

Meeting	Planning Committee B
Date	11 August 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Daubeney, Fisher, Orrell, Looker (Substitute for Cllr Crawshaw) and Douglas (Substitute for Cllr Perrett)
Apologies	Councillors Crawshaw, Craghill and Galvin and Perrett
In Attendance	Sandra Branigan (Senior Solicitor) Mark Baldry (Development Manager Officer) Jonathan Kenyon (Development Manager Officer) Ian Stokes (Principal Development Control Engineer)

7. Declarations of Interest (16:33)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

8. Minutes (16:34)

Resolved: Subject to the checking of the timings of the agenda items, that the minutes of the last meeting held on 8 June 2022 were approved and to signed by the Chair as a correct record at a later date.

9. Public Participation (16:34)

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

10. Plans List (16:34)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

11. Land to the east of Middlewood Close, Rufforth [21/02661/FULM] (16:34)

Members considered a major full application from Rob Martin for the erection of 21 dwellings and associated works on land to the east of Middlewood Close, Rufforth, York.

The Development Management Officers gave a presentation on the application detailing the site plan, aerial photographs, and access roads.

[Cllr Douglas arrived at 16:37].

The Development Management Officers then gave a verbal update on the application noting that additional objections and comments had been received. They explained the location of the site and the updated recommendation to approve the application subject to:

1. Referral of the application to the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2021, and should the application not be called in by the Secretary of State then:
2. Approve the application subject to the planning obligations and conditions set out below; and
3. The Head of Planning and Development Services to be given delegated authority to finalise the terms and details of the Section 106 obligations and conditions.

In response to Member questions, Officers clarified that:

- There were no traffic calming measures on the site and there was sufficient parking on the site for each dwelling.
- A condition would require a dilapidation survey.
- Air source heat pumps were being indicated to be used to meet the requirements of CC1.
- There was now a requirement (under Building Regulations) for all dwellings with a drive to have EV charging.
- Regarding local amenities, there was a school adjacent to the site and a village shop with a post office within it.

- Officers were confident that approval of this application would not lead to a precedent with regard development of this nature within the Green Belt.
- Housing officers had examined and were satisfied with the mix of housing.
- Officers explained why members were advised against refusal on prematurity grounds (in respect of NPPF paragraph 49)

Public Speakers

Daniel Russell, neighbour to the site, spoke in objection to the application. He explained that his family lived next door to the site. He noted that the application being in Green Belt land was undisputed and if approved it would set a precedent for development to the east of the site. Regarding his horse riding facility next to the site, he explained that if the development went ahead this would impact the amenity and utility of the land and to move the riding area would cost £100k. When asked whether he had concerns about the construction or development itself he noted that they would be deemed a safety risk. He was also asked if his concerns could be mitigated and explained that there needed to be distance between the development and the horse riding facility.

Peter Rollings (Chairman of Rufforth with Knapton Parish Council) spoke on the application on behalf of the Parish Council. He explained that whilst the Parish Council did not object to the application they had a number of concerns, which included the application setting a precedent by being considered before the adoption of the Local Plan. He explained that the site was allocated for housing in the neighbourhood plan. The aim of this was to meet housing needs whilst retaining the rural character of the village. He noted that the Parish Council had requested a separate entrance to the school and had concerns about the shared highway. He also asked for drainage to take water away from the site and requested a commitment from the council to resurface the road. In response to Member questions, he explained that:

- The Parish Council had met with the landowner and as part of those discussions agreed the criteria for the housing.
- In Rufforth there was 400 houses and the Parish Council was looking to increase this by 7-10%. In the village there was a shop, bus every two hours and no doctor's surgery. The village needed houses that people with young families could afford to buy.

Mark Lane, agent for the applicant, spoke in support of the application. He noted the site allocation for housing in the draft Local Plan. He noted that there had been no material objections to the housing allocation and that the neighbourhood plan group were in support of housing on the site. He added that amendments had been made following consultation and that the

development would provide a range of housing, including affordable housing. He noted that the existing trees and hedgerows would be retained. He was then asked and explained that:

- He was the agent for the site.
- The existing hedge and tree boundaries were to be retained.
- The mitigations being made so there were no problems with drainage. He noted that drainage had been agreed with technical consultees.

Members then asked Officers further questions to which the responded that:

- Feedback had been sought from Public Protection regarding agricultural uses in isolation of each other.
- There were no technical issues with the application outstanding.
- At the final stage of the Local Plan examination the inspectors may change the proposed boundaries.
- The horse riding facility was domestic.
- The neighbourhood plan states that many houses in the village were 4 bedroom houses and the preferred housing mix in development proposals were in favour of 2 and 3 bedroom homes. The plan had not allocated sites for housing as the Local Plan had not been adopted but it does state there is local support for residential development of this site
- The neighbourhood plan would have been driven by consultation.

[At this point a Member explained the public consultation process for neighbourhood plans].

Cllr Douglas proposed the amended officer recommendation to refer the application to the Secretary of State. This was seconded by Cllr Looker. When asked about the determination of the application would be deemed as premature under the NPPF, officers clarified paragraph 5.105 of the NPPF. On being put to the vote with two Members voting for, four against and one abstention, the motion fell.

Cllr Orrell then moved refusal of the application on the grounds of the application being inappropriate development in the Green Belt, the harm to openness and the following Green Belt purposes - encroachment into the countryside and development would not encourage the recycling of derelict land. and there being no very special circumstances to outweigh the harm to the Green Belt. This was seconded by Cllr Melly. On being put to the vote with Members voting four in favour, two against and one abstention it was;

Resolved: That the application be refused.

Reason: The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposed development is inappropriate development which, by definition, is harmful to the Green Belt. There would be harm to openness, the development would lead to encroachment into the countryside and would not encourage the recycling of derelict land. No very special circumstances exist which clearly outweigh the identified harm. The proposal conflicts with the National Planning Policy Framework 2021 Chapter 13 (Protecting Green Belt Land) in particular paragraphs 137, 138, 147, 148 and 149, policy GB1 of the Publication Draft Local Plan 2018 and policy GB1 of the Development Control Local Plan 2005, which seek to restrict development in order to maintain the openness of the Green Belt.

12. 29 Moor Lane [22/00872/FUL] (17:50)

Members considered a full application from Roy Grant for Single storey side and rear extensions after demolition of existing garage, and loft conversion with hip to gable roof, dormer to rear and 2no. rooflights to front (part retrospective) at 29 Moor Lane, Acomb, York.

The Development Management Officer gave a presentation on the application, explaining the scale and layout of the dormer and single storey L shape extension. Members then asked questions to which officers responded that:

With reference to a previous application for a similar development, both applications were both in the Green Belt. The NPPF guidance on inappropriate development in the Green Belt was explained to Members. The change to the footprint on the site was a bigger L shape and in terms of the Green Belt, they needed to look at the context which was the dense urban character of that section of the Green Belt. There was no public footpath behind the property.

Cllr Douglas proposed the officer recommendation to approve the application. This was seconded by Cllr Looker. On being put to the vote with Members voting unanimously in favour, it was;

Resolved: That the application be approved.

Reason: Taking into account relevant Green Belt policy and design guidance approval is recommended. The proposed extensions are not considered to result in a disproportionate addition to the existing dwelling, and would not impact on the openness of the Green Belt. The extension would have no undue effect on visual amenity and would not have a significant, or undue impact on neighbour amenity.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.04 pm].