

Meeting	Planning Committee A
Date	3 November 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Doughty, Kilbane, Fisher, Looker, Melly and Fenton
Apologies	Councillor Waudby
Officers Present	Becky Eades (Head of Planning and Development Services) Jonathan Kenyon (Principal Officer, Development Management) Ian Stokes (Principal Development Control Engineer) Sandra Branigan (Senior Solicitor)

29. Declarations of Interest (4.45 pm)

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. In respect of agenda items 4a and 4b (Pavers Ltd, Catherine House, Northminster Business Park, Upper Poppleton [21/02804/FUL] and [22/01555/FULM] respectively, Cllr Kilbane noted that although he had visited the Pavers site with Cllr Douglas that the applications had not been discussed.

No further interests were declared.

30. Public Participation (4.37 pm)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

Cllr Douglas, Leader of the Labour Group, stated that the city was a desirable and profitable place for developers, and it was important to ensure that infrastructure was built in a sustainable and managed way. She highlighted that developers must be expected to pay for community green space, education and affordable housing through Section 106 contributions. In addition, City of York Council (CYC) should have a well-

resourced planning enforcement team to ensure that planning conditions had been followed and s106 obligations were met.

31. Minutes (4.50 pm)

Resolved:

- i. That the minutes of the meeting of Planning Committee A held on 4 August 2022, be approved and signed as a correct record, subject to Cllr Crawshaw's amendment as distributed to the Committee.
- ii. That the minutes for the meetings held on 8 September and 05 October 2022, be held over to the next meeting so as to check the accuracy of the Declaration of Interest and Public Participation items.

32. Plans List

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

2a) Pavers Ltd Catherine House Northminster Business Park Harwood Road Upper Poppleton [21/02804/FULM] (4.53 pm)

Members considered a major full application from Pavers Holdings for the extension to warehouse (B* use with ancillary office/welfare space) with service yard, vehicular and cycle parking, and landscaping at Catherine House, Northminster Business Park, Upper Poppleton, York.

The Principal Planning Officer gave a presentation on the application and provided an update to Members as follows:

Items 4a & 4b

Updated drainage details received which are acceptable. As a consequence recommendations to be changed accordingly.

Item 4a (warehouse) – amend reason for refusal to -

The proposal by reason of its location within the Green Belt would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework (NPPF). Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a detrimental impact on openness of the Green Belt and conflict with three of the Green Belt's purposes, as identified in NPPF paragraph 134.

Other identified harm has been identified as follows -

- Sustainable travel promotion is lacking, in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel. To this extent the proposals are not in compliance with NPPF paragraphs 107-113 and Publication Draft Local Plan 2018 policies SS1: Delivering Sustainable Growth for York and T1: Sustainable Access).

- The proposed lighting strategy would lead to loss of potential foraging habitat for bats, contrary to NPPF paragraph 179.

- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance, contrary to NPPF 185a.

The site is not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The Local Plan process did consider the site for development and determined it was necessary to remain in the Green Belt, taking into account the spatial strategy for delivering sustainable growth for York.

The benefits put forward by the applicant do not, either individually or cumulatively, clearly outweigh the totality of the harms identified above and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the NPPF, in particular section 13 'Protecting Green Belt land', policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan and policies SS1, SS2: The Role of York's Green Belt and GB1: Development in the Green Belt of the Publication Draft Local Plan 2018.

The additional revised plans and reports have been assessed and the planning balance, with the exception of the requested alterations to the reason for refusal, do not change the officers recommendation.

Public Speakers

Ian Gillies, a local resident, spoke in favour of the application. He noted the challenge to attract and retain businesses in York. He stated that as there were no residential properties near to or overlooking the site the building would be an appropriate application located within the green belt.

In response to questions Members were informed that the field was used for growing potatoes. It was noted that special circumstances had been identified for the Park and Ride site and the boundaries of the site had been originally drawn up in 2001. It was felt that the additional jobs could constitute special circumstances.

Stuart Paver, Managing Director, Pavers, spoke in support of the application. He stated that the business needed to grow in an efficient and sustainable way with a centralised warehouse and distribution centre. The expansion had the potential to create 130 jobs and would enable the business to reduce carbon emissions through fewer journeys and reduction of costs of holding stock at ports. He emphasised his personal desire for the business to remain in York.

In response to Members questions, Mr Paver and his team explained that:

- The Park and Ride was currently closed so they were trying to encourage shared rides and would increase cycle provision.
- Refusal of the application would lead to increased movement of vehicles in and out of the site, the office application (agenda item 4b) would be withdrawn as it was dependent on approval.
- A mix of digital and warehouse staff roles would be created, over a 3 to 5 year period.
- It was difficult to determine customer demand but the costs in moving the product around the site or sites reduced efficiency.
- They wanted to stay in York, other sites had been assessed and found unsuitable. They had not engaged with the Local Plan process as they had not anticipated filling the existing space. The new warehouse would be built in stages according to need, they had planned for the maximum possible capacity. The warehouse would require 200m of the field.
- The site at SD19 was not suitable as it did not allow the office and warehouse to be on the same site, this would prevent efficiencies and double the costs of expansion.

Officers responded to Member questions as follows:

- When considering applications on the green belt, each case should be taken on its own merits. The impact of each development were

different with a separate set of circumstances, although approval added weight in the planning balance.

- The Economic Impact Assessment was accessible on the planning portal and had been taken into account in the report, with the economic benefits had been listed in paragraphs 5.24 and 5.25 of the report.
- The boundaries of the green belt were based on the special character of York and were specific to the city.

[6.14pm – 6.22 pm, the meeting was adjourned]

Following debate, Cllr Ayre proposed the officer recommendation to refuse the application. This was seconded by Cllr Fisher. On being put to the vote, with six Members in favour and four against, it was then;

Resolved: That the application be refused.

Reasons:

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 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 emerging local plan which is currently at examination.

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. The expansion of the existing site can only take place on Green Belt land.

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".

The identified harm is as follows -

Green Belt

- Inappropriate development which is, by definition, harmful.
- Harm to openness.
- Harm to 3 of the 5 Green Belt purposes.

Other identified harm

- The drainage design is unresolved in respect of the agreed run-off rates and how on-site attenuation (in respect of swales) would be accommodated.
- Due to the conflict between drainage and landscape proposals the scheme does not evidentially provide space for a drainage solution and the landscaping proposed. The landscaping is proposed by the applicants to mitigate landscape and visual impacts and to deliver biodiversity net gain.
- Sustainable travel promotion is lacking in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel.
- Proposed lighting strategy would lead to loss of potential foraging habitat for bats.
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

Officers recommendation is that the reasons for the scheme and the economic benefits proposed do not amount to Very Special Circumstances that clearly outweigh the identified harm to the Green Belt along with the other identified harm. To this effect the scheme is in conflict with policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan in addition to NPPF Green Belt policy.

33. Pavers Ltd Catherine House Northminster Business Park Harwood Road Upper Poppleton [22/01555/FULM] (6.52 pm)

Following the outcome of agenda item 4a, Janet O'Neill of O'Neill Associates, the agent for the application, formally withdrew the application relating to agenda item 4b, at Pavers Ltd, Catherine House, Northminster Business Park, Upper Poppleton, [22/01555/FULM].

[6.54 – 7.09 pm, the meeting was adjourned]

34. Former Gas Works Heworth Green York [22/01281/REMM] (7.09pm)

Members considered a reserved matters application from Heworth Green Property Company Ltd and Moda Living for details of appearance and landscaping for Zone B at the Former Gas Works, Heworth Green, York.

The Development Officer gave a presentation and update on the application as follows:

- The cycle storage had been moved.
- Condition 2 updated to reflect revised elevations received.
- Clarification – reference to brown roof in 5.9 incorrect.

It was confirmed that these changes did not alter the officer's recommendation for approval.

Public Speaker

Tim McDonald, Development Executive at Moda Living, spoke in support of the application and provided some background information on the company. He confirmed that they were invested in the long-term success of the scheme through providing professionally managed, quality accommodation.

In response to Members questions, officers informed the committee that:

- Umbrellas were not allowed on the roof terrace to prevent loss of amenity and reduce the visual impact.
- The timing of conditions was covered in the outline planning permission.
- Noise restrictions were not usually applied to residential properties.
- Cycle stores had been spaced more equally through the site. It was for the management company to manage cycling and pedestrian routes through the development.
- The appearance of the landscaping and buildings could be subject to an informative, as could electric points in the cycle stores.

Following debate, Cllr Kilbane moved the officer recommendation to approve the application. This was seconded by Cllr Looker and following a unanimous vote it was;

Resolved: That the application be approved subject to the recommendations, the additional information contained in the update and the informatives, identified above.

Reasons: The scheme accords with the outline permission and is acceptable in all other respects, taking into account relevant NPPF, national design guide and Publication Draft Local Plan policy. The scheme is subject to the conditions of the outline permission (which include triggers for installation of the landscaping and parking) and those recommended in section 7 of the report.

Cllr C Cullwick, Chair

[The meeting started at 4.42 pm and finished at 7.35 pm].