

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 MARCH 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, TAYLOR, VASSIE AND WISEMAN

## 88. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
11 Grange Close, Skelton, York	Cllrs Douglas, Hyman, Moore, Taylor and Wiseman	At the request of the Local Member and as objections had been received to the application and it is recommended for approval.
Elvington Water Treatment Works, Kexby Lane, Elvington	Cllrs Douglas, Hyman, Moore, Taylor and Wiseman	In view of objections received to the application from the Parish Council and neighbours and to familiarise Members with the site.
The Walled Garden Store, Fulford Cross, York	Cllrs Douglas, Hyman, Moore, Taylor and Wiseman	At the request of the Local Member and to familiarise Members with the site.

## 89. DECLARATIONS OF INTEREST

Members were asked to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Taylor declared a personal prejudicial interest in agenda item 4c (The Walled Garden Store, Fulford Cross, York), as the newly appointed manager of the Danesgate Centre was known to him. He addressed the Sub-Committee from the floor, then left the room and took no further part in the discussion or decision on this item.

**90. MINUTES**

RESOLVED: That the minutes of meetings of the Sub-Committee held on 10 and 24 January and 7 February 2008 be approved as a correct record and signed by the Chair.

**91. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

**92. 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.

**92a Elvington Water Treatment Works, Kexby Lane, Elvington, York (07/02915/FUL)**

Members considered a full application, submitted by Stephanie Walden, for the erection of a 50m high environmental monitoring mast and associated guy ropes for a temporary period of 18 months.

Officers reminded Members that this was an application for a temporary monitoring mast, not a wind turbine and that determination should be based on this application and not what might happen in the future. Officers updated that 46 letters objecting to the proposal had now been received however a number of them referred to a future wind turbine. He stated that points 2, 6, 7, 9, 10 and 18 listed in the report under neighbours/third party objections also referred to a wind turbine, which was not part of this application. Officers also displayed a template, which accurately showed the width of the proposed mast. A letter of support was submitted from York/Ryedale Friends of the Earth who stated that with climate change there was a need to support such proposals.

Officers reported that no response had been received from Elvington Airfield although it had been ascertained that the proposed site was a "no fly zone" area owing to chemicals stored on site. It was also pointed out that the Control Tower at Elvington Airfield was, at 170 ft, higher than the proposed mast. The publicity period for the application expired on 19 March and Officers requested that, if approval was granted, they would require delegated powers to determine the application subject to receipt of no further objections or issues.

Members expressed concerns at the references to a wind turbine and stated that if approval were granted for the mast that this would in no way show their support for a wind turbine.

The Chair stated that the first registered speaker had indicated that, owing to circumstances beyond his control, he had been unable to attend the

meeting but he had emailed the points he wished considering. His first point related to the siting of the mast and he asked that the Water Authority should consider less intrusive options. His second point stated that if the Sub-Committee approved the application that it would be natural to assume that they would apply the same criteria for a subsequent application for a wind turbine. Finally he felt that many residents in the vicinity of the site would be unaware of the application and he requested either refusal or deferral pending fuller consultation.

In reply to these comments Officers stated that they could only determine the application as submitted and on the site applied for. In relation to the notification of residents they confirmed that the Government recommended the use of site notices rather than individual consultation if an application would affect a wide area.

The Chair of Elvington Parish Council, made representations on behalf of the village, who he stated were without exception universally opposed to the proposal. He pointed out that the application stated that this was part of a wind generation project. The proposal was in the Green Belt and he referred to planning guidance which stated that projects for wind generation normally constituted inappropriate development in the Green Belt. Guidance also stated that the developer not the Planning Officer were required to demonstrate very special circumstances and that these were not mentioned in the Water Authorities application. He questioned whether alternative sites or alternative forms of renewable energy generation had been considered. He also referred to the site visit, which had shown the close proximity of properties, which he felt would have their amenity value, lowered and make the properties unsaleable if permission were granted.

In answer to Members questions, Officers confirmed details of guidance issued in government advice notes relating to developments for renewable energy in Green Belts. Officers also confirmed that they felt that special circumstances did exist in this case, which outweighed the harm by inappropriateness to the Green Belt.

Members questioned the special circumstances, which applied in this case, and certain members felt that these had not been proven in relation to this application in the Green Belt, which they felt would affect local amenities.

Cllr King moved and Cllr Cregan seconded refusal on the grounds that there were no special circumstances, which justified the proposal. They considered that the mast was inappropriate in the Green Belt together with its impact on local amenities. This motion was lost.

**RESOLVED:** That Officers be delegated authority to grant approval subject to the imposition of the conditions listed in the report and subject to no further issues or objections being raised prior to the expiry of the publicity period.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green

Belt, visual impact, renewable energy and local residential amenity with particular regard to noise and disturbance. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, SP2, SP3, GP1 and GP5 of the City of York Draft Local Plan (4th set of changes) dated April 2005.

Action Required

Subject to no further issues or objections being raised prior to the expiry of the publicity period, issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

**92b 11 Grange Close, Skelton, York YO30 1YR (08/00077/FUL)**

Members considered a full application, submitted by Mr B Flynn, for the erection of a detached two storey dwelling to the side and a double garage (resubmission).

Officers circulated an update, which set out Cllr Watt's objections to the proposal he stated that developments of this nature were inappropriate in a rural setting and would affect neighbours amenity. The update indicated that a sustainability statement had now been received from the applicant's agent, which covered all the categories, identified in Local Plan Policy GP4a. Officers also recommended the addition of a condition to any approval to ensure that details of cycle and bin storage were submitted for approval prior to occupation of the new dwelling.

In answer to questions Officers confirmed that this was to be a 4 bedroom dwelling and that this development would increase density in the area to 14.5 dwellings per hectare.

Certain Members also raised concerns regarding the small garden area; the high boundary hedge at the rear, which it was felt, would affect light to the property and the shared access drive.

Cllr Cregan moved and Cllr Taylor seconded refusal of the application on the grounds that it constituted overdevelopment of the site. This motion was lost.

RESOLVED: That the application be approved subject to the conditions listed in the report and the addition of the following condition and amended condition:

Additional Condition: Prior to the commencement of the development, details of cycle parking and bin storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and bin storage areas have been provided in accordance with such approved

details, and these areas shall be retained and used solely for their intended purpose.

Amended Condition: Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not reached the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1, GP4A, GP10, H4A, H5A, and L1C of the City of York Draft Local Plan.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales.

**92c The Walled Garden Store, Fulford Cross, York (07/02876/GRG3)**

Members considered a General Regulations (Reg 3) application, submitted by Mrs Claire McCormick, to redevelop an existing walled garden, the works to include the erection of a polytunnel, various structures, storage compound and the formation of a vehicular access with new gates.

Officers updated with information provided by the Steiner School, who shared access to the site, referring to the 7 parent and toddler sessions they ran each week. They confirmed that a significant number of people either walked or came by bike and used the narrow lane through the allotments. Requests had also been made for the erection of a prominent sign asking for drivers to use extreme care on the access lane.

An email received from Cllr D'Agorne was circulated to Members, which outlined his concerns regarding the safety of children using the route to access the Steiner School, by sustainable transport. He suggested that a condition should be included in any approval which specified that deliveries

should be made between 09:00-12:15, 13:15-15:00 or 16:30-18:30 Monday to Friday.

Representations, in support of the application, were received from the Manager of the Skills Centre at Danesgate Pupil Support Centre. He stated that the Skills Centre had opened in January as a response to meeting the governments need to give youngsters, not in education, employment training. He hoped that this development would encourage young people to develop a commitment to continued learning. It was proposed to transform the walled garden to recreate a Victorian garden, use of this would be offered to the Steiner School and organic fruit and vegetables would be grown. Students would visit the garden on foot and spend the whole day at the site. He confirmed that only one large delivery vehicle had used the access lane since January to deliver sleepers.

Cllr Taylor, as Local Member, spoke from the floor, he confirmed that he fully supported this project. He understood that there appeared to have been no public notification of the development so the public had not had an opportunity to comment on the proposal. Officers confirmed that 36 neighbours had been notified of the development and that they were obliged to notify neighbours or erect site notices.

Members expressed their unanimous support for the proposal and confirmed that they felt that it would be unreasonable to amend or impose any further conditions.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity or the character of the area. As such the proposal complies with Policy GP1, GP4a or C1 of the City of York Local Plan Deposit Draft.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales

**92d 10 Greencliffe Drive, York YO30 6NA (08/00051/FUL)**

Members considered a full application, submitted by Mr Wolverson, for a single storey pitched roof extension to the side and rear after demolition of existing conservatory and garage.

Officers stated that if the garage was removed there would be the potential to insert windows in the wall, which could cause privacy issues. They requested the addition of a condition, which would remove the permitted development rights for this wall.

RESOLVED: That approval be granted subject to the imposition of the conditions set out in the report and the following additional condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no additional doors or windows shall at any time be inserted in the northwest or southwest elevations of the extension hereby permitted, without prior written consent of the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, the proposed side and rear extension 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 of the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Action Required

Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 3.24 pm].