
Meeting	Planning Committee
Date	24 July 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Burton, Crisp, Cuthbertson (Substitute), D'Agorne, Doughty, Firth, Fitzpatrick (Substitute), King, McIlveen, Reid, Riches, Simpson-Laing, Watt, Williams and Watson
Apologies	Councillors Ayre, Boyce and Looker

1. Site Visits

	Reason for Visit	Members Attended
Willow House, Wigginton.	To enable members to familiarise themselves with the site	Horton, Galvin, Cuthbertson, King, Reid, Mcilveen and Watt.
Holly Tree Farm. Osbaldwick.	To enable members to familiarise themselves with the site	Horton, Galvin, Cuthbertson, King, Reid, Mcilveen and Watt.
OS Field 1138, Holtby.	To enable members to familiarise themselves with the site	Horton, Galvin, Cuthbertson, King, Reid, Mcilveen and Watt.

2. 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 D'Agorne declared a personal interest in agenda item 4c as a Member of the Cycle Touring Club.

Councillor Crisp declared a personal interest as some of the tourist boards mentioned in relation to agenda item 4c fall within the remit of her portfolio as Cabinet Member for Leisure, Culture and Tourism.

3. Minutes

Resolved: That the minutes of the last Planning Committee held on 15th May 2014 be approved and signed by the Chair as a correct record.

4. Public Participation

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

5. Plans List

6. Willow House, Wigginton Road, Wigginton, York, YO32 2RH (14/00497/FUL)

Consideration was given to a full application by Mr. John Pulleyn for the siting of eight camping pods and a single storey reception building following the demolition of a horticultural glasshouse (retrospective).

Cliff Carruthers was in attendance as the agent for the applicant. In response to questions from Members he advised that the application was being made retrospectively as the applicant had not realised that planning permission was required for the camping pods as they were not permanent structures.

Members noted that the applicant had outlined Very Special Circumstances for allowing the application in the Green Belt as follows:

- There is a clear demand for this type of accommodation within the city and this is demonstrated by the campsite having operated successfully since July 2013.
- Potential locations for such uses are limited. If camping facilities are to add to variety of tourist accommodation available in the York, then they need to be in the Green Belt in order to provide access to both the open

countryside as well as the tourist attractions of the city. The principle of camping, caravanning and similar recreational uses in the Green Belt has been accepted by the Council in the past. Indeed, the land to the east of the camping pods already operates as a successful caravan site.

- The proposal is in accordance with paragraph 81 of the NPPF, which seeks to enhance the use of the Green Belt by looking for opportunities to provide access and to provide opportunities for outdoor recreation.
- The Willow Farm site is already fully equipped with the necessary infrastructure to support the proposed use. There are shower and toilet facilities located to the west of the camping area and there is also a small farm shop and café in this area, offering drinks, food and convenience goods. Other than the pods themselves, there are no additional facilities required to support the proposed use.

Officers considered harm to the green belt to be extremely limited due to the following reasons:

Most of the holding is already in leisure use;

- The pods are well screened behind a 2m perimeter fence and cannot be seen from outside of the site. They are of a sensitive design which is entirely appropriate to their rural setting;
- The proposal improves a damaged/derelict part of the site previously occupied by a large single storey glasshouse, which had fallen into disrepair;
- The combined footprint of the eight pods and reception building is approximately 130sqm, which is significantly less than the glasshouse, which had a footprint of 1200 sqm.
- Members commented that although retrospective applications were usually unwelcome, they felt that the use applied for in this instance was appropriate for this location.

Resolved: That the application be approved subject to the conditions outlined in the committee report.

Reason: On balance, it was considered that the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations that amount to very special circumstances and that consequently the application is acceptable. In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, It is not considered that the matter need be referred to the Secretary of State as the development is in total less than 1000 sq.m and does not have a significant impact on the openness of the Green Belt.

7. Land Adjacent to Hopgrove Roundabout, Beechwood Hopgrove, York (14/00672/OUTM)

It was reported at the start of the meeting that this application had been withdrawn by the applicant.

8. Holly Tree Farm, Murton Way, York (14/00809/FUL).

Consideration was given to an application by Mr Robert Wilson for the siting of 8 holiday let log cabins and excavation of a fishing lake.

Mary Keely had registered to speak in objection to the application as a Local Resident. She advised that the area floods easily and raised concerns about the impact of the 8 proposed cabins on flooding in the area. She also raised concerns about the suitability of the highway.

Ms Cartmel had registered to speak as the applicant. She advised that herself and her husband wished to work in tourism and wanted to create a viable business to secure their families

future. The application was intended to benefit the local area and improve ecology.

Mr Swinglehurst had registered to speak as the applicants agent. He advised that the land in question was poor grade land and the lake was being proposed as a suitable use as it would provide sustainable drainage for the site. In response to the comments on flooding made by Mary Keely, he was willing to agree further conditions with Officers on drainage if requested to do so. He highlighted the importance of tourism to the area and advised that the application would provide much needed self catering facilities for families and the fishing lake would also be open to local residents.

Members noted that the Officers recommendation was to refuse the application as it was considered to be inappropriate development in the Green Belt. If Members were minded to approve the application, very special circumstances would need to be given for the application outweighing harm to the Green Belt.

During debate, Members made the following comments:

- The application caters for a use and approval would support a local business.
- The application would not harm the Green Belt due to the industrial location.
- The application site is called 'Holly Tree Farm' and Farmers are being encouraged to adapt their businesses in difficult economic times.
- Residents concerns are unfounded and a similar development in another Ward in the City had not given residents any cause to complain.
- Some concerns were raised about the creation of a permanent lake and the management of the arrangements for fishing in conjunction with running a holiday rental business.
- The number and size of the Cabins was a concern for some Members.

Following further discussion, Councillor Williams moved approval and Councillor King seconded. When put to the vote, the application was approved subject to consultation with the Chair and Vice Chair regarding the wording of conditions.

The Very Special Circumstances accepted as cumulatively clearly outweighing the harm to the Green Belt were:

- The site at present is a poor grade pony paddock; the proposal will enhance the site and its surroundings
- The scheme provides for outdoor sport and recreation and the land is already a leisure activity.
- Paragraph 81 of the national Planning Policy Framework says that Local Planning Authorities should plan positively to enhance the beneficial use of the green belt.
- There is high unmet demand for such visitor accommodation in or near York, the vitality and viability of which is in part reliant on a successful tourist and visitor economy

Resolved: That the application be approved subject to the following conditions:

1. The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following plans and other submitted details: Drawings 13092.01 13092.02 received 31st March 2014; 5062/10 received 11th April 2014.

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

3. The approved log cabins shall not be used for residential purposes other than holiday letting. For the purpose of this condition ‘holiday letting’ means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days per calendar year.

Reason – The premises are only acceptable in this Green belt location on the basis of the Very Special Circumstances for holiday accommodation and would

otherwise constitute inappropriate permanent residential development in the Green Belt. The cabins also lack a defined cartilage and a private amenity space and would present an inadequate standard of amenity for permanent residents.

4. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason – To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.

5. Prior to the development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The cabins shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details and these areas shall not be used for any purpose other than the parking of cycles.

Reason – To promote the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of occupants in the accommodation.

6. The site shall not be brought into first use nor shall the cabins be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles of holiday residents and visitors to the fishing lake have been constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason – In the interests of highway safety.

7. Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with these approved details. The following criteria should be considered in the formulation of the surface water drainage scheme:

- Discharge from Greenfield sites taken as 1.4 lit/sec/ha (1:1yr storm).
 - Storage volume should accommodate a 1:30yr event with no surface flooding and no overland discharge off the site in a 1:100yr flooding event.
 - A 20% allowance for climate change should be included in all calculation.
- A range of durations should be used to establish the worst case scenario.

Reason – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to reduce the risk of flooding.

8. The finished floor levels of the cabins must be set at no lower than 600mm above the greater of either:
 - i) Existing ground levels as identified on submitted drawing 5062/10 or
 - ii) The levels identified in 1:00 year flood event modelling to be carried out for the site, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development.

Reason – To minimise the potential for flooding of the proposed holiday accommodation.

9. Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect the amenity of local residents.

10. Demolition, excavation and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:
 - Monday-Friday 08.00to 18.00
 - Saturday 09.00 to 13.00
 - Not at all o Sundays and Bank Holidays.

Reason – To protect the amenity of local residents.

11. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason – So that the Local Planning Authority may be satisfied with the variety suitability and disposition of species within the site.

12. Before the commencement of and during building works, adequate measures shall be taken to protect the existing planting on this site including the boundary hedging which shall thereafter be retained during the operation of the development. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason – The existing planting is considered to make significant contribution to the amenities of this area.

13. Prior to commencement of the development, details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed fully in accordance with the approved details.

Reason – In the interests of the visual amenity of the locality and the amenity of adjacent residents.

14. Other than that hereby approved, no additional holiday accommodation shall be introduced, nor camping or

caravanning permitted to take place at the site at any time.

Reason – in the interests of the amenity of adjacent residents.

9. OS Field 1138, Main Street, Holtby, York (14/01236/FUL).

Consideration was given to an application by Ms Chloe Smith for the development of a touring cyclist stop, comprising of 12 camping pods with an ancillary amenity block and a reception/managers accommodation (resubmission).

Officers provided an update to advise that further comments had been received from the Environment Agency regarding drainage.

Paul Hepworth had registered to speak on behalf of the Cycle Touring Club. He advised that the club operates a website called 'Cyclists Welcome' which can be used by cyclists to search for accommodation, cafes, bike shops and repairers and its use soared dramatically in the run up to the Tour de France (TdF) in Yorkshire. City of York Council are managing a ten year TdF legacy and it is anticipated there will be continued enhanced demand for cycle facilities in the region. Although the development does not lie on directly on the national Cycle Network it is within easy cycling distance. Murton Way forms part of the Way of the Roses route. He noted the officers recommendation to refuse and queried if a temporary permission could be a solution to determine how well the facility would be used.

Graham Cheyne had registered to speak as a local resident and cyclist. He advised that the site would provide a much needed facility which is located very near to the Way of the Roses route that is advertised nationally. Following the TdF people are very interested in visiting Yorkshire and cyclists look for facilities which can offer private storage for cycles rather than unsecure facilities that are often found in other accommodations.

Philip Holmes had registered to speak as the agent on behalf of the applicant. He advised that currently there is no provision in

the area for touring cyclists. There had been only support for the application which would cause limited localised harm to the Green Belt.

Councillor Brooks had registered to speak as Ward Member. She advised that there had been no objection to the application from the Parish Council as they could find no reason to object as the application was an improvement on the original application. If the application was to be approved, she suggested a number of conditions that would be welcomed including that the reception building/managers accommodation should be tied to the cycle pods so that it can not be turned into anything else, a condition for the hedge to ensure the site is not seen from the road, plant evergreens to screen the site in winter and condition the site so that only the pods can be located there, i.e. no caravans to be allowed.

Members noted that the Officers recommendation was to refuse the application as it was considered to be inappropriate development in the Green Belt. If Members were minded to approve the application, very special circumstances would need to be given for the application outweighing harm to the Green Belt.

During debate, Members made the following comments:

- The site is well sheltered and would not have an impact on the surrounding area.
- Providing no permanent buildings are built the application is acceptable.
- The caravan or portakabin for the managers accommodation is required for the site to operate and there should be no objection to it being included in the application.
- The distance of the site from nearby villages is a short ride for most cyclists and would only take 4 or 5 minutes and it was surprising to see the location as a reason for refusal.
- The site could easily fit a number of caravans on it and the proposed pods were preferable.
- Some concerns were raised over the amount of parking.

Following further discussion, Councillor King moved approval and Councillor Crisp Seconded. When put to the vote, the

application was approved with delegated authority to the Chair and Vice Chair to agree conditions of approval with Officers.

Members agreed that the Very Special Circumstances accepted as cumulatively clearly outweighing the harm to the Green Belt were:

- The use would support outdoor sport and recreation in line with the National Planning Policy Framework;
- The proposal is supported by a wide range of parties including cycling organisations, tourism-related bodies and local politicians;
- The location is close to national cycle routes notably Route 66, the Way of the Roses, and the Yorkshire Wolds Cycle Way;
- Potential locations for such uses are limited. If camping facilities are to add to variety of tourist accommodation available in the York, then they need to be in the Green Belt in order to provide access to both the open countryside as well as the tourist attractions of the city. The principle of camping, caravanning and similar recreational uses in the Green Belt has been accepted by the Council in the past.
- There is high unmet demand in York for such a facility;
- The proposals are in line with a range of local and national sport initiatives, as well as the agenda of promoting York as a cycling city and creating a legacy for the Tour de France;
- The proposal would create quality, cycle-specific, short-stay accommodation for cyclists;
- It is intended that the facility would become a hub for local and visiting cyclists;
- The proposal would bring economic benefits through visitors use of local services and facilities;

Resolved: That application be approved subject to the following conditions as agreed with the Chair and Vice Chair:

1. The development shall be begun not later than the expiration of three years from the date of this permission.

Reason – To ensure compliance with Sections 91 to 93 and section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and other submitted details.

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

3. The pods, the number of which shall not exceed 12 at any one time, shall not be used for residential purposes other than holiday letting. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days per calendar year.

Reason – The premises are unsuitable and inappropriate for permanent residential occupation due to the sites unsustainable location within the Green Belt, absence of a separate cartilage and absence of dedicated amenity space.

4. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason – To ensure the holiday accommodation is not used for unauthorised permanent residential occupation. The premises are unsuitable for permanent residential occupation due to the sites unsustainable location, impact on the openness of the Green Belt, absence of a separate cartilage and absence of dedicated amenity space.

5. Prior to the development commencing, details of covered, secure cycle parking for occupants of each pod shall be submitted to and approved in writing by the Local Planning Authority. The holiday lets shall not be occupied until the cycle parking facilities have been provided within the site in accordance with such approved details and these areas shall not be used for any purpose other than the parking of cycles.

Reason – To promote the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of neighbours.

6. The pods shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been laid out in accordance with details to be submitted and the approved by the Local Planning Authority and thereafter such areas shall be retained solely for such purposes.

Reason – In the interests of highway safety.

7. Development shall not begin until details of the foul and surface water drainage works as described in the Drainage report dated 13th May 2014 by Dossor MCA have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details:

The details shall include:

-Foul and surface water drainage layout as to include location, dimension, and invert levels to ordnance datum of the proposed trench soakaway system.

-Topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent run off from the site affecting nearby properties.

-Cross sectional detail of camping pod an amenity block bases, manager's lodge and drainage field soakaways.

Reason – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

8. Prior to commencement of the development, a construction environmental management plan (CEMP) for minimising the creation of noise vibration dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect the amenity of local residents.

9. All demolition and construction works and ancillary operations including deliveries to and dispatch from the site shall be confined to the following hours:

Monday-Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays or Bank Holidays

Reason – to protect the amenity of local residents.

10. The development shall be carried out fully in accordance with the recommendations of the 'Environments for People' Ecological Assessments dated April 2014.

Reason – To protect and enhance the existing ecological value of the site an ensure any potential risks to protected species are minimised during and after the construction.

11. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall

illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason – So that the Local Planning Authority may be satisfied with the variety suitability and disposition of species within the site.

12. Before the commencement of and during building works, adequate measures shall be taken to protect the existing planting on this site including the boundary hedging which shall thereafter be retained during the operation of the development. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason – The existing planting is considered to make significant contribution to the amenities of this area.

13. The occupation of the managers accommodation shall be limited to a person or persons solely or mainly employed in the operation and management of the proposed visitor accommodation on the site, and to resident dependents.

Reason – The residential accommodation approved as part of the development would otherwise represent inappropriate development for which there were no very special circumstances to outweigh harm to the green belt.

14. Prior to commencement of the development, details of all external lighting at the site shall be submitted to and

approved in writing by the Local Planning Authority The lighting shall thereafter be installed fully in accordance with the approved details.

Reason - In the interests of the visual amenity of the locality and the amenity of adjacent residents.

15. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes of Schedule 2 Part 2 Class A of that Order (i.e. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority before any such development is carried out at the site.

Reason: In the interests of the visual amenities of the area, the Local Planning Authority considers that it should exercise control over any means of enclosure which , without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].