest feasible level, as condition 12 referred.
- A condition would be added to restrict the temporary entrance to site traffic only.
- The amendment to condition 19, dealt with the phasing of the scheme.

Following debate, Cllr Steward moved the officer recommendation to approve the application subject to the amended conditions contained within the update. This was seconded by Cllr Fisher. Following a unanimous vote in favour, it was;

Resolved: That the application be approved subject to the amendments to conditions 3, 4 , 5, 6, 8, 10, 14, 16, 17 contained within the update and the amendment to condition 19 outlined above.

Reason:

i. The proposal seeks to remedy existing difficulties in terms of provision of facilities and the quality of surface water drainage at the existing golf course by building upon an earlier consent from 2014 which has not been fully implemented. This involves the full implementation of the previously approved extension and the importation of approximately 350,000 cubic metres of inert soils which together with new landscape planting would re-profile the existing playing surface. The proposed development would not be inappropriate in Green Belt terms. If conditioned in detail as part of any planning permission the proposed construction site access from the A1237 is felt to be appropriate. The submitted details within the EIA and supplementary information demonstrate that the biodiversity value and hydrology of the adjacent SSSI and Ancient Woodland can be safeguarded. Notwithstanding short-term harm it is felt that the impact of the proposal upon the landscape and visual character of the wider area once the new tree planting is mature would be acceptable. It is felt that the requirements of paragraphs 180a) and b) of the NPPF in respect of development and areas of biodiversity value would be complied with.

ii. The proposal was subject to an Environmental Impact Assessment under Schedule 2 of the 2017 Environmental Impact Assessment. Impacts in respect of ecology and nature conservation, noise and vibration, air quality, hydrogeology, flooding and drainage and landscape and visual appearance were all covered in the associated Environmental Impact Statement. With the appropriate mitigations outlined together with associated draft conditions

the proposal was felt to be acceptable in planning terms and approval was recommended.

[7.10 – 7.15 pm there was a brief adjournment, during which Cllrs Waudby and Fisher left the meeting]

63. BHE Self Storage Self Storage Facility, Lambshill, Towthorpe, Moor Lane, Strensall [22/01032/FUL] (7.15 pm)

Prior to the consideration of the item 4c, Cllr Fenton was elected as Vice-Chair for the remainder of the meeting.

Members considered a full application by Mr Simon Dunn for retrospective permission to change the use of agricultural land to the siting of 118 storage containers (use class B8) at Moor Lane, Strensall.

The Head of Planning and Development gave a presentation on the plans and clarified them for Members in response to their questions. Officers reported that the site was adjacent the special area of conservation at Strensall Common and the area under consideration was all laid to hard standing. The 118 containers were situated on the external land, outside the farm buildings.

Public Speaker

Simon Dunn, the applicant, spoke in favour of the application. He outlined the importance of having an additional revenue stream and explained how the storage business provided funds for other areas of his business. Killian Gallagher, the agent for the applicant, was in attendance to answer Member's questions. They confirmed the following:

- There were two storage sites in operation.
- The hardstanding was installed in 2009.
- The site was on agricultural land.
- An enhanced planting scheme had been submitted.

The Head of Planning and Development showed Members some recent photographs of the site and Officers responded to further questions from Members as follows:

- The officer recommendation was based on the information submitted at the time of the application.
- It was possible to tie the planning permission to the applicant, rather than the property.

Following debate, Cllr Steward proposed the officer recommendation to refuse the application, this was seconded by Cllr Ayre. Following a vote, with eight Members in favour and one against, it was;

Resolved: That the application be refused.

Reason:

i. The application site is located within the general extent of the York Green Belt and serves two of the Green Belt purposes set out in the NPPF - protecting the countryside from encroachment and to preserve the setting and special character of the city. As such it falls to be considered under paragraph 147 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. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

ii. 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 the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine the Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to visual amenity and character, and the lack of drainage information identified in this report.

iii. It is not considered that there are benefits arising from the proposal that clearly outweigh these harm so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

Cllr J Crawshaw, Chair
[The meeting started at 4.32 pm and finished at 8.00 pm].