

Meeting	Planning Committee
Date	23 March 2017
Present	Councillors Reid (Chair), Ayre (minutes 90-94), Cullwick (minutes 84-92), Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Warters, Cannon (minutes 84-90 - as a substitute for Cllr Boyce) and Mercer (as a substitute for Cllr Dew)
Apologies	Councillors Derbyshire, Boyce and Dew

84. Site Visits

Application	Reason	In Attendance
Hall Farm, Strensall Road (16/02886/FUL)	To allow Members to familiarise themselves with the site which is located the Green Belt.	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.
Whitehall Grange, Wigginton Road (16/01446/OUTM)	To allow Members to familiarise themselves with the site which is located in the Green Belt. As the officer recommendation was for approval and objections had been received	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.
Former Haymarket Car Park, Dundas Street (16/02801/FULM)	As the officer recommendation was for approval and objections had been received	Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.

<p>The Stables, Elvington Lane (16/01443/FUL)</p>	<p>To allow Members to familiarise themselves with the site which is located in the Green Belt.</p> <p>As the officer recommendation was for approval and objections had been received</p>	<p>Councillors Cullwick, D'Agorne, Galvin, Mercer, Reid, Richardson and Shepherd.</p>
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85. 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.

Councillor Mercer advised that she had registered to speak on plans item 4a (The Stables, Elvington Lane, Elvington) as Ward Member and that, after speaking, she would withdraw from the debate and vote on this item.

86. Minutes

Resolved: That the minutes of the last meeting held on 16 February 2017 be approved and then signed by the chair as a correct record.

87. 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.

88. 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.

89. The Stables, Elvington Lane, Elvington, York, YO41 4EH (16/01443/FUL)

Members considered a full application by Mr and Mrs J Peel for the continued use of land as a Travelling Showperson's site for one family granted on appeal on 14th June 2011.

Officers advised that a letter of support from the Junior Vice President of the Showman's Guild for Great Britain had been forwarded to them by the applicant. This was circulated to Members and attendees at the meeting.

Representations were heard from six people in relation to the application.

Ken Guest, an adjacent neighbour, addressed the committee in objection to the application. He advised that the officer recommendation ignored planning policy and previous decisions taken by the council and that approving this application would be a breach of planning inspectorate 2011 ruling which granted a maximum 5 years temporary term and would set a precedent for other applications throughout the UK.

Martin Moorhouse, a neighbour of the applicant, then spoke, also in objection. He advised that the inspector had granted a temporary term of 5 years, in order to allow for the potential for alternative sites to be brought forward through the local plan process. He stated that, by next year, none of children would be of primary age, therefore the need for the children to attend the village school would no longer be a reason for needing to stay on the site.

Emma Peel, the applicant, addressed the committee in support of the application. She explained that her family were travelling showmen who had resided there since 2011 and travelled to many events on a regular basis. Her two 11 year old daughters had places at Fulford School from September 2017 and her 2 year old son currently attended the local nursery. She explained that, when permission was granted on appeal in 2011, the council had hoped to have allocated a site to show people

through the local plan process but this has been delayed. A 3 year extension would prevent them becoming homeless and would meet the needs of the local plan.

Julia Garnham, a neighbour and friend of the Peel family, also spoke in support of the applicant's case. She told members that since the family had moved onto the site they had integrated well into village and school life and the family was well liked in the village. She advised members that the site was kept tidy and only their own equipment was stored there advising that they didn't cause any harm or impact negatively on the countryside.

Ian Bailey, Chair of Elvington Parish Council, addressed the committee in objection. He advised that the parish council was rigorously proactive about protecting the greenbelt around the village and both the council and planning inspector had agreed that this was inappropriate development in the Green Belt. He stated that the council had had enough time to find an alternative site for show people and the site should now be returned to the Green Belt.

Councillor Mercer, Ward Councillor for Wheldrake also addressed the committee. She expressed disappointment that no other site had been forthcoming and reiterated that this was inappropriate development in the Green Belt and also raised issues in relation to road safety, drainage and flooding. She asked that if members were minded to approve the application, consideration be given to a condition to require suitable planting around the site to lesson the impact on neighbouring properties.

Members accepted that the Inspector's decision had been finely balanced but that he had made judgement of 5 years based on local plan process. However they noted that sites had still not yet been allocated formally in the local plan and this was the only site which was proposed for show people.

Members stressed the need to take account of needs of family as a whole. They expressed concern that the family could become homeless if this application was not approved, as there was no alternative site. They noted that the local community and primary school had welcomed the family into the village and that the family now had a third child so they would still have a need for primary education.

As circumstances had not changed with regard to possible sites since the inspector made his decision, Members were of the opinion that this application, for a further three years, should be approved.

With regard to the request for additional landscaping around the site, officers advised that there was a need to ensure the site was adequately landscaped but without excluding residents from society, and that the openness of site was part of the character of the area and should be retained as much as possible. Members felt that whether there was a requirement or not for additional landscaping could be discussed when the local plan was agreed.

Resolved: That the application be REFERRED to the Secretary of State, and, provided that the application is not called in for his own determination, DELEGATED authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to the conditions listed in the report.

Reason: Notwithstanding the Green Belt location of the site, the applicants' need for a site and the lack of alternative sites constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The granting of planning permission for a further three years accords with national planning policy in the NPPF and Planning Policy for Traveller Sites.

**90. Whitehall Grange, Wigginton Road, York, YO32 2RJ
(16/01446/OUTM)**

Members considered a major outline application by Mr Richard Baines for the demolition of existing buildings, use of land as a car storage facility and erection of an office building.

Officers advised that the area shown on the submitted plan D138.L.10/E as being used for the storage of cars was for illustrative purposes only. It showed 1000 of the 2000 cars for which consent was being sought. They clarified that the full area to be used for the storage of cars was as shown shaded

light green. The car parking area immediately to the front and side of the proposed office building was for staff.

They advised that three further planning conditions were recommended to cover: the parameters of the office building and security gatehouse; details of Surfacing; and pasture to be retained.

Officers advised that the applicant had asked that certain conditions be amended in order to accommodate the likelihood of the development being carried out in phases. In particular that the use of the site for car storage could start before the construction/occupation of the office building. In response officers recommended that amendments be made to the following conditions: cycle parking; parking and manoeuvring; travel plan; landscape scheme; street furniture details; and lighting impact assessment.

Eamonn Keogh, the applicant's agent, addressed the committee in support of the application. He advised that very special circumstances had been accepted by officer and stated that:

- no other suitable sites were available in the urban area or elsewhere
- the scheme would include extensive new planting and the parking area would be divided by planting new hedgerows. The strip along the curtilage of the site would be retained.
- sustainable travel to and from the site by staff would be encouraged. Autohorn was in discussion with Roko about the use of footpath so they could link in with existing path.

Richard Baines, the applicant, then spoke in support. He advised that:

- he had started business with 9 cars and 3 staff and were an unknown brand. They now had a fleet of 2000 cars, 100 staff and considered themselves one of best employers in city, recently voted best socially responsible employer.
- The business needed space to grow and long term security. They were currently located in York Central which was to be developed. There was no space in York centre to expand and this was the only suitable available site.
- The proposals would tidy up and improve the site.

When asked by Members, the applicant agreed to consider keeping the one remaining World War II blast dispersal shelter earth bunding at the site.

In response to questions from Members, the applicant and agent provided the following information:

- Some of key customers are based at Clifton Moor. This site is conveniently located for them.
- At the current site, cars have to be offloaded outside the city centre and driven in. Moving to this site would mean that car transporters could deliver cars directly to the site and avoid the need for transporters to come into the city.
- They were willing to agree to maintain hedgerows at a certain height as part of landscaping scheme.
- Working on lighting scheme – lights would operate in similar way to Leeman Road site on sensors and would not be permanently switched on.
- 2000 spaces will not be needed immediately but probably within two years.

Councillor Shepherd moved, and Councillor D'Agorne seconded, a motion to refuse the application on the grounds that plans for storage of 2000 cars was too substantial on what they described as a green wedge which was a key part of the local plan. Whilst they accepted that the business needed to move out of the city centre, they raised concerns that it would set a precedent for green wedges and the local plan. On being put to the vote, the motion was lost.

Members acknowledged that the site was in the Green Belt but accepted that very special circumstances had been proven. They noted that:

- they had heard reassurances with regard to the landscaping and lighting schemes.
- the proposed use for the site would tidy up the site and improve the landscape.
- the business needed flexibility with regard to capacity for cars due to the nature of business.
- this was a locally grown business who were an important part of city's economy who needed to move to have more space to grow. This was the only suitable site.
- Moving cars/transporters from city will make a difference

- They would like to see hedgerows maintained at suitable minimum height and the blast dispersal shelter retained.

It was agreed that if approved, condition 18 should be amended require hedges to be maintained at a certain height and that a condition be included regarding the retention of the dispersal shelter.

Councillor Cullwick then moved and Councillor Cuthbertson seconded, a motion to approve the application in line with the officer recommendation and it was:

Resolved: That the application be REFERRED to the Secretary of State, and provided that the application was not called in for his own determination, DELEGATED authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to the conditions listed in the report and the following additional and amended conditions, an amendment to Condition 18 regarding the height of hedges and a condition to require the retention of the dispersal shelter.

Additional Conditions

31. Parameters of the office building and security gatehouse

The dimensions of the approved office building shall not exceed 80m in length, 29m in depth and 11.3m in height as measured from existing ground level. The security gatehouse shall be single-storey and shall not exceed 40sqm in area. Before any works commence on the site a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level prior to any excavation or other groundworks; to avoid confusion in measuring the height of the approved

development; and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

32. Details of Surfacing

Notwithstanding the approved plans, within one month of planning permission being granted details of the proposed surfacing of the external areas shall be submitted in writing to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the surfacing is appropriate for the site in terms of durability and appearance, in order to protect the character of the area.

33. Pasture Land to be Retained

The areas along the eastern boundary shown as existing pasture on the approved plan D138.10 Rev.E shall be retained in their entirety as open pasture and shall not be used for any other purpose without the prior written approval of the local planning authority.

Reason: In the interests of the openness of the Green Belt and the visual amenity of the area.

Amended Conditions

6. Cycle Parking

Within one month of approval of reserved matters relating to the office building, details of the cycle parking areas, including means of enclosure, shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

7. Parking and Manoeuvring

Each the areas shown on the approved plans for parking, storage and manoeuvring of vehicles shall not be brought into use until they have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9. Travel Plan

Prior to first occupation of the office building a full travel plan, in line with local and national guidelines, shall be submitted to the local planning authority for approval. The development shall be occupied in accordance with the aims, measures and outcomes of the approved travel plan.

Reason: To ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for those users.

18. Landscape Scheme

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees (including any existing trees that are shown to be retained), shrubs and other plants, means of protection, seeding mix, and sowing rate where applicable. It shall also include details of ground preparation and maintenance. The scheme shall be implemented within a period of six months of first occupation of the development. Any trees or plants that, during the lifetime of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site as the landscape scheme is integral to the amenity of the development.

19. Street Furniture Details

Prior to their installation, details of street lighting, signage, security cameras and any other external street furniture or ancillary structures shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and the openness of the Green Belt.

25. Lighting Impact Assessment

Prior to the installation of any external lighting a full Lighting Impact Assessment undertaken by an independent assessor shall be submitted to and been approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties and contain the following as a minimum:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units including the access road
- Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary.

Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of the

development and the lighting maintained in accordance with the specification.

Reason: To protect amenity of neighbouring occupiers and the character of the area.

Reason: On balance, the strong economic case for supporting the applicant's business and for releasing their Leeman Road premises for redevelopment, together with the absence of suitable alternative sites that could accommodate the particular needs of the applicant's business, are compelling reasons in favour of the application. Notwithstanding the substantial weight being given to the identified harm to the Green Belt and the other harm (to the landscape character and to the council's sustainable transport objectives) the economic benefits of the proposal amount to very special circumstances that clearly outweigh that harm and justify planning permission being granted.

91. Brick Farm, Benjy Lane, Wheldrake, York, YO19 6BH (16/02583/FUL)

Members considered a full application by Mr Raley for the siting of three grain silos to be converted for use as holiday accommodation.

Sam Harrison, the applicant's agent, addressed the committee in support of the application. He advised Members that there had been no objections from statutory consultees or members of the public. He expressed disappointment that they had not been made aware that there were issues at pre-application stage and questioned what officers would consider to be very special circumstances. He referred to other applications which had been approved in the Green Belt and stressed the need for small scale farms to be able to diversify.

Some Members acknowledged that farmers were being encouraged to diversify and it was suggested that the clear need for farmers to look at diversification could be considered as very special circumstances. They noted that the proposed new buildings would be located adjacent to agricultural buildings

and from a distance could be taken to be agricultural silos and felt that this was acceptable.

Other Members raised concern over the use of the proposed buildings and stressed the need to consider the ancillary uses around them including use of outside space and associated paraphernalia. They expressed the view that very special circumstances had not been demonstrated by the applicant.

Officers advised that, should Members be minded to approve this application, their recommended conditions would include: methodology to deal with unexpected contamination; an electrical recharge point; cycle and vehicle parking; landscaping; tree retention; lighting scheme; external finishes; holiday occupancy; removal and reinstatement; and application plans.

Resolved That the application be approved subject to delegated authority being granted to allow officers to formulate the wording of conditions as outlined above.

Reason: Notwithstanding the substantial weight being given to the identified harm to the Green Belt and the other harm to its openness, the proposal is considered necessary as a means of farm diversification to offset the impact of the declining farm income, which amounts to very special circumstances to clearly outweigh that harm, and justify planning permission being granted.

92. Hall Farm, Strensall Road, York, YO32 9SW (16/02886/FUL)

Members considered a full application by Mr Andrew Thompson for the change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block.

Officers advised that, in response to comments in the report on the trading position of the farm, they had received an email from the applicant's accountant to advise that the Mr Thompson, the applicant, had made trading losses in the last financial year.

Eamonn Keogh, the applicant's agent addressed the committee and provided the following information:

- no objections had been received from members of the public or statutory or internal consultees.
- the scheme would include the demolition of a significant number of buildings, including some silos, leading to a net loss of permanent built floorspace and improvement to openness of Green Belt.
- a comprehensive visual impact assessment had been submitted. The scheme would have a positive impact on the rural landscape due to proposed reduction in built form and enhancement of landscape features, introduction of new hedgerows and trees and general landscaping around proposed development site.
- caravan pitches would sit within the footprint of existing building and be seen against backdrop of retained buildings
- very special circumstances to overcome inappropriateness of Green Belt have been set out in the report.

Members discussed whether additional landscaping was required noting there was already some screening to the north of the site but that views of the site would be more prominent from New Earswick to the south so any additional landscaping should be concentrated here.

Councillor Doughty moved, and Councillor Looker seconded, a motion to approve the application. Members accepted the need for diversification and were comfortable with the equestrian proposals, and some members expressed support for the scheme on the basis of diversification. They accepted that there was a need to provide suitable sites for visitors to York with caravans and noted the benefits to the environment through the reduction of the built up area and increase in openness to the greenbelt.

However there was concern that very special circumstances had not been demonstrated. They did not feel that evidence had been put forward to support the need for more caravan pitches. Concern was also raised in relation to slow moving vehicles at a point in the road where the speed limit changed from derestricted to 30mph. They did not feel that the need to

diversify could in itself be considered as very special circumstances, but that individual cases for diversification should be made on financial grounds.

After further debate, members accepted the reasons put forward by the applicant but felt that these needed to be strengthened to include financial reasons to be able to be considered as very special circumstances. Councillor Galvin moved, and Councillor Ayre seconded, a motion to defer the application in order that the applicant be given additional time to put together stronger financial reasons to support very special circumstances.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: In order that the applicant be given additional time to set out the financial reasons why the farm needed to diversify, which could be considered as very special circumstances to clearly outweigh the harm, and any other harm, for development in the Green Belt.

93. Former Haymarket Car Park, Dundas Street, York (16/02801/FULM)

Members considered a major full application by Vastint Hospitality for the erection of a five storey hotel (use class C1)

Officers advised that they had received a letter of objection from one of the neighbours who had attended the site visit but who was unable to attend today's meeting. Their main objections related to the scale of the proposed buildings and concerns around highway safety and traffic. This letter had been circulated to members in advance of the meeting.

Officers also advised that they had now received the Heads of Terms for the Sec 106 agreement from the applicant.

Officer recommended the following amendments to existing proposed conditions:

- Than an informative be added to Condition 4 (construction management) to set out more detail and an explanation on what would be expected from the developer in respect of construction management.

- Rewording of Condition 21 (plant and machinery) to give more clarity to the noise levels that the developer would be expected to meet.

Mr Andrew Finch, a resident of Hungate, addressed the committee in objection to the application. He raised concerns around the use of the land for a hotel, which he stated would lead to noise overnight and disruption which was currently not an issue with existing office use nearby. He also raised concerns of the aesthetics of the proposed building from the south/south east, and the need to maintain a visual corridor; and highway access especially in relation to East to West traffic, where there would be potential pedestrian/cyclist conflicts with vehicles loading and unloading.

Janet O'Neil, the applicant's agent, spoke in support of the application. She referred to the impact of the building on both Hungate, the Hiscox office and neighbours. She advised that guests of the 3* hotel would arrive either by taxi or would walk from the station and stated that it was not anticipated that there would be a large number of coaches dropping off at/collecting from the hotel.

Members acknowledged residents' concerns regarding traffic at the back of the proposed development but noted that no objections had been raised by Highways. It was suggested that the solid hoarding could be replaced by mesh fence during construction to improve sight lines to reduce impact of traffic. Concern was raised again with regard to the impact of the proposed building on the setting of the grade 2 * listed public house, but acknowledged that the site had been identified for development and outline permission had been granted and it had always been clear that there would be 4-5 storey building overshadowing the public house. Members commented that it was an innovative design and felt there were no reasons to refuse the application.

Resolved: That on completion of a S106 legal agreement to secure a contribution of £18,000 towards public realm improvements at Peasholme Green, DELEGATED authority be given to the Assistant Director, Planning and Public Protection to APPROVE the application subject to the conditions listed in the report and the amendments to conditions 4 and 21 as detailed above.

Reason: The scheme will regenerate part of the city centre in line with aspirations outlined in the 2005 and emerging draft Local Plans. The proposed use is acceptable in principle. The site is in an area where flood risk is high but the sequential and exceptions tests are passed and the development has been designed to be flood resilient. There would be no harm to heritage assets or their setting, to residential amenity or highway safety.

A section 106 agreement will secure a contribution of £18,000 towards public realm and pedestrian improvements on the opposite side of Peasholme Green.

94. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016 and provided them with a summary of the salient points from appeals determined in that period.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 7.10 pm].

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