
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 AUGUST 2012
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, ORRELL, REID AND GUNNELL (AS A SUBSTITUTE FOR COUNCILLOR SEMLYEN)
APOLOGIES	COUNCILLOR SEMLYEN

13. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Land at Westview Close	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
Fox and Hounds, Top Lane, Copmanthorpe	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
31 Albermarle Road	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
76 The Mount	Councillors Galvin, Gillies, Jeffries, Reid and Watson.	As objections had been received and the officer recommendation was to approve.
Bora Bora, 5 Swinegate Court East	Councillors Galvin, Gillies, Jeffries, Orrell, Reid and Watson.	As objections had been received and the officer recommendation

		was to approve.
Lucia Bar and Grill, 9-13 Swinegate Court East	Councillors Galvin, Gillies, Jeffries, Orrell, Reid and Watson.	As objections had been received and the officer recommendation was to approve.

14. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were invited to declare any personal, prejudicial or disclosable pecuniary interests that they might have in the business on the agenda.

Councillor Reid declared a personal and prejudicial interest in plans item 4e (31 Albermarle Rd) as she knew the objector well. She left the room during discussion of this application and did not take part in the debate or vote on this application.

Councillor Gillies declared a personal and prejudicial interest in plans item 4j (Land between sports field and Westview Close) as he knew the owner of the land personally. He left the room after speaking as Ward Member and did not take part in the debate or vote on this application.

15. **MINUTES**

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 14 June and 12 July 2012 be approved and signed by the Chair as correct records.

16. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

17. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

17a 1 Salisbury Road York YO26 4YN (12/01921/FUL)

This application, for change of use from residential (use class C3) to House in Multiple Occupation (use class C4), was withdrawn by the applicant prior to meeting.

17b 76 The Mount York YO24 1AR (12/01253/FUL)

Members considered a full application from Mr Gee Yin Sung for a change of use from a sandwich shop (Class A1) to a hot food takeaway (Class A5) and the installation of a kitchen flue to the rear (resubmission).

Officer recommended a further condition to secured alterations in the public highway to prevent vehicles parking outside the premises as such practice would obstruct the bus route. It was noted that the applicant could meet the requirements of this condition by funding the installation of bollards/cycle stands to prevent this occurring.

Officers also advised the Committee that the opening hours of nearby takeaways controlled by planning conditions were as follows:-

- Fish and Chip Shop, No 49, 11.30-24:00 midnight every day of the week
- Takeaway at 51 – open till 24:00, 23:30 Sundays

Representations were received from a neighbour living at number 13 Holgate (to the rear of the site) in objection to the application. He advised the committee that 97 percent of the buildings around the shops were residential use. He raised concerns about the potential for bad smells and noise disturbance from hot food takeaways. He expressed concerns that the proposed use would lead to him and his partner, who was ill, being disturbed by noise created by staff cars being

driven away from the staff parking at the rear of the building in the early hours of the morning as this was below his bedroom window.

Representations were received from the applicant in support of the application. He confirmed that, if granted, the intention was to stay open until midnight on Friday and Saturday nights only, with 11 – 11.30pm closing during the week and on Sundays. He confirmed that the rear yard would only be used for staff parking, and the garages would be used for storing dry goods, not additional vehicles. In response to concerns which had been raised regarding the extraction system, he advised Members that this was a modern system which included smell and grease filters and a silencer.

In response to questions he provided the following additional information:

- Deliveries would take place early in the evening (covered by condition 5)
- Majority of customers place orders by phone then collect at a given time thus preventing a build up of customers waiting on the premises.
- No delivery service is offered (also covered by condition 5). The proposed delivery service was a reason for refusal of a previous application due to potential for noise disturbance to neighbours.
- Premises would close at either same time as neighbouring businesses or earlier
- Intention is for only one car to be parked in the rear yard.

Members acknowledged that the applicant had agreed to everything possible to avoid disturbance to neighbours and acknowledged that they could not control movement of vehicles in and out of the yard, which was not just used by these premises.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional condition below:

Additional Condition 7

The development shall not come into use unless and until a scheme to prevent vehicles parking outside the application site has been

submitted to and approved by the Local Planning Authority.

Reason: To ensure that cars do not attempt to park on the highway immediately outside the site, as such practice would obstruct the highway, the detriment of highway safety and traffic movement on what is a main route into the city centre.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies GP1, S6 and HE3 of the City of York Development Control Local Plan.

17c Bora Bora, 5 Swinegate Court East, Grape Lane, York YO1 8AJ (12/01249/FUL)

Members considered a full application from Mr Bora Akgul for a change of use from a café (use class A3) to a drinking establishment (use class A4).

Officers advised the Committee that further letters of objection had been received from Barrie Crux & Lund's Court residents association which stated that these establishments were making residents lives a misery. They expressed the view that if approved, other drinkers would come here to take advantage of the 3am closing time resulting in extra noise, disturbance, vandalism and partying in the streets after 3am. They noted that, at a time when the council is worried about empty properties in the city, it seemed surprising that they were allowing early morning drinking to drive people away from living in the centre.

Representations were received from a local business owner and resident of the area. She asked the Committee to take account that the noise created by people in the courtyard and spilling onto the street keeps them awake into the early hours and adds to the noise created by Lucia's. She confirmed that this also

affects residents of Lunds Court who are even closer than her home.

Representations were also heard from another objector who stressed that the concerns with this application were very similar to the issues which had been raised with regard to the Lucia application. He expressed surprise that officers had recommended approval when Bar Kuga was still not trading having failed to find tenants. He stressed that while Bora Bora offered food to customers, the dominant use of the premises was the supply of drink. He stated that the noise emanating from the courtyard affected neighbours and it was sometimes hard to walk through courtyard due to number of people congregating there.

Councillor Galvin moved and Councillor Looked seconded a motion to refuse the application. On being put to the vote, the motion fell.

Members acknowledged that there was a link between Bora Bora and Lucias and agreed that it would be sensible to have some uniformity between the premises. They accepted that nearby residents were affected by noise from the premises and that operating hours needed to be restricted to protect residents amenity and that restrictions on the clearing up of bottles into bins was also needed, in order to prevent further disturbance. They also agreed that character and appearance of the conservation area needed protection from the effects of late night drinking.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amended Condition 3

The use shall only be open to customers between the hours of 08.00 and 24:00 (midnight) each day of the week.

Reason: The premises are within an historic mixed use area with a significant residential population which contributes to the character and appearance of the conservation area. The hours of operation have been restricted in order to protect the living conditions of nearby

residential property, the character and appearance of the conservation area and the environmental qualities of the area from the effects of late night noise and disturbance in accordance with policy S7 of the Development Control Local Plan.

Additional Condition 4

Bottles and glass shall not be placed into bottle bins between the hours of 24.00 hours (midnight) and 08.00 hours on any day.

Reason: To protect the living conditions of adjacent residential occupiers in accordance with policy S7 of the Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area and the amenity of surrounding occupants. As such the proposal complies with Policies HE3 and S6 of the City of York Development Control Local Plan.

17d 47 Albermarle Road, York, YO23 1EP (12/02192/FUL)

Members considered a full application from Mr N Cooper for a pitched roof single storey rear extension with dormers to front and rear.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report and the potential fall-back position of the rear dormer being permitted development if constructed in isolation, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential

amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

17e 31 Albemarle Road, York, YO23 1EW (12/02238/FUL)

Members considered a full application from Mr Graham Harrison for the erection of a detached pitched roof store to the rear of the application site.

Officers advised that a further objection had been received from the neighbour at 29 Albemarle Road which put forward the following concerns:

- The new wall and fence would result in the demolition of our existing wall and gate and because of the change in level between the sites the new wall/ fence will appear 3m high which is excessive and oppressive. It will also significantly narrow the passage alongside no.29
- A drain cover will be damaged
- The tree is incorrectly located on the plans and would be damaged by the construction
- If the store is only to be used as a store why does the whole of the ground level need to be sloped up to it as if for a garage? A path would be all that is needed.
- Loose pebbles from the hardstanding would migrate down the slope and on to the road

Officers reported that the applicant had sent an email stating that the tree was actually on his land as the original boundary wall has been moved.

Officers recommended an additional condition to require the applicant to submit details of the permeable hardstanding to the local authority.

Representations were received from the applicant in support of the application. He advised Members that the application would have a minimal impact on the street scene and would not harm resident's amenity. He expressed the view that it was unlikely

that the next door neighbour would see the shed due to shrubbery.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional condition below:

Additional Condition 3

Notwithstanding the approved drawing, details of the permeable hardstanding shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The initial 10m of the new hardstanding, measured from the back of the public highway, shall be surfaced in a permeable material that will prevent the egress of loose material on to the public highway.

Reason: To prevent the egress of water and loose material onto the public highway given the slope of the site.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001).

17f Flat 1, 99 Nunnery Lane, York, YO23 1AH (12/01961/FUL)

Members considered a full application from Mr Philip Armitage for the creation of three flats (retrospective).

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity. As such the proposal complies with Policies GP1 and H4a of the City of York Development Control Local Plan.

17g Fox and Hounds 39 Top Lane Copmanthorpe York YO23 3UH (11/02985/FULM)

Members considered a major full application from Enterprise Inns PLC for the construction of 11 dwellings following demolition of the existing public house.

Officers advised that draft conditions 2 (plans), 5 (means of enclosure) and 23 (internal noise levels) should be amended. They proposed addition conditions to cover a construction environment management plan (24), demolition and construction works (25) and contamination issues (26).

One Member raised the issue of the wall to be constructed on Top Lane. She noted that this proposed wall would be 1.8m in height and constructed in brick. She expressed concerns about the impact on the street scene and with regard to the planting proposed to soften the effect of the wall, she asked for assurance that this area would be maintained.

Representations were received from the agent in support of the application. He confirmed that he was happy with the amended conditions and agreed to the Section 106 agreement. He reminded Members of the history of the pub on the site and confirmed that despite every reasonable effort by the applicants, the site was no longer viable as a public house. He confirmed that the application had full support of consultees. With regard to the wall, he acknowledged the need to soften the structure and that the question of future maintenance of the landscaped strip needed to be addressed further. Officers stated that this could form part of the legal agreement and agreed to liaise with highways maintenance officers regarding this.

Members accepted the reasons for the closure of the public house and agreed that the proposed houses were a reasonable use of the site and were low in density and would fit in well in

the area. They agreed that the maintenance of the landscaped strip needed to soften the effect of the wall needed to be considered further and that this could form part of the legal agreement.

RESOLVED: That the application be approved subject to a 106 agreement, the conditions listed in the report and the amended and additional conditions listed below:

Amended Condition 2

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

Drawing Refs: - E/12/02/B; E/12/05/A; E/12/06/A and E/12/02/C. Date Stamped 27TH July 2012 and E/12/07/A; E/12/08/A and E/12/03/L. Date Stamped 14th August 2012.

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

Amended Condition 5

The means of enclosure to the development hereby authorised shall be erected in strict accordance with the details contained within Drawing Ref: E/12/03/L. Date Stamped 14th August 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To safeguard the visual amenity of the wider street scene and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Amended Condition 23

The building envelope of all residential buildings shall be constructed so as to achieve internal noise levels of 30 dBLAeq, 1 hour and 45 dBLAMax(23:00-07:00) in bedrooms and 35 dBLAeq 1 hour(07:00-23:00) in all other habitable rooms. The noise levels are with windows shut and other means of acoustic

ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use hereby approved is first occupied.

Reason: - To secure the residential amenity of the properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Additional Condition 24

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: - To safeguard the residential amenity of neighbouring properties and in the interests of highway safety.

Additional Condition 25

All demolition and construction works and ancillary operations which are audible beyond the site boundary or at the nearest noise sensitive dwelling including deliveries to and despatch from the site shall be confined to the following hours:-

Monday to Friday 08:00 to 18:00
Saturday 09:00 to 13:00
Not at all on Sundays and Bank Holidays.

Reason: - To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Additional Condition 26

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and subject to the written approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

Reason:- To ensure that the site is free from land contamination.

REASON: The proposal, subject to a section 106 agreement and the amended and additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the safety and convenience of highway users, impact of road traffic noise upon the amenity of future occupants of the site, provision of affordable housing impact upon the local pattern of surface water drainage, the sustainability of the development and loss of a public house. As such the proposal complies with Policies L1c), GP1, NE1, NE6, GP15a), H2a), H4a), GP4a) and L1b) of the City of York Development Control Local Plan.

17h Lucia Bar And Grill, 9 - 13 Swinegate Court East, Grape Lane, York, YO1 8AJ (12/01910FUL)

Members considered a full application from Mr Osman Doganozu for the change of use to mixed use ground floor restaurant and first floor bar (retrospective).

Officers advised that a further objection had been received which stated that the applicant had never had any intention of using the space as a restaurant as it had been fitted out as a bar which was a clear abuse of planning legislation. It raised concerns that, if this application was approved, it would open the floodgates to other abuses and could create a precedent.

Officers advised that Lunds Court Residents Association has also submitted an objection stating that these establishments were making residents lives a misery. They warned that, if approved, other drinkers would come here to take advantage of the 3am closing time resulting in additional noise, disturbances, vandalism and partying in the streets after 3am.

Officer recommended that condition 3 should be revised to require that details of the proposed electronic noise limiter be submitted and approved by the council.

Representations in objection to the application were received from the owner of an established menswear shop whose family home on Grape Lane was adjacent to the shop and which shared a party wall with the application site. She explained that life had been intolerable during the last six months since the opening of Bar Esperanza with music being played until 3am. She stated that from their bedroom they could hear the constant base beat of the music and noise from people from Lucia and Bora Bora gathered outside. Due to the noise they was unable to open the window so suffered in the summer heat. She advised Members that further noise was created by emptying bottles into bins and from deliveries at unsociable hours.

Further representations were received from an objector. He stated that if both applications being considered today were approved, this would lead to increased noise disturbance for residents living in the city centre. He advised Members that there was evidence of a saturation of bars in this area, stating

that Bar Kuga, next to Barley Hall, closed at Christmas due to not being able to find a tenant. He expressed anger that A3 consent had been given for the first floor and that the applicant had flagrantly abused the planning system by effectively using the premises as a nightclub. He raised concerns that if consent was given, this would open the floodgates for other similar applications in city centre.

Representations in objection were also received from a member of the public who used to have an office in Petergate and who had an interest in the Swinegate area. He reminded Members that these premises were located within the central historic conservation area and this area had improved considerably and it was now a vibrant and interesting area to work, live and socialise. He asked Members to consider whether approving the application would improve or be detrimental to the area pointing out that the consequences of people drinking into the early hours were now evident for everyone to see.

Officers drew Members attention to proposed condition 5 which allowed the use until 3am and explained that this was based on what officers thought was reasonable, alongside the noise mitigation conditions, based on the fact the venue was in the city centre and was surrounded by other bars and restaurants but also by residents. They reminded the Committee that this condition also gave a one year temporary permission for the use of the outside area in order that noise could be assessed and advised this should read 1 September 2013 not 2014.

Members made the following comments:

- Over last 6 months or so there has been an influx of complaints about how the area has turned into more of a high noise area. There have been complaints by visitors about drunkenness in the area.
- Due to the application be retrospective, we know how the 3am closing time is having a detrimental effect on the amenity of nearby residents and have to take this into account.
- The area has been developed as mixed use and is now a vibrant and lively area. It is a compact but important area that needs protecting.

- Because of the arrangement of buildings in the area, noise is funnelled and exacerbated.
- Some changes in patterns of use have been detrimental to residential use. We feel we may have lost some control about way businesses are now operating in the area and now need to look carefully at this. Consent was granted for a restaurant but this is now turning into a late night drinking establishment.

Members agreed that if they were to approve the application, it would be necessary to impose severely restricted hours in order to protect the amenity of residents and to protect the mixed use and historic character of the area. They agreed that it would also be necessary to impose a condition relating to the clearing up of bottles into bins, in order to prevent further disturbance to residents.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amended Condition 3

Within 28 days of this permission being granted, full details of an electronic noise limiter to be installed within the premises shall be submitted to and approved in writing by the local planning authority. The approved noise limiter shall be installed within 28 days of written approval and thereafter amplified music shall be played through the device at all times and it shall be set at a level such that no music and/or bass beat is audible within nearby residential properties.

Reason : In order to protect the amenity of residents and in the interests of the character of the Conservation Area.

Amended Condition 5

The use shall only be open to customers between the following hours: 08.00 to 24.00 (Midnight) on any day.

Reason: The premises are within an historic mixed use area with a significant residential population which contributes to the character and appearance of the conservation area. The hours of operation have been restricted in order to protect the living conditions of nearby residential property, the character and appearance of the conservation area and the environmental qualities of the area from the effects of late night noise and disturbance in accordance with policy S7 of the Development Control Local Plan.

Additional Condition

Bottles and glass shall not be placed into bottle bins between the hours of 24.00 hours (midnight) and 08.00 hours on any day.

Reason: To protect the living conditions of adjacent residential occupiers in accordance with policy S7 of the Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Central Historic Core Conservation Area and the amenity of surrounding residents. As such the proposal complies with Policies S6, S7 and HE3 of the City of York Development Control Local Plan.

17i 2 Kings Court York YO1 7LD (12/02419/FUL)

This application, for use of the highway (Kings Square) for tables and chairs in connection with Chocolate, 2 Kings Court, was withdrawn by the applicant prior to the meeting.

17j Land Between Sports Field and Westview Close, York (12/01911/OUTM)

Members considered a major outline application from Hogg Builders (York) Limited for the erection of 13 no. dwellings and associated infrastructure.

Officers drew Members attention to revised masterplan (revision F) which reduced the proposal to eight dwellings – 2x 2-bed, 2 x 3-bed, 2x 4-bed & 2 x 5-bed. They advised that they considered that the revised design addresses concerns about the original layout. The layout is informed by a tree survey, and is compatible with the trees on and adjacent the site. The reduction in number of dwellings and revised layout means the development would be reasonably harmonious with its setting and would not have an adverse impact on the amenity of surrounding occupants.

They explained that because under 10 houses are now proposed and as the site is at the edge of the urban area, officers would no longer require on site open space or affordable housing.

Officers reminded Members that refusal reason 1 was still valid as the site was in the green belt, however it was considered that refusal reasons 2-5 no longer applied.

Officers advised that they had received a following additional objection raising the following concerns: -

- Premature before formal ratification of the York Green Belt;
- The proposed North West (former British Sugar) development site will possibly require an access road adjacent to this site, thus affecting residential amenity if this application is approved. As with the York Central site, where applications for piecemeal developments in the vicinity which might impact on the potential of that development, the application should be refused on the grounds that it would be premature.

Officers stated that Members should consider whether they feel that residents should have additional time to consider the amended scheme.

Representations were received from a local resident in objection to the application. He advised Members that he represented the views of the majority of residents of Westview Close and Villa Court which faces the site. He noted that he had only seen the revised plan at the site visit which provided little time to consider the revised proposals but raised the following concerns:

- Established trees on edge of site are a significant feature on Boroughbridge Road . The future of these trees would be threatened by the proposals
- Access for emergency vehicles and problems for vehicles exiting onto Boroughbridge Road due to high traffic levels.
- Impact of proposal on existing sewage and drainage systems.
- Site is within green belt.
- Other proposed housing and highway developments proposed nearby including enlargement of roundabout, new Park and Ride site and possible extension of industrial park.

Representations were also received from the owner of the plot. He spoke in favour of the application and provided Members with information on the history of the plot. He expressed the view that this was a sustainable development on the edge of an established residential area. He advised the Committee that Hoggs Builders had listened to residents views and amended the plans in response to their comments.

The Council's Landscape Architect advised that the reduction in the number of houses would allow the mature trees to be retained.

Councillor Gillies, Ward Member for Rural West York ward, spoke with regard to the application. He advised the Committee that he was neither for nor against the application. He acknowledged that this plot of land had always been assumed to be in the greenbelt, although with the withdrawal of the Local Development Framework Core Strategy, York did not currently have a legal green belt. He raised concerns that this could be challenged and had implications for other planning applications.

Officers provided clarification with regard to the green belt. They advised that both the 2005 Development Control Local Plan and the Regional Spatial Strategy showed this piece of land to be within the green belt. However the weight given to the Local Plan was limited as it had never been through a public local

inquiry and there were proposals to revoke the Regional Spatial Strategy so any decision to refuse this application based on these documents and subsequently appealed against would depend on what weight the inspector gave to these documents. Officers confirmed however that, in their opinion, this piece of land does sit within the green belt.

Members acknowledged that while this piece of land may well lend itself to development, it does fall within the greenbelt therefore the application should be refused.

RESOLVED: That the application be refused.

REASON: The application site is within the Green Belt according to the 2005 Development Control Local Plan and The Yorkshire and Humber Plan - (The Regional Spatial Strategy).

The housing development proposed is inappropriate development in the Green Belt which, according to the National Planning Policy Framework, is by definition harmful and should not be approved. There are no very special circumstances in this case that would outweigh the harm to the Green Belt by reason of inappropriateness. The proposals are therefore contrary to section 9 of the National Planning Policy Framework, policy YH9 of the Yorkshire and Humber Plan and Local Plan policy GB1: Development in the Green Belt.

18. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2012 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on appeals determined by the Planning Inspectorate.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 6.10 pm].

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