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Meeting	Planning Committee
Date	17 March 2016
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), S Barnes, Cannon (Substitute), Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Hunter (Substitute), Kramm (Substitute), Richardson, Shepherd and Warters
Apologies	Councillors Galvin, Ayre and Boyce

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### 77. Site Visits

Application	Reason	In Attendance
Pavers Ltd, Northminster Business Park	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, Dew, Hunter, Mercer, Reid
Cockey Hill Farm, Wheldrake Lane	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, Dew, Hunter, Mercer, Reid
The Retreat, Heslington Road	To enable members to familiarise themselves with the site.	Councillors Cullwick, Cuthbertson, Dew, Hunter, Mercer, Reid

### 78. Declarations of Interest

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Doughty declared a personal and prejudicial interest in agenda item 4b as his partner was a former Director of The Retreat.

**79. Minutes**

Resolved: That the minutes of the last meeting held on 18<sup>th</sup> February 2016 be approved and signed by the Chair as a correct record.

**80. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation scheme.

**81. Plans List**

Members then considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**81a \*\*\*APPLICATION WITHDRAWN\*\*\*Land at Grid Reference 458205 449925, West of Bradley Lane, Rufforth, York (15/02031/FULM)**

It was reported that this application had been withdrawn at the request of the applicant.

**82. The Retreat, 107 Heslington Road, York (15/00421/FUL)**

Consideration was given to a full application by Mr Robert Brownlow for the erection of a patient accommodation block and day care centre with associated landscaping following the demolition of the existing student accommodation building.

It was reported that there was a short update to the committee report, to require an additional condition to ensure demolition of the existing building prior to construction and the re-contouring of the land.

Emily Roberts spoke as the agent on behalf of the applicant. She advised that the application was part of wider plans for the site and it had been deferred from the January planning

committee in order to resolve the issues around the tree survey. As a result the building had been moved further north away from the root protection area of a beech tree. She stated that the design was simple and modern and would be subservient to the nearby listed buildings.

Members commented that following the site visit, they were pleased to see the positive difference made by the re-positioning of the proposed building by approximately 2.5m to the north.

Resolved: That the application be approved subject to the conditions outlined in the committee report and the following additional condition:

The existing student accommodation block shall be demolished and removed from the site before construction work begins on the replacement accommodation building hereby approved. Within six months following completion of the building hereby approved, the ground shall be re-profiled to match the contours of the surrounding land and laid to grass.

Reason: In the interests of preserving the openness and purposes of the York Green Belt, given that the application was only considered acceptable on the basis that it proposed a replacement building, and in the interests of preserving the setting of the grade II listed buildings on site and the character and appearance of The Retreat/Heslington Road Conservation Area.

Reason: The application proposes the construction of a replacement building of the same use and similar in its scale and mass to the existing vacant building. As such, the proposal constitutes development that is not inappropriate development according to Green Belt policy. It is officer's opinion that the proposed development would not cause harm

to the significance of the identified heritage assets, being the setting of the grade II listed buildings, the character and appearance of the conservation area or the scheduled ancient monument.

**83. Crockey Hill Farm, Wheldrake Lane, Crockey Hill, York, YO19 4SN (15/02343/FULM)**

Consideration was given to a major full application by Mr Gary Cooper for the siting of 6 holiday lodges, car park and wildlife pond together with landscaping works following the change of use of agricultural land (resubmission).

Following discussion, Members felt that having been on the site visit, the proposal would impact upon the openness of the green belt and would add to the sense of encroachment and felt that the proposals were unacceptable for the site.

Resolved: That the application be refused.

Reason: The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed development would cause additional harm to the openness of the Green Belt and conflicts with one of the key purposes of including land within it. The definitional harm and other harm to the purposes and openness of the Green Belt must be afforded substantial weight when applying the NPPF policy test – namely, that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

It is considered that the other considerations put forward by the applicant, when considered individually and collectively, are not compelling reasons sufficient to clearly outweigh the identified harm to the openness and purposes

of the Green Belt and that the very special circumstances necessary to justify the development do not exist.

**84. Land on East Side of Appleton Road, Opposite Woodside Farm, Appleton Road, Bishopthorpe, York (15/02861/FUL)**

Consideration was given to a full application by Ms Christine Pick for the construction of a new vehicular access and associated access road.

Mark Newby had registered to speak as the agent. He outlined the history of the application, in particular that a previous linked Class Q permitted development rights application had been refused in 2015 due to access issues at the site. This application was being made ahead of a new Class Q application being considered. He advised that as the proposed road was at ground level, impact upon the green belt would be minimal.

Following discussions, Members felt that the size of the proposed road across an open field would impact upon the openness of the Green Belt and they considered that the Officer recommendation was correct.

Resolved: That the application was refused.

Reason: The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed development would cause additional harm to the openness of the Green Belt and conflict with one of the key purposes of the Green Belt. The definitional harm and other harm to openness and purposes of the Green Belt must be afforded substantial weight when applying the NPPF policy test - namely, that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

It is considered that there are no other considerations in support of the application that, when considered individually and collectively, are compelling reasons to clearly outweigh the identified harm to the openness and purposes of the Green Belt to justify inappropriate development on a site within the Green Belt.

**85. Land at Grid reference 469030 444830, Church Lane, Wheldrake, York (15/02885/FUL)**

Consideration was given to a full application by Derwent Valley Glamping for the erection of four seasonal tents utilising existing access, the creation of a footpath link and the incorporation of a habitat enhancement plan.

Chris Hobson spoke as the applicant in support of the application. He advised that the application was for four tents with internal showers and toilets and a small grassed area for parking. He confirmed that electric and drainage were already in place on the site and the tents would only be visible once the site is entered.

Members raised concerns regarding the openness of the green belt and also the potential impact upon the adjoining nature reserve.

Resolved: That the application be refused.

Reason: (i) Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the

applicant that would clearly outweigh harm by reason of inappropriateness and any other harm, including harm to the purposes of Green Belt and openness, harm to the character and appearance of the area through visual impact and noise and disturbance, lack of information to assess the impact of development on the Lower Derwent Valley National Nature Reserve). The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014) and Policy GB1 of the City of York Development Control Local Plan (April 2005).

(ii) The Lower Derwent Valley National Nature Reserve as a European protected site is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Under the Habitat Regulations the Council as the competent authority must make a judgement under Regulation 61 and 62 as to the 'likely significant effect', if any, of the scheme on the European designated sites before permission is granted. The project is not directly connected with or necessary to the management of any European site and therefore a Habitat Regulation Screening opinion needs to be made by the Local Planning Authority. The ecology report states that the proposed development has the potential to cause disturbance and displace wintering birds and breeding birds. The application does not include sufficient information to rule out the need for appropriate assessment under the Habitat Regulations. In the absence of sufficient information the application is considered to conflict with the requirements of the Conservation of Habitats and Species Regulations 2010 and advice in paragraphs 109, 118 and 119 of the National Planning Policy Framework which seek to conserve and

enhance biodiversity and confirms that the presumption in favour of development does not apply where development requiring an appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined.

**86. Pavers Ltd, Catherine House, Northminster Business Park, Harwood Road, Upper Poppleton, York (15/02721/FULM)**

Consideration was given to a major full application by Mr Jim Young for the extension to a warehouse and an extended car park.

It was reported that there was no update to the committee report.

Members commented that due to the size of the business, there was no other location in York suitable for the applicant to move to and although the application may appear large, it was noted on the site visit that the site is well screened.

**Resolved:** That the application be approved after referral to the secretary of state, subject to conditions outlined in the committee report.

**Reason:** It is considered that cumulatively the considerations put forward by the applicant: the economic benefits and job creation, the successful business already established on the site, and the significant screening as well as the containment of development within the perceived boundary of the existing Business Park are considered to be very special circumstances that are sufficient to clearly outweigh the identified harms to of the Green Belt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.



requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.20 pm].