
Meeting	Planning Committee
Date	21 February 2019
Present	Councillors Reid (Chair), Shepherd [not present for minute 68], Ayre [not present for minutes 63 and 64], Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Looker, Richardson [not present for minute 65], K Taylor, Warters, Flinders (Substitute for Cllr Boyce and Gillies (Substitute for Cllr Galvin) [not present for minutes 66, 67 and 68]
Apologies	Councillors Boyce and Galvin

Site Visits

Application	Reason	In attendance
Former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York	To allow Members to familiarise themselves with the site	Councillors Reid, Shepherd, Carr, Cullwick, Cuthbertson, Galvin, and Richardson
Forest Hill Farm, Pottery Lane, Strensall, York	To allow Members to familiarise themselves with the site	Councillors Reid, Shepherd, Carr, Cullwick, Cuthbertson, Galvin, and Richardson
Land To The North And East Of Grid House, Metcalfe Lane, Osbaldwick, York	To allow Members to familiarise themselves with the site	Councillors Reid, Shepherd, Carr, Cullwick, Cuthbertson, Galvin, and Richardson
Os Field 5070, Hull Road, Dunnington, York	To allow Members to familiarise themselves with the site	Councillors Reid, Shepherd, Carr, Cullwick, Cuthbertson, Galvin, and Richardson

60. 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. Cllr Doughty declared a personal non prejudicial interest in agenda item 4d (Forest Hill Farm, Pottery Lane, Strensall, York - 16/01061/FUL) as an employee in the transport sector. Cllr Gilles noted that the Applicant for agenda item 4d had visited him in his capacity as Council Leader and there had been no specific discussion regarding planning. There were no further declarations of interest.

61. Public Participation

It was reported that Cllr D Williams had registered to speak on agenda item 4a (Land to the North And East Of Grid House, Metcalfe Lane, Osbaldwick, York - 18/01778/FULM). There were no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

Cllr Williams, speaking on behalf of residents on Fifth Avenue noted that for the last 8 years residents had their lives adversely affected by construction traffic to the site. He outlined his concerns regarding the application, namely the number of near misses with children, the deterioration of the condition of the road, and blocked driveways. He requested that the application be because of the conditions.

In response to Member questions, Cllr Williams noted that his concerns related to the enforcement of conditions and that Fifth Avenue was the sole access point to the site.

62. 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.

**63. Forest Hill Farm, Pottery Lane, Strensall, York
[16/01061/FUL]**

Members considered a full application from York Pullman Bus Company Ltd for a change of use of the land and building to a bus depot, including an extension to the north elevation of the main building complex and a detached single storey office building, and hardstanding (retrospective) (resubmission) at Forest Hill Farm, Pottery Lane, Strensall, York.

The Chair reported that there had been a request for application to be deferred.

Resolved: That the application be deferred.

Reason: In order for the applicant to address a number of inaccuracies in the report.

Officer update on National Planning Policy Framework (NPPF)

The Development Manager advised Members that National Planning Policy Framework (NPPF) had been revised (issued 19 February 2019) and there were no alterations in the NPPF considered to be relevant to the applications before the Committee.

**64. Former Del Monte Site, Skelton Park Trading Estate,
Shipton Road, Skelton, York [18/01558/REMM]**

Members considered a major reserved matters application from Mr Tate for the erection of 77 dwellings, areas of open space, access road and associated infrastructure pursuant to outline approval 14/01478/OUTM at the former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York.

An officer update was given on the application and application 18/02583/FUL - Change of use of land to public open space with landscaping. Members were informed that comments received from the Kyle and Upper Ouse Internal Drainage Board were the same as those previously submitted for the original scheme and set out in paragraphs 3.50 of the committee report. Officers also advised that the alterations in the revised NPPF

were not considered to be relevant to either application and that the additional information and the alterations to the NPPF had been assessed and as such the planning balance was considered to be unchanged from the published reports.

Derek Jackson, a local resident, spoke in objection to the application. He noted that during consideration of the 2015 application for 60 dwellings, Members had expressed concern regarding pedestrians crossing the road and had asked for a signalised crossing. He noted that a condition had not been included in the decision notice and that his objection was not included in the officer update and that the committee report did not include a reference to the increase in the number of dwellings.

In response to Member questions Mr Jackson explained that he had been asking questions of CYC regarding the legal position since the previous year as he didn't receive an answer when he submitted an objection to the website. He explained when he was told there was to be an increase in the number of dwellings.

John Goodsir, representing Skelton Village Trust spoke in objection to the application. He noted that in the 2008 design statement it said that any future development would be separated from the A19 and there was little to show that this had been addressed. He noted that most of the residents for the 77 homes would need to cross the A19 and there was no indication of how cyclists and pedestrians would cross the road safely. He was asked and clarified that there was very little to show how the A19 would change and he noted particular concern regarding elderly people and school children crossing the road.

The Applicant, Liam Tate, spoke in support of the application. He noted that the use of the brownfield site would make a valuable contribution to CYC housing delivery. He outlined the revised layout that included a range of 1, 2, 3 and 4 bedroom properties and would deliver 1.2 hectares of public open space. He noted that the application had been supported by all consultees.

Mr Tate was asked and clarified that:

- The sustrans cycle path ran to the rear of the site and there were discussions with the golf club regarding providing a link to the cycle path over land owned by the golf course.

- A number of properties would overlook the public open space
- Highways officers had reviewed and were happy with the scheme as the increase in the number of dwellings was not a material increase.
- The arrangements for the A19 were agreed at the outline stage.

Keith Hayton, Chair of Skelton Parish Council Planning Committee spoke in objection to the application. He noted the Parish Council's objection to the overall development because of the isolation of the new estate and safety. He stated that there had been no local consultation on the road layout and that to not have a signal controlled crossing was dangerous. He asked that on the A19 there be a traffic light controlled crossing and that the speed limit be reduced to 30mph.

Councillor Steward, Rural West York Ward Councillor, spoke on the application. He noted that he supported the development of a brownfield site, however, there was an issue with highways and he believed that the traffic scheme was inadequate. He added that if there wasn't signalised traffic lights there would be more accidents and more people using their cars.

In answer to Member questions, Councillor Steward confirmed that he felt that the introduction of traffic lights would slow traffic down and with regard to Skelton Primary School welcoming the development there was the question of how children get across the road. He believed that parents would drive their children across the road.

At this point, the Senior Solicitor then gave a legal update advising Members that the outline planning consent had established the principal of development for residential purposes and that notwithstanding the fact that the application for outline consent had included a plan showing a layout comprising 60 dwellings this had been submitted for indicative purposes and did not constitute a bar to the applicant seeking a greater number of dwellings at the reserved matters stage provided the impacts arising from such a proposal were not greater than those assessed at the outline stage. It was also noted that the existing S106 did not specify a cap on the number of dwellings. Referring to The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 3, it was noted that there was nothing that precluded the approach put forward to the committee. The solicitor advised

that the Reserved Matters application before the Committee was in scope and as such it was lawful for the Committee to consider and determine the application.

The Senior Solicitor advised, in response to Member questions, that the Highway Network Management had assessed the application on the basis of the greater number of proposed dwellings and determined that it gave rise to no additional impacts beyond those already assessed. He was asked and explained that planning officers would be able to advise on when an application would be considered as a material change and that in future, conditions relating to a cap on the number of houses would be a matter for the committee to decide.

The Development Manager then advised Members that planning conditions needed to be reasonable and necessary. He explained that when there was an assessment of the outline application it wasn't deemed necessary to cap the number of houses. He then outlined the original outline application.

The Traffic and Highway Development Manager explained that Highways had considered the change from 60 to 77 units, traffic and pedestrian movements and had suggested a scheme of traffic management control. He outlined the road layout. In response to Member questions he explained the methodology used to determine the requirement for a signal controlled crossing, noting that the criteria for one had not been met. He was asked and clarified that the provision for a school crossing patrol was available for consideration and that the speed limit could not be reduced to 30mph and the limit was in line with guidance. Members were reminded by the Chair that the access arrangements had already been approved and she listed the items that could be considered as reasons for refusal which were: layout, scale, external appearance and landscaping. During debate, the Traffic and Highway Development Manager recorded that he was not happy with a statement made by Cllr Richardson.

Members debated the application in detail. Councillor Warters moved and Councillor Shepherd seconded refusal of the application on the grounds of the increase in housing numbers compromising the layout and loss of trees and compromising highway safety. On being put to the vote the motion fell.

Councillor Doughty moved and Councillor D'Agorne seconded deferral of the application on the grounds that a signalised pedestrian crossing should be provided. On being put to the vote the motion fell.

Resolved: That the application be approved subject to the conditions listed in the report and the prior variation of the S106 legal agreement as set out in paragraph 5.2 of the report as follows:

The application is recommended for approval following the variation and signing of the S106 legal agreement to remove the reference in the legal agreement that the formal children's play space and amenity space will be provided within the red line of the outline planning permission. If the variation of the legal agreement cannot be agreed the application will be brought back to committee.

Reasons:

- i. The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location and is considered to be generally acceptable.
- ii. The application is recommended for approval following the variation and signing of the S106 legal agreement to remove the reference in the legal agreement that the formal children's play space and amenity space will be provided within the red line of the outline planning permission. If the variation of the legal agreement cannot be agreed the application will be brought back to committee.
- iii. These alterations are considered to be:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and,

(c) fairly and reasonably related in scale and kind to the development,

and therefore comply with Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123.

65. Former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York [18/02583/FUL]

Members considered a full application from Mr Tate for the Change of use of land to public open space with landscaping at the former Del Monte Site, Skelton Park Trading Estate, Shipton Road, Skelton, York.

Officers advised that the revisions to the NPPF were not considered to be relevant the application and that the additional information and the alterations to the NPPF had been assessed and the planning balance was considered to be unchanged from the published report.

The Applicant, Liam Tate, spoke in support of the application. He advised that the Parish Council had agreed to take on the open space for perpetuity and he explained that the open space had been designed with planners and landscape architects. Following Mr Tate giving an overview of the layout of the open space he was asked and gave clarification on the discussion with sustrans about the cycle track.

Cllr Steward, Rural West York Ward Councillor, spoke in objection to the application. He concluded by urging that the application be approved subject to a condition requiring the installation of a signalised pedestrian crossing

Cllr Warters moved and Cllr Gilles seconded approval of the application subject to a condition that there should be a pedestrian crossing. This was put to the vote as being a motion to refuse. The motion fell.

The Traffic and Highway Development Manager was asked and explained an assessment for a signalised crossing in relation to the open space had been made. In relation to a question concerning reference to sustainable travel in the NPPF, the Development Manager advised that a condition requiring a

pedestrian crossing would be contrary to the NPPF as it was reasonable or necessary to be provided as part of the development.

Following debate it was:

Resolved: That the application be approved subject to the conditions listed in the report and a variation of the S106 agreement for the outline planning permission (14/01478/OUTM) to ensure that the open space land is adequately maintained in perpetuity.

Reasons:

- i. The application site is located within the general extent of the York Green Belt and serves a number of 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 some harm 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 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 net gain to biodiversity and the provision of public open space provided for the benefit of the wider village are very special circumstances that are considered to outweigh the definitional harm to the openness and permanence of the greenbelt even when substantial weight is given to any harm to the Green Belt.

66. Land To The North And East Of Grid House, Metcalfe Lane, Osbaldwick, York [18/01778/FULM]

Members considered a major full application from Andrew Black for the erection of 40 dwellings with associated roads, landscaping and public open space on land to the North and East of Grid House, Metcalfe Lane, Osbaldwick, York.

Members were provided with an update from Officers. Officers advised Members of a report correction under paragraph 4.25 of the report that should read phase 3 rather than phase 4. Officers noted the additional responses from CYC Flood Risk Management, CYC Public Health, Osbaldwick Parish Council, Derwenthorpe Residents Association and from local residents. Officers noted additional conditions and obligations.

Ray Walker spoke in objection to the application on behalf of a number of residents on Derwent Way. He explained that residents felt that the application should be deferred for a number of reasons, namely no consultation on the application with the developer, problems with the Construction Traffic Management Plan (CTMP) and the enforcement of it, the impact of construction traffic on houses in Fifth Avenue, and problems road safety.

Bob Webb, a local resident, spoke in objection to the application. He explained that the residents on Fifth Avenue had suffered for 8.5 years the effects of HGVs travelling down that street. He noted that the restricted timings did not restrict the particulates from vehicles. He requested deferral because of the number of cars on Derwenthorpe and travelling down Fifth Avenue and that an alternative access route to the site needed to be looked at.

Elaine Davis spoke in objection to the application on behalf of a number of residents on Fifth Avenue. She noted that there was a petition from the residents on Fifth Avenue and she raised a number of questions concerning the application. She noted that issues needed to be resolved and would be compounded by the development. In response to a question she noted that the staff at Joseph Rowntree Housing Trust (JRHT) were rude and complacent.

Martin Rowley, a Governor at St Aelreds RC Primary School, spoke in objection to the application. He requested deferment of

the application on the basis of the immediate and ongoing threat to the safety of children and parents at St Aelreds RC Primary School. He noted that there was no signage or road markings to indicate that there was a primary school and there was no safe crossing point on Fifth Avenue. He tabled a number of reports including a design and access statement which made no reference to the school. In response to Member questions Mr Rowley confirmed that the school was at capacity, listed the schools oversubscription criteria and percentage of Catholic children attending, and that there was no parking for parents. He undertook to check if signage to the school had been requested and he wasn't aware if the school had made complaints about enforcement.

Alex Biddulf, a local resident and parent of children at the school, spoke in objection to the application. She explained that she had repeatedly had raised concerns regarding vehicles and traffic problems with CYC, JRHT and the school. She described the problems encountered by children and parents as a result of HGVs travelling to the site and she asked the Committee to consider the safety measures on the road. She was asked and confirmed that she had corresponded with CYC and JRHT and she added that she struggled to get her voice heard.

Katherine Jukes, Agent for the Applicant, spoke in support of the application. She gave an overview of the different phases on the site and noted the reason for the delay in phase 3. She addressed the reason for the redesign in layout. She advised that all traffic movement would be covered by a robust traffic management plan and she added that the applicant had agreed conditions pertaining to the timings of traffic to the site.

In response to Member questions Katherine Jukes

- Acknowledged the concerns of residents and noted that there was a warden in place for traffic. She was not aware of problems with the warden provision.
- Noted that there would be a planning condition applied restricting HGV movement times and that the Construction Environment Management Plan (CEMP) was conditioned.
- That the design and access statement included reference to the homes being environmentally friendly.
- Clarified the difference between the CTMP and CEMP.

In response to Member questions, Officers clarified that:

- There was a condition in place regarding lighting.

- There were no road markings as Fifth Avenue was not adopted.
- The application could be deferred for further discussions on managing construction traffic.
- Metcalf Lane was not an adopted highway.
- Additional items could be included in the CTMP regarding pedestrian routes and traffic management.
- The education contribution in the S106 was produced by the CYC education department based on 40 dwellings proposed in this application.
- The size and type of vehicles could be restricted by mutual agreement between the Highways Authority and the applicant.

Councillor Warters moved and Cllr Looked seconded deferral of the application on the basis of the Construction Traffic Management Plan (CTMP) being brought to the Committee. On being put to the vote it was:

Resolved: That the application be deferred

Reasons: In order for the Construction Traffic Management Plan (CTMP) to be brought to the Committee.

67. OS Field 5070, Hull Road, Dunnington, York [18/02659/OUT]

Members considered an outline application from Dean Staverley seeking approval for the layout and appearance of an energy storage facility with up to 25 battery storage units along with ancillary structures including switchgear, transformer, standby emergency generator and 2 containers enclosed with steel palisade fencing and screened with landscaping at OS Field 5070, Hull Road, Dunnington, York.

Paul Bailey, Agent for Applicant, spoke in support of the application. He explained that the project would help stabilise the National Grid and that new technology was part of the national energy strategy. He advised that this was the only site with an available grid connection he noted with the facility could not be located underground.

In response to Member questions Mr Bailey clarified:

- Why the facility could not be located nearer the substation .

- That the facility was being provided by a private company in connection with the National Grid.
- That there would be security cameras at the facility.
- The size of the concrete base for the 25 batteries, ownership boundaries, size of the containers and cooling and ventilation.
- That there was very little noise from the batteries.
- That there was no alternative site in York
- The very special circumstances put forward.

Resolved: That the application be approved subject to the conditions and informatives listed in the report and the following conditions:

Condition 1

The containers must be painted matt dark green.

Condition 2

Reactive lighting must be installed.

Reasons:

- i. The proposed energy storage facility with ancillary compound and structures is considered inappropriate development in the Green Belt by definition. Further harm has been identified as a result of the limited impact on openness and the landscape and visual character of the area. Very special circumstances relating the locational need; innovative nature of the technology proposed; and the sustainability and energy resilience benefits of the proposal have been put forward. Support has also been found in paragraph nos. 8 and 148 of the NPPF for the scheme as well as policies DP2 and CC1 of the emerging Local Plan.
- ii. It is considered that the very special circumstances are sufficient to clearly outweigh the harm through inappropriateness and identified further harm and the proposal is recommended for approval subject to relevant planning conditions.

68. Infinity Motorcycles, 46 Piccadilly, York [18/01296/FULM]

Members considered a major full application from Avantis Piccadilly Ltd for the erection of a part 6/part 7-storey hotel (143 bedrooms) with 6-storey apartment block (8 apartments) following demolition of existing buildings at Infinity Motorcycles, 46 Piccadilly, York.

Philip Holmes, Agent for Applicant, spoke in support of the application. He noted that since the 2017 approval the scheme brought forward by the new applicant was an attractive addition to the riverside and would bring improvements to the approved scheme.

In response to Member questions, Officers clarified the number of vehicle charging points and that the walkway at the back of the hotel would be under the ownership of the hotel.

Resolved: That Authority to Approve be delegated to the Assistant Director.

Reasons:

- i. The application site is within an area proposed for redevelopment and regeneration outlined in the 2005 and emerging draft Local Plans. The site is in a sustainable location and brings forward regeneration benefits to the local area. The site is within Flood Zone 3 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed.
- ii. The development would not harm the character and appearance of the conservation area or the setting of nearby listed buildings and the scheduled ancient monument and accords with planning law and national and local policy in this regard. The loss of the existing building affects a non-designated heritage asset, however planning permission exists for its demolition as part of the previously approved application and the regeneration benefits are considered to outweigh any harm. Impacts on

archaeology are acceptable and can be mitigated by planning condition.

iii.

The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 9.30 pm].

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