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Meeting	Planning Committee
Date	17 August 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, D'Agorne, Dew, Funnell, Galvin, Looker, Richardson, Shepherd, Warters, Pavlovic, Orrell (Substitute for Councillor Cuthbertson), Mason (Substitute for Councillor Cullwick) and Mercer (Substitute for Councillor Doughty)
Apologies	Councillors Cullwick, Cuthbertson and Doughty

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#### 24. Site Visits

<b>Application</b>	<b>Reason</b>	<b>In attendance</b>
The Old School Business Centre, Low Poppleton Lane	As the recommendation was for approval and objections had been received.	Councillors Cullwick, Dew Galvin, Mercer, Reid, Richardson and Shepherd
Land adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay	As the recommendation was for approval and objections had been received.	Councillors Cullwick, Dew Galvin, Mercer, Reid, Richardson and Shepherd
Home Lea, Elvington Lane, Elvington	As the recommendation was for approval and objections had been received.	Councillors Cullwick, Dew Galvin, Mercer, Reid, Richardson and Shepherd

#### 25. 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. None were declared.

**26. Minutes**

Resolved: That the minutes of the last meeting held on 12 July be approved and then signed by the Chair as a correct record.

**27. 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.

**28. 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.

**28a Land Adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay, York (17/00670/FUL)**

Members considered a full application by Tynedale Roadstone for the erection of an asphalt plant with associated infrastructure.

Officers gave an update to state that since the report had been prepared, further advice has been received from Highway Network Management that the extent and location of the highway boundary at the junction of New Lane with the A59 was at present unclear which called into question the deliverability of the tabled scheme of off-site highway works at the junction. At the same time a "pre-action" letter had been received from Rollits Solicitors acting on behalf of a body of individuals objecting to the proposal raising detailed issues in terms of highway and planning matters which required further investigation prior to a decision being made.

Therefore, Officers were not in a position make a recommendation on the application, and considered that to determine the application at this stage without the appropriate information and advice would leave the Authority vulnerable to challenge.

It was therefore recommended that the application be deferred pending clarification and resolution of the above matters, for consideration at a future meeting.

Resolved: Deferred as updated recommendation. Clarify extend to highway at New Lane/A59 unction. Assess comments in pre-action letter and address in updated report.

Reason: To allow for clarification and resolution of the above matters, for consideration at a future meeting.

**29. Home Lea, Elvington Lane, Elvington YO41 4AX  
(17/00712/FUL)**

Members considered a full application by Mr S Thomas for the conversion of a facilities building to a dwelling (use class C3).

Officers gave an update which was attached to the online agenda following the meeting. It included amendments to Condition 3 which related to the occupancy condition.

Shanshen Chen, agent for the applicant, spoke to explain that this conversion to a single dwelling constituted very special circumstances as there was a need to have a managerial presence on site at all times. She also highlighted that there would be no external expansion and therefore no impact on the green belt.

Members considered that this was an acceptable proposal.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the amended condition 3.

Reason: The building subject to the application for its conversion is physically well related to the existing strip of dwelling houses and their curtilages dating to the 1930s directly to the west. It would not extend the built footprint of the site beyond the existing and it would not give rise to any harm to the Green Belt. In terms of paragraph 55 of the NPPF it is felt on balance that in view of the nature of the occupation of the site that a permanent managerial presence on the site is a requirement that may not be easily provided either by accommodation in the near

vicinity or by another caravan. The proposal was therefore felt to be acceptable.

**29a Holly Tree Farm, Murton Way, York, YO19 5UN  
(17/01671/FUL)**

Members considered a full application by Mr Peter Mandy for the construction of a realigned and widened access road and bridge to serve approved log cabins and a fishing lake adjacent to the property.

There was no Officer update for this item.

Mark Stothard, agent for the applicant, spoke to clarify a previous misunderstanding over the size of the bridge and to explain how the application addressed previous concerns by reducing the width of the access road and the use of brick slips on the bridge.

Members felt that with the above amendments this was an acceptable application.

Resolved: That the application be approved subject to the conditions listed in the Officer's report

Reason: The scheme as resubmitted successfully addressed the earlier concerns that led to the previous application being refused, in terms of impact upon the openness of the Green Belt and is appropriate development in terms of Green Belt policy. At the same time the revised proposals would address the earlier concerns in respect of harm to landscape character and visual amenity and are therefore acceptable in planning terms.

**29b Hudson House, Toft Green, York, YO1 6JT (17/00576/FULM)**

Members considered a major full application by Palace Capital (Developments) Ltd for the erection of 4 buildings comprising 127 flats (C3), office (B1) use and office or restaurant (B1 or A3) uses following the demolition of the existing office building.

Officers gave a verbal update, which included a correction to condition 2 and details of a consultation response from Historic England. They also circulated a letter from Historic England and

a written response to this letter from the applicants, which were attached to the online agenda following the meeting.

Neil Sinclair, the applicant, spoke to explain that although they already had planning approval to convert Hudson House it was felt it would be more efficient to demolish and rebuild. They stated that there had been positive feedback from residents and that high quality office space would help to drive inward investment.

In response to Member questions he stated:

- That, if they were to offer both quality office space and affordable housing, the scheme would become unviable.
- They aimed for a BREEAM rating of 'very good'.
- The detailed scheme showed an open route for public access but they would be happy to accept a condition on this if Members were minded to do so.
- In respect of the line of the train tracks that once crossed the site, the proposal had a similar layout to the current building and would have very little impact on these views.

During debate some Members raised the following points:

- There were great benefits derived from retaining public access to Toft Green.
- High quality office space would help to drive better paid jobs which the city needed, and there was an understanding that the scheme would not be viable if it were to offer both office space and affordable housing.
- Some Members felt that there was an argument for retaining the whole development as Grade A office space as it was an opportunity to prove there was a real demand for this type of space in the city.

Resolved: That the application be approved as per the conditions in the Officer's report (with the plans condition updated to refer to the last amendments), and with an additional condition relating to managed public access through the site.

Reason:

- i. The revised scheme would not harm on heritage assets. Where the proposed building is close to the Grade I listed City Walls due to the design of

the scheme, and its massing and footprint, there would not be harm to the setting of the City Walls, and the extra massing on the Toft Green side would not harm the townscape and there are benefits to the character and appearance of the conservation area – enhanced connectivity and landscaping, provision of a mix of uses that would enhance viability, and built form of reasonable quality and sympathetic materials.

- ii. The absence of a five year housing land supply as required by the NPPF triggers the presumption in favour of sustainable development and the second part of paragraph 14 of the NPPF. This states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- iii. The proposals are acceptable in principle and conditions can be applied to ensure there would be no undue harm with regards amenity, impact on the highway network, ecology and flood risk.

**30. The Old School Business Centre, Low Poppleton, Lane, York, YO26 6AZ (17/01072/FUL)**

Members considered a major full application by British Sugar for the construction of 2 access roads onto Boroughbridge Road and Millfield Lane and a link road across the former Manor School Site in association with the redevelopment of the former British Sugar site, with associated demolition of former school buildings.

Officers gave an update, which was attached to the online agenda following the meeting, amending several of the proposed conditions and giving an update on the Upper and Nether Poppleton Neighbourhood Plan. There was also an updated recommendation asking that this decision be delegated to Officers following mitigation with respect to bats present.

David Nunns, a local resident, spoke in objection to the proposal. He stated that development of the British Sugar site was not a given and that public consultation was still underway. He went on to state the importance of retaining open space in the area for public use.

Neil Jones, agent for the applicant, explained the commitment to the regeneration of this site and the provision of much needed new family homes. He also stated that he felt the objections raised by the previous speaker had been addressed within the report.

In response to Member questions Officers stated:

- The design of the carriageway was entirely appropriate for the area in terms of design and road safety/speed.
- This was CYC owned land and any loss of public open space had to be re provided for.

Members felt that it was important to remember that this was only an application for an access route, not the whole site and that a good access route was vital for redevelopment and showing a commitment to moving the site forward.

Resolved: That Officers be given delegated authority to approve as per the amended recommendations, once bat mitigation issues are resolved. Officers are to amend condition 6 accordingly.

Reason: The scheme will facilitate a necessary access through the Former Manor School site which will assist in facilitating re-use of a large brownfield site in the urban area. As such the proposals accord with the NPPF core principles - to proactively drive and support sustainable economic development to deliver needed homes and encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. The road, considered in isolation would have no undue harmful impact on highway safety or amenity.

**30a Rufforth Playing Fields, Wetherby Road, Rufforth, York  
(16/02303/FUL)**

Members considered a full application by Mr Edward David Preston for the change of use of land to a caravan and camping site.

Officers gave an update, which was attached to the online agenda following the meeting. This included a recommendation that conditions 6-8 be replaced with eight new conditions (6-13).

In response to Member questions Officers clarified that this scheme would provide a source of income to help develop sports on the site.

Members felt that this was a low intensity proposal and that reinvestment of income generated into sports facilities was positive for the area.

**Resolved:** That the application be approved subject to the conditions listed in the Officer's report and the replacement of conditions 6-8 with new conditions 6-13 as per the Officer update.

**Reason:** It was felt that the proposal by its low key nature would not of itself give rise to harm to the purposes of designation of the Green Belt and would not give rise to material harm to the character of the landscape. The applicant submitted detailed information to indicate that the money generated by the caravan rallies and the low intensity touring caravan use is invested back into the on-going improvement of the sport facilities at the site with the consequence that the village has a higher level of provision than would otherwise be the case with local clubs and individuals competing at a high level in sports as varied as cricket and tennis. It was felt that, having attached substantial weight to the harm to the Green Belt, these considerations are sufficient to clearly outweigh the harm by reason of inappropriateness and the other identified harm generated by the development and that "very special circumstances" exist to justify the grant of planning permission.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.10 pm].