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Meeting	Planning Committee
Date	11 July 2018
Present	Councillors Reid (Chair), Shepherd (Vice-Chair), Ayre, Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson and Flinders (Substitute for Councillor K Taylor)
Apologies	Councillors K Taylor and Warters

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<b>Application</b>	<b>Reason</b>	<b>In attendance</b>
Proposed Sports Pitch Development To The South East Of 235 Tadcaster Road	As the recommendation was to approve and objections had been received.	Councillors Reid, Shepherd, Cullwick and Galvin

## 7. **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 D'Agorne declared a personal, non-prejudicial interest in Ageda Item 4a (Minute Item 11) as he was a Sustrans volunteer and one of their routes was referenced in the report.

Councillor Reid declared an interest in Item 4a (Minute Item 11) as the Executive Member for Culture, Leisure and Tourism at the time the proposal to lease the land was taken to Executive. She stated she would hand over to the Vice Chair for this item and leave the room.

Councillor Ayre declared an interest in Item 4a (Minute Item 11) as the current Executive Member for Culture, Leisure and Tourism. He also left the meeting for this item.

## 8. Minutes

Councillor Boyce asked that the minutes of 14 June be amended to reflect the fact she had sent apologies for the meeting and Councillor Flinders had attended as a substitute.

Resolved: That the minutes of the last meeting held on 14 June be approved and then signed by the chair as a correct record, subject to the above amendment.

## 9. 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.

## 10. 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.

## 11. Proposed Sports Pitch Development to the South East of 235 Tadcaster Road, Dringhouses, York (18/00251/FUL)

Members considered a Full Application for a change of use from agricultural holding to natural turf sports pitches, including erection of changing facilities, installation of sub surface land drainage and associated soft landscaping and the formation of emergency/maintenance vehicle access road.

Officers gave a detailed update, which was attached to the online agenda following the meeting. This included an update on the status of Woodthorpe Wanderers FC and details of additional representations which had been received since agenda publication. There was also an amended recommendation and several amended and additional conditions.

Josh Wong, Club Secretary for Bishopthorpe White Rose FC, spoke in support of the application. He stated that the club served over 400 players and had a large girls section plus two disabled teams. They currently had very limited facilities, one pitch for 11 teams, and this proposed development would give

them opportunity to further promote sport to young people. The location would also promote sustainable transport, using the cycle path and the park and ride.

In response to Member questions he stated that:

- The existing ponds would be lost but the proposed drainage plan would create two patches of biodiversity to replace this habitat;
- Pick up and drop off would be at the park and ride site; and
- There would be a lease arrangement for car parking spaces with the park and ride site.

Michael Jones spoke, on behalf of the applicant, to explain how the application would support the Council's strategic priorities by providing pitch space across four wards. Approval would trigger consideration of an application for a £500,000 grant from the Football Foundation which would help to pay for the works. Finally it would free up land at Lowfield Green by replacing two pitches which were at that site. This would allow for creation of 165 new homes a care home, and a large area of public open space. The pitches would have huge health and social benefits for the local community.

In response to Member questions he stated:

- The clubhouse was positioned in this location to encourage cycling as it was located next to the cycle path and as it was considered the least sensitive location as it was near trees;
- The use of space allowed for the maximum number of pitches; and
- An agreement would be put in place with the park and ride operator for parking provision.

During debate Members expressed their thanks for the hard work of the volunteers' who ran the football club. They felt that the proposal was going to provide desperately needed facilities which would have huge health and social benefits for the local community. It was also noted that the impact on wildlife would be minimal. They also highlighted the need to maintain the cycle path, if cycling to this site was to be encouraged.

Resolved: That Delegated Authority be given to the Assistant Director Planning and Public Protection to approve the proposal subject to:

1. an acceptable agreement being reached in respect of the provision of off-site car parking
2. The conditions listed in the Officers report and the update
3. An amendment to condition 13 in relation to the protection of the cycle path during construction
4. An additional condition on the provision of cycle parking
5. An additional informative being added in relation to the maintenance of the cycle route.

Reason: It was considered that the provision of permanent training and playing facilities in an accessible location for Bishopthorpe White Rose FC, whose facilities were currently sub-standard, was a consideration that clearly outweighed the harm to the Green Belt by reason of inappropriateness and any other harm so as to amount to very special circumstances to justify the proposed development. Thus very special circumstances existed to justify development in the Green Belt.

The presumption in favour of sustainable development contained in paragraph 14 of the NPPF applied to this application to the effect that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. On that basis it was considered that the proposal would amount to sustainable development in applying the Framework as a whole, and the balance lay in favour of the proposal.

**12. Site of Former Fordlands House, 1 Fordlands Road, York (18/00495/FULM)**

Members considered a Full Major Application for the erection of a 64 bedroom care home, with car parking and landscaping, following the demolition of existing care home.

Officers gave a detailed update, which was attached to the online agenda following the meeting. This contained a revised recommendation and details of additional representations that had been received since agenda publication. They also showed the Committee several images of the site. In response to Member questions Officers stated:

- There would be a section 278 highway agreement in place if permission were granted and the need for parking restrictions could be assessed and then funded through this agreement;
- The application was accompanied by a highway statement and the proposed highway access had been considered the most efficient. It was not considered that this type of use would generate many large vehicles; and
- Car parking spaces had been angled to allow access to the site.

Mary Urmston, a local resident and Christopher Carroll her agent, spoke in objection to the application. They expressed concern over the safety of pedestrians and cyclists due to the site exit, access for emergency vehicles and the fact they considered the site was not suitable for this development due to falling within the green belt and flood zone 3.

Vivian Claire spoke on behalf of John Matthews, a local resident. He had concerns about the location of the crossing point which would fall directly outside his living room window. He felt this would severely impact on both his privacy and outlook. He asked Members to consider the relationship between his home and the crossing point, and to ensure this be moved further along the road. He also stated he felt there was insufficient parking for a development of this size.

Karin De Vries spoke, on behalf of Fulford Parish Council, to express their disappointment that this application had been recommended for approval. They felt that the wrong supply calculations had been used in the report and that there was not a shortfall of 90 beds. They felt there was a clustering of care homes in Fulford and Heslington. Finally she stated that vulnerable patients should not be placed in flood zone 2 and 3.

Kenneth Turner, a neighbouring resident, spoke in support of the application. He stated that he lived immediately opposite the site and felt that the application would benefit the community as

a modern, state of the art care home, needed by the aging population of York. He also felt content that concerns he originally had over parking at the site had been addressed by the developers.

Eammon Keogh, agent for the applicant, explained to Members that there was a significant shortfall of care places and that this development was an opportunity to turn a brownfield site into a state of the art care home to meet the needs of the City. Flooding, highways, design and archaeological issues had all been addressed and all technical consultees had reaffirmed that the proposal was acceptable.

In response to Member questions he stated:

- The dropped kerb/crossing would be moved as part of the section 278 agreement;
- The highways plan had been worked on for several months and the current proposal was considered technically acceptable from a highways point of view;
- National guidance was followed in relation to sequential testing;
- The basement had been designed to flood and then to positively drain

Officers also clarified that:

- Germany Lane would remain a bridleway; and
- The revised recommendation meant that, if the Secretary of State decided that this was an EIA application, the application would be deferred until an Environmental Statement was submitted and relevant consultation carried out. The Assistant Director would only be able to grant permission if a decision was received that this was not an EIA development.

During debate Members expressed the view that the City did have a shortage of this type of accommodation. Given that this was previously developed land, and a previous application had been approved, this was considered an acceptable development.

Resolved: That the committee delegate the authority to grant planning permission to the Assistant Director for

Planning and Public Protection subject to: **Protection**  
**Substance**

1. the conditions set out in the officer's report;  
and
2. the receipt either of a Screening Direction made by the Secretary of State that the proposal is not EIA development or notification from the Secretary of State that he has declined to make a Screening Direction.
3. The crossing/dropped kerb being moved under the section 278 agreement.

**Reason:** The presumption in favour of sustainable development contained in paragraph 14 of the NPPF applied to this application. This was to the effect that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted. On that basis, the main issue in this case was whether; having regard to material planning considerations, any adverse impacts of the development proposed would significantly and demonstrably outweigh any benefits, when assessed against the policies of the Framework as a whole.

The application was for a brown field site in a sustainable location that was at the time occupied by a vacant care home. It had been demonstrated that York had an under-supply of good quality residential and nursing care accommodation.

A Sequential Test (in relation to flood risk assessment) had been carried out by the developer using a more restrictive area of search. This was agreed with the Local Planning Authority to take account of the existing use of the site for a care home, the identified and increasing need for accommodation and because the wards chosen form a natural community. As such, the application passed the sequential and exception tests.

Great weight was given in the planning balance to the impact of the development on Fulford Village Conservation Area. Members considered however that given the low level harm identified, the public benefits of the delivery of elderly persons accommodation together with the jobs that would be provided in this sustainable location, outweighed the level of harm identified.

Consideration was given to objections raised in relation to the development. However, it was not considered that any other material considerations had been raised that would significantly and demonstrably outweigh the benefits of the development.

Cllr A Reid, Chair

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