

Meeting	Planning Committee
Date	1 July 2021
Present	Councillors Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Warters, Lomas, Fisher (Chair), Widdowson (Substitute), Looker and Waudby
Apologies	Councillors Barker, Pavlovic and Melly

Election of Vice Chair

Due to the absence of the Vice Chair (Cllr Pavlovic had given apologies for the meeting) Cllr Looker was nominated by Cllr Kilbane as Vice Chair for the meeting. This was seconded by Cllr Ayre. Cllr Looker was appointed as Vice Chair for the meeting.

32. 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 Widdowson declared an interest in item due to her involvement with the community woodland and she undertook to leave the meeting for that item. The Chair noted a non-prejudicial interest in item as he had worked with the speaker on the Strensall with Towthorpe Neighbourhood Plan.

33. 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.

34. 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.

35. Land Comprising Field West of Askham Bryan College, York Road to Westfield Cottages, Askham Bryan, York [20/01923/FULM]

Members considered a major full application from Askham Bryan College for the erection of two cattle buildings, one hay/straw storage building, one enclosure, two tanks, and hardstanding for use as a beef rearing unit at land comprising field west of Askham Bryan College, York Road to Westfield Cottages, Askham Bryan, York. The Head of Development Services gave a presentation on the application.

Public Speakers

Kathryn Jukes, Agent for the Applicant, spoke in support of the application. She explained that Askham Bryan College was one of the main land based colleges in the country and the emerging Local Plan recognised the college. The college had expanded over a number of years and the proposed shed would extend existing facilities for which it had been awarded funding from the government for the development of the facility. She ended by noting a number of difficulties in contacting the drainage officer and the Head of Development Services noted that this was being resolved.

Members asked Kathryn Jukes a number of questions to which she responded that:

- The application related to teaching and learning on rearing beef cattle. Rearing the beef locally would reduce carbon emissions.
- The travel plan did not form part of this application. Officers advised that that it would not be reasonable to add a travel plan condition.
- The cattle would not be kept inside all year long and the site was within a field where cattle would be allowed outside. This was not an intensive farming facility.
- Cattle rearing was part of the wider curriculum at the college.

Members then asked a further questions from officers to which they responded that:

- The condition for the discharge of run off rates was included in condition 3.
- Public rights of way were not enforced by planning conditions.
- Regarding a proposed additional condition relating to restricting the use of the building, any change of use would require a new planning application.
- Condition 8 was a standard ecology condition and condition 7 related to landscape mitigation.
- It was reasonable that there was a travel plan for different parts of the college.
- The right of the way referred to in the report was a different right of way to that closed by the college previously.

Cllr Ayre proposed an amended condition that if the building was removed from education/agricultural use for 18 months it would be demolished. This was seconded by Cllr D'Agorne. A vote was taken with 8 for and 4 against. The motion carried.

Cllr Ayre proposed approval with the above amended condition seconded by Cllr Doughty. A vote was taken with 13 for and one against.

The motion was carried and it was

Resolved: That delegated authority to be given to the Head of Development Services to:

i. refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to

ii. The conditions set out in the report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions

iii an amended condition that if the building was removed from education/agricultural use for 18 months it would be demolished.

iv. Condition 7 being amended to in perpetuity.

Reason:

- i. The application site is located within the general extent of the York Green Belt and serves two 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.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least two of the five Green Belt purposes.

Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in the report

It is considered that the economic and educational benefits, together with the location constraints identified in paragraphs 5.37 and 5.38 are considered to be cumulatively 'very special circumstances' that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt and the harm to the visual character and amenity arising from the proposed development.

- ii. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the

Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

[The meeting adjourned from 17:18 to 17:30. Cllr Widdowson left the meeting at 17:18]

36. Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York [21/00796/FULM]

Members considered a major full application from Northminster Properties Ltd for the Erection of distribution facility (use class B8) including formation of vehicle access onto Glaisdale Road on Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York.

The Head of Development Services outlined the application and gave a presentation on it. She then gave an update noting the comments from planning policy, highways matters, climate change, changes to draft conditions, and a late objection from an interested party. The additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

Officers then responded to Members questions, noting that:

- They were satisfied that the conditions addressed concerns regarding congestion on the A59 and that application would not have a negative impact on neighbouring properties.
- Condition 5 could be changed to the lifetime of the development.
- There were conditions relating to safe pathways and cycleways.
- The speed limit on the site was 10mph and 40mph on Northfield Lane.
- The application did not achieve BREAMM.
- There was a condition to protect existing trees and if these trees should die they would need to be replaced.

Public Speakers

Kathryn Jukes, Agent for the Applicant, spoke in support of the application. She explained that DPD had been looking for a new site for a number of years as their existing site at Clifton Moor was not suitable for electric vehicles. She added that this application would allow DPD to operate electric vehicles, deliver 125 jobs for the district and although it was not possible to achieve BREAMM excellent, carbon emissions would be reduced. She was then asked and answered Members' questions:

- The previous application was from Unipart, not DPD.
- The removal of fuel vehicles within the city walls related to the size of vehicles used and deliveries to those properties would be by electric vehicles.
- She explained the BREAMM scoring system and why it was not possible to achieve BREAMM excellent, adding that the site there would be electric vehicles, provision for photovoltaic panels and a rainwater harvesting tank.
- DPD had depots all over the country and the York hub served a wider area including Scarborough, Hull and Harrogate,
- It was the intention that undelivered parcels would be at that depot.
- At present DPD were limited by the size of electric vehicles but as more vehicles become available, they would be used further outwards.
- The DPD drivers had the same benefits as other employees.
- An overview of the structure of the 125 new jobs was given.
- No employees would be self employed.
- Most deliveries to the depot would be during the day and there were different shift patterns.
- There was van washing at the site and a noise assessment had been submitted. The drainage met the drainage requirements for this.
- Two new conditions addressed residents collecting parcels from the depot.

Officers were then asked further clarification questions from Members to which they responded that:

- The site was in the Green Belt and had been allocated employment land in the draft Local Plan. The NPPF very special circumstances was the need to support economic growth and productivity.

- The previous planning application was still live.
- There was a shared pedestrian/cycle route from the A59 to Northfield Lane and a 10mph limit on the Northminster bus park and ride.

Cllr Warters moved approval, seconded by Cllr Daubeney. Following debate a named vote was taken with the following result:

- Cllrs Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Looker, Warters, Waudby, and Fisher voted for the motion.
- Cllr Lomas voted against the motion.

The motion was carried and it was

Resolved: That delegated authority to be given to the Head of Development Services to:

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. The conditions set out in this report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions.

Reason:

- i. The application site is located within the general extent of the Green Belt and serves two Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states that 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. In addition to the harm to the Green Belt by reason of

inappropriateness, the proposal would have a harmful effect on openness and would undermine two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

- ii. However, the proposed development would make a significant contribution to achieving one of the council's main objectives which is to meet the city's employment needs. The proposal would also enable an existing company to remain within the district and to continue to grow. These benefits are, in combination, considered to amount to 'very special circumstances' that clearly outweigh the harm to the Green Belt due to inappropriateness, impact on the openness and conflict with the purposes of including land within it.
- iii. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

Cllr T Fisher

[The meeting started at 4.30 pm and finished at 6.38 pm].