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Meeting	Planning Committee
Date	15 November 2018
Present	Councillors Reid (Chair), Boyce (Vice-Chair), Shepherd, Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson and Warters
Apologies	Councillor K Taylor

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## Part A - Matters Dealt With Under Delegated Powers

### Site Visits

Application	Reason	In attendance
Land At Cocoa West Wigginton Road York	To allow Members to familiarise themselves with the site	Councillors Reid, Boyce, Carr, Cuthbertson and D'Agorne
Land To The South Of Field Lane Heslington (Lakeside Way, University of York East Campus)	To allow Members to familiarise themselves with the site	Councillors Reid, Boyce, Carr, Cuthbertson and D'Agorne
Elvington Water Treatment Works, Kexby Lane Elvington	To allow Members to familiarise themselves with the site	Councillors Reid, Boyce, Carr, Cuthbertson and D'Agorne

### 34. 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 Cullwick declared a personal non prejudicial interest in Item 4e (Land To The South Of Field Lane, Heslington) as he managed a small number of non City of York Council (CYC) properties. Cllr A D'Agorne declared an interest in Item 4b (Land At Cocoa West,

Wigginton Road) as he was a volunteer for Sustrans. There were no further declarations of interest.

**35. Minutes**

Resolved: That the minutes of the meetings held on 13 September 2018 and 11 October 2018 be approved and then signed by the chair as a correct record.

**36. 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.

**37. 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.

**38. Land Adjacent Sewage Works at Hessay Industrial Estate [17/00670/FUL]**

Members considered a full application from Anthea Tate for the erection of an asphalt plant with associated infrastructure on the land adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay, York.

Members were advised by Officers that subsequent to the Committee Report being prepared a Counsel's opinion had been submitted on behalf of the applicant raising several detailed issues. In order that the issues be satisfactorily addressed it was recommended that consideration of the application be deferred.

Steve Mills (Local resident in objection), Rachel Martin (Local resident in objection), Anthea Tate (Agent for applicant in support), Mark Barratt (Chair of Hessay Parish Council in

objection) and Cllr Steward (Ward Councillor) had registered to speak on the application at the meeting. All were asked and confirmed that they did not wish to speak on the application.

Resolved: That the application be deferred.

Reason: In order that the issues raised by the applicant's Counsel be satisfactorily addressed.

### **39. Land At Cocoa West, Wigginton Road [18/01011/OUTM]**

Members considered a major outline application from York 456 Ltd. This was an outline planning application with all matters reserved except for means of access for a mix of uses including 425 dwellings, offices, retail, a crèche and community uses with associated car parking, landscaping, highways infrastructure and other ancillary works.

Officers advised Members that there was a correction to paragraph 3.7 of the report to include the requirement of a contribution to places at local secondary school (this did not change the recommendation) and there also was a correction to state A1 use. In response to a question regarding ancillary works, Officers explained that there was a requirement for dropped curbs in the traffic plans.

Sarah Daniel welcomed the application. She raised concern regarding works traffic to and from the site and requested that a planned set of operational working be created to include the hours safe working of that traffic to and from the site. She asked whether the ancillary works included work to the main drain on Wigginton Road. She asked for the provision of dropped curbs and a pedestrian crossing. She referred to the removal of trees and asked that this be limited as much as possible.

Graham Holbeck (Agent for the Applicant), spoke in support of the application. He outlined the application noting that the design had been done in consultation with local residents and that there had been few objections. He noted the main differences from the 2010 application and with regard to traffic he noted that the developer had worked with the CYC traffic team, Sustrans and bus operating companies. He noted the intention to start building in 2020.

In response to Member questions, Mr Holbeck clarified that:

- There was a loss of a small group of trees towards the Wigginton Road end of the development, and the tree loss on the Sustrans route was primarily to facilitate access.
- With regard to through routes, there were two cul-de-sacs on the plans and the intention was facilitate public, pedestrian, cycle and emergency vehicular access to the site.
- Within the infrastructure, water was directed through Haxby Road
- The access from Wigginton Road to Haxby Road would be put forward for adoption.

Cllr Craghill (Ward Councillor) spoke on the application. She explained that parking levels on the site would be high and she suggested that parking be amended. She encouraged the developers to work with CYC and other partners on the street design and she asked for them to be more proactive regarding bus services.

In answer to questions from the Committee, Officers confirmed that:

- The intention was that as the application progressed to detailed planning there would be discussions with service providers on bus service provision. This would include looking at the proximity of bus stops.
- There were a number of items that could only be conditioned later on in the application process.
- Because there were bus stops within reasonable walking distance of the site this meant there was no justification for introducing new bus stops.
- There had been a contribution to off site sport provision.
- All measures would be put in place to address air quality damage.

Following debate it was:

Resolved: That the application is approved subject to a Section 106 Agreement to secure the planning obligations, conditions and informative listed in the report.

Reasons:

- i. The proposed development would provide a mix of housing reasonably in line with local need (i.e.

predominantly 2 and 3 bed dwellings) and ancillary facilities that will help meet residents' daily needs in the interests of creating a sustainable community. The scheme will deliver affordable housing at a policy compliant 20%.

- ii. The development relates appropriately to the surroundings, including the adjacent conservation area, it has a well defined layout with a network and variety of green space and amenity space. The development is of scale that will relate acceptably to its surroundings; there will not be an undue impact on existing resident's amenity. The development can be accommodated by the highway network without significant effect.
- iii. The scheme accords with national advice on sustainable development, sustainable travel and design. This is a suitable scheme to re-develop this Brownfield site efficiently and deliver housing in accordance with identified need. To provide adequate infrastructure to meet the needs of future occupants an associated legal agreement will also secure a contribution towards off site sports facilities and contributions towards education requirements; to be decided at reserved matters stage(s).
- iv. The planning obligations required (specified below) are compliant with the Community Infrastructure Levy Regulations in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Furthermore no more than 5 contributions will have been made towards the relevant infrastructure projects.

**40. Mapplefields 5 Laburnum Farm Close, Hessay  
[18/01023/FUL]**

The full application from Andrew Tullie for the Erection of stables in paddock at Mapplefields, 5 Laburnum Farm Close, Hessay, York, was withdrawn prior to the meeting.

Resolved: That the application not be considered.

Reason: As the application had been withdrawn.

**41. Land West of Hagg Wood Broad Highway, Wheldrake  
[18/01219/OUTM]**

[Note: The Legal Services Manager (Corporate Governance) withdrew from the meeting during consideration of this item. The Senior Solicitor (Planning) joined the meeting for this item]

Members considered a major outline application from Chris Hobson for a variation of condition 20 of application 15/02439/OUTM to allow 16.5 m long articulated egg collection lorries to enter the site at all times and days with the exception of 08:20 to 09:30 on weekdays and 14:45 to 18:00 on weekdays and to leave the site at all times and days with the exception of 08:20 to 09:05 on weekdays and 14:45 to 18:00 on weekdays.

During the Officer update, Members were advised of changes to the conditions which included an additional condition with the regard to the approved plans, a change to condition 2 and an additional informative. Officers also updated Members on the representations received which included three objections from residents, the comments of which were outlined to Members. Officers reported that the additional information had been assessed and the planning balance and the recommendation remained unchanged from the published report.

Roland Aston, a local resident, spoke in objection to the application. He explained that the village, school, village hall and sports ground had not changed and what had changed was the Applicant occasionally having problems the logistics of vehicles accessing the site. He expressed concern regarding traffic on Broad Highway and requested that the Committee reject the application and keep the restrictions in place.

Mr Aston was asked and explained that he did not have the technical knowledge to know whether the size of the articulated lorries presented a problem with the passing places on Broad Highway.

Len Rawlinson, a local resident, spoke in objection to the application. He noted that the application only referred to

articulated lorries and expressed concern regarding 16.5m articulated lorries accessing the farm via the narrow Broad Highway, which was close to the school (which had up to 280 children near the school during school opening and closing times). He added that the turn out of Broad Highway into North Lane was very tight and that problems had arisen since the use of 40 tonne lorries collecting eggs from the farm.

The Chair clarified that the change to condition 2 referred to 16.5m articulated lorries.

Sam Harrison (Agent for the Applicant), spoke in support of the application. He outlined the changes to the restrictions and noted that since the site had become operational the timings had become problematic and he explained the reasons for this. He noted that the Applicant had always tried to abide with the current restrictions, however there had been non compliance because of a range of factors. With regard to restrictions during school times, the Highway Authority considered the current restrictions to be excessive.

Mr Harrison was asked and explained that:

- He believed that the restrictions would have been taken into account in the route planning for the egg collections from the farm.
- Complaints about non compliance with the restrictions related to the egg collection lorries being 10 to 40 minutes out of the restricted time.

Cllr Mercer (Ward Councillor), spoke in support of the application. She noted that the proposed revision to the reduction in weekday hours continued to protect children and that there would be no additional vehicle movements for the collection of eggs. She added that the unit generated no noise, smell or dust and that the three other working farms in the vicinity operate with no restrictions. She noted that there would be no additional vehicle movements and that the Parish Council were comfortable with the application.

Cllr Mercer was asked and responded that the Parish Council had no objection to the changes and the farmer employed a significant number of people.

Following debate it was:

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

Additional condition with the regard to the approved plans

The development hereby permitted shall be carried out in accordance with the following plans:-

Site layout plan dated Nov 15 received by the Local Planning Authority on 30 November 2015.

Location plan dated Nov 15 received by the Local Planning Authority on 30 November 2015.

Elevation drawings dated Feb 16 received by the Local Planning Authority on 29 January 2016.

Plan showing area available for landscaping dated Feb 16 received by the Local Planning Authority on 1 February 2016.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Condition 2

This permission shall not be implemented until a written vehicular movement management plan has been submitted to the Local Planning Authority and approved in writing. The vehicular movement management plan shall contain the following provisions and measures and in this condition "Site" shall mean the red line application site (Location plan dated Nov 15 received by the Local Planning Authority on 30 November 2015):

(i) The vehicular movements to and from the Site shall take place as specified on page 8 of the submitted Design and Access Statement received by the Local Planning Authority on 30 November 2015.

(ii) Egg collection lorries up to 16.5m in length may enter the Site at all times and days with the exception of 08:20 to 09:30 on weekdays and 14:45 to 18:00 on weekdays and may leave the Site at all times and days with the exception of 08:20 to 09:05 on weekdays and 14:45 to 18:00 on weekdays; no

restrictions on Saturdays, Sundays and Bank Holidays.

(iii) No other vehicles shall enter or leave the Site (other than staff travelling to and from the Site) at the following times and days:-

Between 07:30 to 09:30 hours, and 14:45 to 18:00 on weekdays and at any time on Saturdays, Sundays and Bank Holidays.

(iv) Details for the ongoing monitoring and review by the operator of the egg unit as to any changes to the start and finish time of the school day for the primary school located on Broad Highway, Wheldrake.

(v) The procedure for the operator of the egg unit to notify the Local Planning Authority of any changes to school times identified pursuant to (iv) above for the primary school located on Broad Highway, Wheldrake.

(vi) The procedure and timescale for agreeing with the Local Planning Authority changes to the lorry entry and exit restrictions at the Site referred to in (ii) and (iii) above to directly reflect changes in school times for the primary school located on Broad Highway, Wheldrake. Any such changes to lorry entry and exit restrictions at the Site shall not decrease or increase the overall length of restriction but shall shift the entry and exit times set out in (ii) and (iii) above forwards or backwards (as the case may be) in direct relationship to the change from the existing school start and finish time (currently 08:55 and 15:20.)

Once approved by the Local Planning Authority in writing, the vehicular movement management plan shall be implemented in full compliance with the approved details and timetable unless the Local Planning Authority gives written consent to any variation to it.

#### Informative

The current vehicle movement restrictions are based on a 08:55 school start time and 15:20 finish time at

Wheldrake with Thorganby Church of England Primary School. If following the grant of this permission the school start and finish times change the vehicular movement times to and from the Site shall be changed with the agreement in writing of the Council in accordance with the process to be approved in the vehicular movement management plan.

Reasons:

- i. The application is submitted as a result of difficulties faced by the egg unit in ensuring that eggs are collected at a time that does not breach the 07:30 weekday limit for lorries leaving the site. In addition, the cycle of collections occasional requires a collection on a weekend.
- ii. The application proposes to change the current weekday morning collection for egg lorries so that no egg lorries would be permitted to leave the site between 08:20 and 09:05 or enter the site between 08:20 and 9:30 (the current restriction for arrivals and departures from the site is 07:30 - 09:30). It also proposes to remove the weekend and bank holiday restriction for egg collection lorries. Egg collections will remain at a rate of two lorries per week.
- iii. It is considered in the context of the low number of egg collections that will occur and the restrictions that will be in place at primary school start and finish times the variation of condition 20 is considered reasonable. It is noted that the egg collections in relation to the use are a very low proportion of the overall traffic movements on Broad Highway and that any users of the route would need to be aware that other motorised vehicles, including lorries and large agricultural vehicles can travel along the route at any time of the day or week.
- iv. It is not considered reasonable to oppose a change in egg collection vehicles from rigid lorries up to 12m long to 16.5m articulated lorries given such vehicles

were considered acceptable for other deliveries and collections at the site.

- v. The consultation deadline for the revisions to the delivery times and egg lorry size expires on 13 November. Any additional comments received will be reported to Committee along with any implications on the recommendation and suggested conditions.

**42. Land To The South Of Field Lane, Heslington  
[18/01416/REMM]**

[Note: Councillor Cullwick withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a Major Reserved Matters Application from the University Of York And Graham Construction Limited to approve the siting, design, external appearance and landscaping to provide student accommodation (providing 1,480 bed spaces) including the provision of two colleges and residential blocks within a central green space, the realignment of Lakeside Way following outline permissions 15/02923/OUT.

In their update officers recommended that the application be deferred so that full consultation could be undertaken with Heslington Parish Council.

Alan Richards (local resident in objection), Stephen Talboys (Applicant - University of York in support), Julie White (Agent for the Applicant – Developer in support) and Cllr Pavlovic (Ward Councillor) had registered to speak on to the application. Cllr Pavlovic asked that there be consideration of additional conditions in respect of residents parking in Badger Hill and on the Newland Park estate. He noted that the residents parking scheme for Badger Hill ended in 2020 and requested that this be extended to all of Badger Hill and on the Newland Park estate. Alan Richards seconded the points made by Cllr Pavlovic and he explained that parking was a problem in those areas.

Resolved: That the application be deferred.

Reason: To enable consultation with Heslington Parish Council to take place.

**43. Elvington Water Treatment Works [18/01786/FUL]**

Members considered a full application from Yorkshire Water Services for the erection of a plant building used for the preparation of calcium hydroxide at Elvington Water Treatment Works, Kexby Lane, Elvington, York.

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

Reasons:

- i. The use and scale of the proposed building is such that it is inappropriate development in the Green Belt. It would have a moderately harmful impact on the visual character and amenity of the landscape. Green Belt policy states that the application should be refused unless any harm resulting from the proposal is clearly outweighed by other considerations.
- ii. In assessing whether very special circumstances exist, significant regard is given to the fact that the site is an established water treatment plant which supplies around a third of Yorkshire Water's drinking water. The site is located wholly in the Green Belt. The proposed building cannot be located outside the Green Belt. The applicant states that the building is essential in respect to improvements to ensure a sustainable, resilient water supply, essential for public health and to assist in facilitating growth within the York area and in the works' wider supply area. Although the structure is tall it is not considered unduly intrusive. Its scale has been reduced from the original submission and its height reflects that of the existing silos on the site. It is considered that the particular circumstances relating to the pressing need for the building and the inability to re-locate it outside the Green Belt does amount to very special circumstances which would clearly outweigh the harm to the Green Belt and local landscape.

**44. Hall Farm, Strensall Road [18/01979/FUL]**

Members considered a full application from Andrew Thompson for the demolition of the existing agricultural buildings and change of use of the land to provide 17 touring caravan pitches between April and October each year, and associated refuse storage and shower and w/c facilities at Hall Farm, Strensall Road, York.

An officer update was given in which it was reported that the Ecology and Conservation Officer had confirmed that no further work was required as there was no evidence of bats or barn owls. Officers also clarified that within paragraph 4.9 of the report that the siting of caravans was not considered to fall within outdoor sport or outdoor recreation but was a form of accommodation.

Eamonn Keogh (Agent for the Applicant) and Samantha Thompson (daughter of and on behalf of the Applicant) spoke in support of the application. Ms Thompson explained that she had worked with her father over the last two years to diversify income to the farm. She advised that trees and hedges had been planted and that the caravan pitches would complement the existing stables. Using photographs on the screen, Mr Keogh demonstrated that the context of the site had changed considerably. In terms of the Green Belt he stated that the other structures would be demolished and that the openness of the site would be enhanced by the touring pitches. He noted that the NPPF made provision for such changes and gave examples of this.

Mr Keogh and Ms Thompson were asked and confirmed that:

- The footprint taken by the caravans would be significantly less than the existing agricultural buildings.
- There were plans to plant more trees.
- The 17 caravan pitches would be placed as shown on the site plan (on the existing footprint of buildings).
- With regard to equestrian based holidays, there was a number in North Yorkshire which tended to be chalet based.
- Visitors would be able to bring horseboxes and caravans.

- There would be no permanent caravans for hire and there would be flexibility in stabling.

Following debate during which a number of different views were expressed it was:

**Resolved:** That the application be approved subject to final wording to be delegated to the Chair, Vice Chair Legal Services Manager (Corporate Governance) and Head of Development Services.

**Reason:** It is considered that the proposed touring caravan pitches does not constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework. As such, the proposal results in no harm to the Green Belt, and, by definition, no harms to the openness of the Green Belt. The other considerations put forward by the applicant outweigh harms and therefore amount to very special circumstances for the purposes of the NPPF.

## **Part B - Matters Referred to Council**

### **45. Amendments to Committee Terms of Reference and Delegation to Officers Report**

The Legal Services Manager (Corporate Governance) explained that the Constitution reserves certain matters to the Planning Committee and Area Planning Sub-Committee. Unless so reserved, planning matters were delegated to the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection. It was recommended that alterations were made to the wording of the Terms of Reference to provide more clarity in the interpretation of the delegation, and to update it specifically in relation to S96A non-material amendments and S73 extension of time applications. In addition, an amendment was proposed so that the Main Planning Committee only reserved applications in the Green Belt where they were recommended for approval. This would assist in more timely decision making in respect of certain consents and applications, and therefore it was requested that Planning Committee consider recommending those changes to Full Council.

Members considered a report that proposed that changes to the Planning Committee and Planning Area Sub Committee's terms of reference and consequent delegation to Officers are referred to Full Council. They were provided with updated proposed amendments to the Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee) (Annex 2). Following an overview of the proposed amendments by the Legal Services Manager (Corporate Governance) it was:

Resolved: That the Committee refer the amendments to the Council's Constitution to Full Council for approval to:

- i. enable Officers to determine requests for non-material amendments to planning applications under Section 96A of the Town and Country Planning Act 1990 (as amended);
- ii. enable Officers to refuse planning permission for any non-residential or domestic application for which there is a policy presumption against development in the Green Belt; and
- iii. enable the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection to approve variations of a minor nature to planning agreements relating to planning applications reserved to the Planning Committee or Area Sub Committee.

Reason: To provide more clarity in the interpretation of the delegation, and to update it specifically in relation to S96A non-material amendments and S73 extension of time applications. In addition, an amendment is proposed so that the Main Planning Committee only reserves applications in the Green Belt where they are recommended for approval. This would assist in more timely decision making in respect of certain consents and applications, and therefore it is requested that Planning Committee consider recommending these changes to Full Council.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].