



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors B Watson (Chair), Gillies (Vice-Chair), Crisp, Galvin, Gunnell, Jeffries, Orrell, Reid, Semlyen and Hyman (Substitute)

Date: Thursday, 16 June 2011

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11:00am on Wednesday 15 June at Memorial Gardens.

1. Declarations of Interests

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 5 - 18)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Wednesday 27 April 2011.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 15 June 2011**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

To determine the following planning applications related to the West and City Centre Area.

a) **136 The Mount York YO24 1BW (11/00304/FUL)** (Pages 19 - 26)

Demolition and erection of wall to create off road parking. *[Mickelgate Ward]* **[Site Visit]**

b) **136 The Mount York YO24 1BW (11/00039/LBC)** (Pages 27 - 32)

Demolition of part of boundary wall and erection of new relocated wall *[Mickelgate Ward]* **[Site Visit]**.

c) **Land North of Low Westfield Road Copmanthorpe York (11/00289/FUL)** (Pages 33 - 52)

Erection of cable stayed wind monitoring mast up to a maximum height of 70 metres for a temporary period of three years. *[Rural West York]* **[Site Visit]**

5. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job-share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers names above)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 15 June 2011

**Members of the sub-committee to meet at Memorial Gardens at
11.00am**

TIME (Approx)	SITE	ITEM
11:10	136 The Mount	4a & 4b
11:45	Land to the north of Low Westfield Road, Copmanthorpe (first viewing point will be from the lane from Copmanthorpe to Colton)	4c

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	27 APRIL 2011
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE- CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, B WATSON AND MORLEY
APOLOGIES	COUNCILLOR SUNDERLAND

55. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Bright Street Post Office, 37 Stamford Street East	Councillors Galvin, Gillies, Horton, Morley and Reid.	At the request of Councillor J Alexander
2 Black Dykes Lane, Upper Poppleton	Councillors Galvin, Gillies, Horton, Morley and Reid..	As objections had been received and the officer recommendation was for approval.
106 Albion Avenue	Councillors Galvin, Gillies, Horton, Morley and Reid.	As objections had been received and the officer recommendation was for approval.
Morrisons, Front Street, Acomb	Councillors Galvin, Gillies, Horton and Reid.	As objections had been received and the officer recommendation was for approval.
The Purey Cust Nuffield Hospital, Precentors Court	Councillors Galvin, Gillies and Horton.	As objections had been received and the officer recommendation was for approval.

56. DECLARATIONS OF INTEREST

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

Councillor Gillies declared a personal non prejudicial interest in plans item 4d (Morrisons, Front Street, Acomb) because as the former chair of Acomb Conservative Club he had been involved in complaints regarding anti social behaviour in the area in the past.

Councillor Horton declared a personal and prejudicial interest in plans item 4g (Bright Street Post Office, 37 Stamford Street East) as the architect for the application was a close neighbour of his. He left the room for

discussion of this item and took no part in the debate or vote on this application.

57. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Planning Sub-Committee held on 16 February and 17 March 2011 be approved and signed by the Chair as a correct record.

58. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) (Minute 62 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

59. 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.

60. 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.

60a Luxury Ice Cream Company, 20 Back Swinegate, York, YO1 8AD (11/00383/FUL)

Members considered a full application from Mrs Dawn Argyle for the variation of condition 3 (hours of operation) and condition 5 (barriers around café area and umbrellas) of planning permission 10/00788/FUL for the use of the highway as an outside seating area.

Officers advised that since the report was written and following discussions with officers, the applicant has requested that the operating times for the pavement café be extended to 11.00 to 20.00 Monday to Friday and 10.00 to 20.00 Saturday and Sunday.

They reported that Highways Network Management had commented that because the cafe was towards the end of the street which is a no through road there were no immediate concerns from a Highways operations perspective for an 8pm finish and the earlier start time requested. However they advised that, because after the footstreet hours there will be additional traffic in the street, it was important that some form of barrier (not "A" boards) to highlight the extent of the cafe were put in place as soon as was practical.

Officers advised the Committee that they had amended their conclusion and recommendations in the report, a copy of which was circulated to Members. They agreed that the variation of Condition 3 (operating hours) was acceptable as it was considered that would not cause further or harmful obstruction to the highway. However they advised that the variation of Condition 5 (street furniture) would be unacceptable as the provision of two umbrellas would be detrimental to the character and appearance of the conservation area. In respect of the barriers, they advised that the condition does not require that the barriers are erected (this is required under the Highway Licence) merely that if they are erected they conform to the approved design. They explained that their recommendation was therefore now to part approve and part refuse the application. (A copy of the officer's update has been published online with the agenda papers for this meeting.)

Members questioned whether there was a policy regarding the use of umbrellas and officers confirmed that although there was not a policy their approach in past applications, which requested the use of tables and chairs outside, had been to resist the use of umbrellas.

Representations were received from the applicant in favour of the application. She explained that the ice cream parlour had now been operating for 12 months and was very popular with tourists and that the street café had been successfully operating for six months. She explained that having to limit the opening of the café to foot street hours was restricting for the business. She advised Members that the barriers were large and cumbersome and raised concerns that having to carry them across the premises posed a potential safety risk to customers. She explained that she would like to be able to deploy umbrellas on sunny days during foot street hours to make the experience of eating an ice cream more pleasurable for her customers.

Members agreed that they were happy with the proposed extension of opening hours and suggested that umbrellas be allowed for a temporary period over the summer season. They also recommended that City of York Council looks at creating a policy on the use of umbrellas.

Officers advised that the variation of condition 5 could be conditioned to allow umbrellas for a temporary period, with the design to be agreed but

advised against giving permanent permission for the use of umbrellas as there was currently no policy in place regarding this.

RESOLVED:

a) That the application be part approved subject to the conditions listed below:

1 The development hereby permitted shall be carried out in accordance with the following plans:- Revised drawing received 14.06.10

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

2 The tables and chairs shall not be placed on the highway except between the hours of:
Mondays to Fridays 11.00 to 20:00
Saturdays and Sundays 10:00 to 20:00
Outside of these hours, all equipment associated with the use shall be removed from the public highway.

Reason: In the interests of users of the public highway and to avoid clutter, in the interests of the character and appearance of the conservation area.

3 The tables and chairs associated with the use hereby approved shall be stored within No. 20 Back Swinegate when not in use.

Reason: In the interests of the safety and rights of way of users of the public footway, and in the interests of visual amenity of the conservation area.

4 There shall be no change or addition to the furniture used in association with the outdoor seating area from that shown in the details submitted on 7 May 2010 (tables, chairs, barrier posts and ropes) without the prior written approval of the Local Planning Authority.

Two no. umbrellas, to a design and specification to be first submitted to and approved in writing by the local planning authority (but for the avoidance of doubt to be of plain appearance and not to contain any advertising), may be used in association with the tables and chairs for a temporary period until 30 September 2011 after which date they shall cease to be used.

Reason: In the interests of the character and appearance of this part of the Central Historic Core Conservation Area.

REASON FOR PART APPROVAL:

In the opinion of the Local Planning Authority the proposal to vary condition no.3 (hours of operation) and to temporarily vary condition 5 in respect of 2no. umbrellas would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area and highway safety. As such the proposal complies with Policies GP1, HE3 and S6 of the City of York Development Control Local Plan.

- b) That officers be requested to devise a policy for pavement cafes in the city centre

Reason: To provide guidance to Members when considering future applications which request the use of umbrellas.

60b 2 Black Dykes Lane Upper Poppleton York YO26 6PT (11/00315/FUL)

Members considered a full application from Mr P Landais-Stamp for a single storey rear extension with rooms in the roof and a porch to the rear.

Representations were received from a neighbour in objection to the application. He explained that the development would overshadow his rear windows and lead to a loss of light in his house. He stated that the proposed extension would be too large and would create a two storey house which would be out of proportion to the other half of the semi.

Representations were also received from the applicant in support of the application. He advised the Committee that he had considered his neighbour's amenity and had met with them to discuss two possible designs prior to submitting the application. He stressed his hope to maintain a good relationship with his neighbours. He expressed the view that the proposal provided a design which was more sympathetic to the property than a single storey extension would be which he pointed out could had been built under permitted development rights. He explained that his options for extending his property had been limited due to the fact that the neighbouring property had already been extended right up to the boundary with his property with clear glazing on three sides and he stated that he did not think this should compromise his own rights to extend.

Members noted the next door neighbour's concerns but agreed that the proposed extension, with a hipped roof, would extend outwards very little beyond the extension of the other half of the semi. They noted that there would be a small loss of light from the neighbouring property but did not believe that the objections raised by the other neighbour were founded due to the distance from the application site and separation by an access road.

RESOLVED:

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

REASON:
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 the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7, HE3 and GP1 of the City of York Development Control Local Plan; City of York Supplementary Planning Guidance to Householders (Approved March 2001); Planning Policy Statement 5: Planning and the Historic Environment and Poppleton Village Design Statement.

60c Land Adjacent 106 Albion Avenue York (11/00481/FUL)

Members considered a full application from Mr J M Armitage for alterations, an extension and part demolition of the existing building to create a single storey dwelling.

Officers updated the Committee on the planning history of the site and what developments had taken place to date.

Officers advised Members that Acomb Planning Panel had responded to the consultation and had no objections to the application. They also advised that an additional letter of objection had been received from the residents of 240 Beckfield Lane on behalf of residents of 236, 238 and 242 Beckfield Lane, 243 Boroughbridge Road, 1 Portal Road and 104 and 108 Albion Avenue as well as themselves. This letter raised concerns over the loss of amenity of neighbours due to overshadowing, loss of open space, loss of skyline, the size of the extension and mass of the building. It also suggested that the proposed extension should be removed from the plans leaving a two bedroom bungalow which would be more in keeping with the area and would maintain some of the openness of the site. (A copy of the officer's update has been published online with the agenda papers for this meeting.)

Representations were heard from a resident of Beckfield Lane in objection to the application. She stated that the extension was too large for the site, that it would be overbearing and would compromise the amenity of neighbours, spanning several gardens. She asked that the roof be hipped on all elevations and the roof height reduced. She raised concerns that dormer windows could be added at a later date by the applicant and requested that the application be conditioned to prevent this from happening. She expressed concerns about the work which had taken place on the site previously and requested that the site be carefully monitored by enforcement officers from now on.

In response, Officers responded that condition 3 removed permitted development rights in respect of any future extensions and that condition 4 limited the height of the development to 5.2m from the existing ground level.

Representations were also received from the agent in support of the application. She reiterated the fact that Acomb Planning Panel did not object to the application. She advised Members that she had re-measured the site and she confirmed the distances between the development and adjacent properties. She stated that further discussions had taken place between the applicant and the owner of 106 Albion Avenue. She advised that her client would demolish the shell of the building which was already on site and revert to the previously approved scheme if required but advised that he would not be prepared to redesign the proposed house with a hipped roof.

Members acknowledged that the principle of building on the site had been established by the approval of the original application and some Members agreed that the new proposals went a long way to addressing residents concerns by creating a single storey building with a condition to remove future extensions under permitted development rights. They voiced the opinion that in many ways it fitted the site better than what has previously been approved and was therefore acceptable. Councillor Galvin moved and Councillor Reid seconded a motion to approve the application. On being put to the vote the motion fell.

Some Members raised concerns that the development was still too large for the site. They also expressed concerns with the shape of the roof and suggested it would be less overbearing if it was hipped and the slope of the roof was flatter. Councillor Horton moved and Councillor B Watson seconded a motion to refuse the application on the grounds of overdevelopment and the design of the roof. On being put to the vote, the motion was carried.

RESOLVED:

That the application be refused.

REASON:

The proposed dwelling by reason of the design, pitch and height of the roof and its site coverage, in particular the front projection towards no.106 Albion Avenue, would result in a development that is too big for the site and that would be overbearing and dominate the outlook from adjoining residential properties. The dwelling would therefore harm the living conditions of the adjoining dwellings which is contrary to the following policies of the Development Control Local Plan:

Policy GP1 which states that development proposals will be expected to be of a layout, scale, mass and design that is compatible with neighbouring buildings and ensure that residents living nearby are not unduly dominated by overbearing structures;

Policy GP10 which states that planning permission will only be granted for the sub-division of existing garden areas where this would not be detrimental to the amenity of the local environment, and;

Policy H4a which states that proposals for residential development will be granted where it is of an appropriate scale to surrounding development.

The proposal is also considered to be contrary to National planning policies contained within PPS1 "Delivering Sustainable Development" and PPS3 "Housing".

60d Morrisons, Front Street, Acomb, York YO24 3BZ (09/02304/FUL)

Members considered a full application by Mr Gareth Wilkinson of WM Morrison Supermarkets PLC for the provision of 21 additional car parking spaces on land to the rear of 7 and 9 Green Lane with associated lighting, fence and trolley shelter.

Officers drew Members attention to an error in paragraph 1.1 of the report which should have read "land to the rear of 7 and 9 *Green Lane*" and not "..... Front Street..." as stated. They also advised Members that a letter of objection had been received from a local resident and had been circulated to Members at the meeting. This raised issues regarding the use of the Morrisons car park and advised that a parking use survey be carried out, to assess the extent of non-Morrison parking, and a travel plan for staff agreed and implemented before this application for further parking is determined.

Officers recommended that conditions 6 (illumination of car park), 8 (times of closure of security gate), 10 (details of staff parking) and 12 (provision of CCTC) be amended. (a copy of the officer's update has been published online with the agenda papers for this meeting)

Representations were received from a local resident of Green Lane in objection to the application. He raised concerns about the potential level of noise from the proposed car park stating that the current car park is used by youths as a meeting place, and although a lockable security gate would prevent vehicles accessing the proposed car park when not in use, it would not prevent people from gaining access. He also expressed concerns that some mature trees had already been felled and more mature trees would require felling. He reminded Members that Morrisons had originally stated that additional parking would not be required and this proposal was in direct opposition to the Council's policy on promoting green transport. He concluded by stating that Morrisons needed to reduce their parking requirements and undertake to properly manage their existing car park.

Members raised concerns about anti social behaviour and pointed out that the majority of this takes place when the store is open not closed. They queried whether the proposed additional car park could be closed at a specific time in the evening when there is sufficient space in the main car park. Officers suggested that it should be fairly easy to monitor and enforce this arrangement but pointed out that it would only keep cars out and not people..

The Environmental Protection Officer advised that an acoustic report had been submitted and analysed. The acoustic barrier would significantly

remove the potential for noise from car movements and although there would be a small increase in noise, it should not affect residential amenity.

Members expressed the view that Morrisons needed to look into some issues with regard to the car park, including the actual need for parking spaces, and to establish a policy to encourage staff not to drive to work. They suggested that they also need to consider, in liaison with officers, the entrance of the car park onto Front Street and the safety of pedestrians crossing this entrance, which had been identified by an access group as an issue. Members also raised concerns about the increased potential for anti social behaviour in the area and stated that this needed to be considered further.

Members agreed that the application should be deferred in order that the applicant could:

- i. finalise a travel plan especially in relation to staff travel;
- ii. explore options with officers for improving the entrance of the car park onto Front Street; in order to alleviate safety concerns.
- iii. consider what hours the car park could be locked; and
- iv. examine ways of reducing the potential for anti social behaviour in the car park.

RESOLVED:

That the application be deferred for the above reasons.

REASON:

In order that the above information is available to Members and Officers when the application is determined.

60e The Purey Cust, Nuffield Hospital, Precentors Court, York, YO1 7EJ (11/00242/FULM)

Members considered a major full application (13 weeks) by York YO1 Property LLP for the conversion of the former Nuffield Hospital and self contained flat to form three apartments and nine houses.

Officers stated that Fire and Rescue service advised that, as submitted, the proposals would not comply with Building Regulations, as a fire tender could not access the site. To mitigate such they have advised the applicants to consider additional fire safety measures to compensate. They added that Building Control Officers advised they would accept fire detection systems, a misting system within the building and two fire hydrants within the site (each side of the stone wall).

Officers advised Members that Condition 8 should be amended to include the requirement for additional planting to screen the parking areas from "The Lodge". (A copy of the officer's update has been published online with the agenda papers for this meeting)

Representations were received from a neighbour with regard to the application. He advised Members that a lot of his original concerns regarding views of the car parking area had been resolved at the site visit and he confirmed that, as long as the landscaping between the car parking area and the Lodge was sensitive, he was now happy with the proposals.

Representations were received from the applicant in support of the application. He advised that he had consulted with residents and local businesses regarding the planning application and had held an open evening in March 2011 and he had gained the full support of the Dean and Chapter, York Civic Trust and English Heritage. He advised that following discussions with officers, he had reduced the hard standing by 50 percent, included additional landscaping, recognised concerns about the potential for anti social behaviour and had added security by way of an electronically operated wrought iron gate. He stressed that the development would bring new life into an old building and, as well as the long term benefits, short term benefits would include new jobs and training contracts.

One Member raised concerns that paragraph 3.1 of the report appeared to suggested that commuted sums in place of on site open space should in part be used to improve sites such as the Museum Gardens or Clarence Gardens. He stated that the York Museums Trust already received money from City of York Council for the Museum Gardens and stated that this money should instead be used for community use within the ward. Another Member reminded the Committee that a recent scrutiny review into play facilities had identified a lack of play facilities in the Guildhall Ward, which had missed out on Playbuilder funding and suggested it be used for this type of scheme.

Officers advised that comments contained in paragraph 3.1 were a consultation response and had no relevance to the decision notice or 106 agreement. They explained that monies collected under the scheme would normally be used to enhance nearby open spaces but would not be earmarked and would be used at the discretion of relevant officers, based on where the need was at that time.

Members agreed that this was an excellent scheme and was an imaginative use of a prominent building in the city centre.

RESOLVED:

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

Amended Condition 8

Prior to development commencing a plan showing trees to be retained (to include trees T8 and T9), removed and replacement trees shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved plan thereafter.

Prior to first occupation of the development hereby approved, a detailed hard and soft landscaping scheme, including the number, species, height and position of trees and shrubs to be planted, including planting to screen parking areas from 'The Lodge' (considering the retention of existing planting), and the type and height of all boundary treatment shall be submitted and approved in writing by the Local Planning Authority.

The approved 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: In the interests of the setting of listed buildings and the character and appearance of the conservation area.

REASON:

The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on heritage assets, amenity, provision of open space and education facilities, species protected by law and highway safety. As such the proposal complies with Policies GP1, HE2, HE3, HE4, H4, L1c, ED4, C3, NE6 and NE7 of the City of York Development Control Local Plan.

Note: Councillor B Watson asked that it be recorded in the minutes that he voted against the application due to uncertainty over the use of monies collected in respect of open space.

**60f The Purey Cust Nuffield Hospital Precentors Court York YO1 7EJ
(11/00342/LBC)**

Members considered an application for Listed Building Consent from York YO1 Property LLP for the conversion of former Nuffield Hospital including part demolition to form three apartments and 9 houses.

Officers stated that Fire and Rescue Service advised that, as submitted, the proposals would not comply with Building Regulations, as a fire tender could not access the site. To mitigate such they have advised the applicants to consider additional fire safety measures to compensate. They added that Building Control Officers advised they would accept fire detection systems, a misting system within the building and two fire hydrants within the site (each side of the stone wall). Conservation Officers have confirmed that the misting and fire detection systems could be accommodated within the listed building without undue harm to the fabric. Officers therefore suggested a condition be added to the listed building consent application to cover this. They also stated that English Heritage had advised that hydrant outside would require scheduled ancient monument consent but did not object to the principle.

Representations were heard from a local resident and the applicant with regard to this application, details of which have been included under minute number 60e (Purey Cust – Full Application)

RESOLVED:

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

Amended Condition 3a

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a - All boundary walls, gates, fences and other boundary treatments. Where amendments to existing boundaries are proposed large scale details, accompanied by a method statement and specifications shall be provided. Walls shall be recorded to an agreed specification prior to works commencing. *Notwithstanding drawing 202B there shall be a means of enclosure provided around the entrance to the apartments.*

Reason: In the interests of the appearance of the listed building.

Additional Condition

Details of fire safety measures to be installed shall be submitted to an approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved and the development shall occur accordingly.

Reason: In the interests of the appearance of the listed building.

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 historic and architectural interest of the listed buildings. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

60g Bright Street Post Office, 37 Stamford Street East, York, YO26 4YE (11/00515/FUL)

Members considered a full application from Mr Chris Cook for the conversion and alterations of the existing post office and dwelling to create two flats (revised scheme from 10/02360/FUL).

Members commented that it was a more acceptable proposal with better space in the bedrooms than the previous proposal although one member

noted that it would still have been preferable for it to become a family size home instead of two flats.

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: Principle of Development; Design; Residential Amenity; Sustainability; and Flood Risk. As such the proposal complies with Policies GP1, GP4a, GP15a, H8, L1c and S9 of the City of York Development Control Local Plan.

61. APPEALS PERFORMANCE AND DECISION SUMMARIES

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 March 2011. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 31 March 2011.

RESOLVED:

That the report be noted.

REASON:

To update Members on appeal decisions within the City of York Council area and inform them of the planning issues surrounding each case for future reference in determining planning applications.

62. ENFORCEMENT CASES UPDATE

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED:

That the report be noted.

REASON:

To update Members on the number of outstanding enforcement cases within the Sub Committee's area.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.25 pm].

COMMITTEE REPORT

Date:	16 June 2011	Ward:	Micklegate
Team:	Householder and Small Scale Team	Parish:	Micklegate Planning Panel

Reference:	11/00304/FUL
Application at:	136 The Mount York YO24 1BW
For:	Demolition and erection of wall to create off road parking
By:	Mr Donald Salter
Application Type:	Full Application
Target Date:	26 April 2011
Recommendation:	Refuse

1.0 PROPOSAL

1.1 This application seeks consent for the creation of hardstanding, of resin bonded gravel, to provide two car-parking spaces within the rear garden. This would involve the removal of the rear boundary wall, and its rebuilding 5 metres further up the garden, along with the replacement of a section of hedging with a boundary wall along the common boundary with No. 138 The Mount. Access is proposed via the existing gates which serve the garage block to the rear.

1.2 This regency three-storey end terrace dwelling is Grade II Listed and sited within the central historic core conservation area, and is sited within a row of five dwellings, all Grade II Listed. The houses are sited along a main route into the City.

1.3 This application is to be heard by Committee at the request of Councillor Merrett.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 138 The Mount York YO2 2BW 0317

Listed Buildings GMS Constraints: Grade 2; 136 The Mount York YO2 2BW 0319

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYH7
Residential extensions

CYHE3

Conservation Areas

CYHE2

Development in historic locations

CYNE1

Trees, woodlands, hedgerows

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objection

3.2 Design, Conservation and Sustainable Development - Object on the grounds of harm to the appearance of the Conservation Area and insufficient justification that no damage to adjacent Sycamore tree will occur.

3.3 Archaeologist - No objection in principle, subject to informative regarding Operations Notice.

External

3.4 Micklegate Planning Panel - No objection

3.5 Safer York Partnership - Advise that for greater security, the height of the gates to the entrance should be increased; and that it would be preferable for cars to be parked within the garages to the rear.

3.6 13 letters of objection from 8 neighbouring households, and one objection letter signed by 22 neighbouring households raising the following concerns:

- Harm to the appearance of the Conservation Area;
- Harm to Listed Building;
- The architectural integrity and cohesiveness of this Georgian/Early Victorian street should be preserved;
- Details submitted are inadequate and possibly misleading
- No site levels shown;
- 'No-dig' technique is inappropriate for car parking
- Risk to adjacent sycamore tree;
- Increased vehicle traffic may damage Yorkstone pavings and kerbs in Mount Parade
- Proposals would harm the special nature of the quiet and green space within area
- Parking of large vehicles such as caravans or mobile homes would spoil the nature of this green space;
- Vehicles will block the street, difficult for emergency vehicles and loading/unloading;
- Increased risk to pedestrians due to increased traffic;
- Misrepresentation within supporting statements re consultation with residents;
- Existing garage block should not be used as a precedent for future development.
- Loss of house value to neighbouring properties;
- On-street parking should be accepted as part of modern urban living;
- May set precedent for further car parking within the area.
- Future owners of existing garages may restrict access.
- Loss of outlook

- Reverse traffic flow - no entry from Holgate Road
- Proposals contrary to CYC policies HE2; HE4 and GP10
- Charging point within proposed shed may result in wider range of industrial uses.
- Private correspondence between the applicant and neighbours should not have been disclosed.

One letter of support stating the additional car parking will aid access to the existing garage block to the rear of the site.

4.0 APPRAISAL

KEY ISSUES

- 4.1: Visual impact on the dwelling and surrounding conservation area;
Impact on neighbouring residential amenity
Highway Safety
Impact on adjacent Sycamore Tree
Crime Prevention

PLANNING POLICY

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.3 DRAFT LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 DRAFT LOCAL PLAN POLICY CYHE2 of the Development Control Local Plan states inter alia that development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, details and materials, within or adjoining conservations, and in locations which affect the setting of a listed building.

4.6 DRAFT LOCAL PLAN POLICY CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.7 DRAFT LOCAL PLAN POLICY CYNE1 of the Development Control Local Plan states that development proposals should be refused which would result in the loss or damage to trees which are of landscape, amenity, nature conservation or historical value, and which should be protected.

4.8 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.9 Planning Policy Statement 5: Planning and the Historic Environment offers advice on development proposals in historic environments and confirms the aim of conserving our heritage assets and utilising the historic environment in creating sustainable places. Para HE9.5 states inter alia that where a proposal has a harmful impact on a heritage asset which is less than substantial harm, then in all cases, the local planning authority should weigh the public benefit of the proposal against the harm.

RELEVANT PLANNING HISTORY

136 The Mount

- 02/03859/LBC and 02.03858/FUL - Installation of timber gates in existing boundary wall. Refused 27.02.03
- 08/01142/LBC - Rebuild boundary wall using existing bricks. Approved 27.06.08.
- 10/00214/FUL and 10/00216/LBC - Single storey rear extension, internal alterations and rooflights to front and rear. Approved 08.02.10.
- 11/00966/NONMAT - Non-material amendment to allow alterations to rear roof and internal arrangement. Approved 13.05.11.

20 Mount Parade

- Application No. 7/09/4545A/PA+7/09/4545B/LB - Alterations to boundary wall, including erection of gates and creation of terrace and turning area. Refused 03.06.92. Appeal dismissed 17.02.03.

1 Mount Parade

- Application No. 7/09/6816/LB - Removal of part of wall to create vehicle access with iron gates. Approved 03.07.89.

134 The Mount

- Application No. 7/00/2657/PA - Demolition of existing garage and erection of new garage to rear of site. Refused 23.11.78.

ASSESSMENT

4.10 The application site has a long garden to the rear, with brick boundary wall to the side boundary with Mount Parade and rear boundary with the adjacent garage site to the rear. Hedging is in place along the common boundary with No. 138 Mount Parade. Most of the garden is laid to grass, though the rear section is laid to gravel, with raised beds, which is separated from the grassed area by trellis. A large mature Sycamore tree, the subject of a tree preservation order is also sited within this rear garden.

4.11 An existing block of two garages, with turning area, owned by neighbouring residents is sited to the rear of the host site, and is accessed via gates along Mount Parade, which have been in use for some years, and it is this access the applicant now proposes to use to gain access to the rear. A previous request for consent was refused, as mentioned above, for a new access to be created for access to car parking at the host, though this was refused on

the grounds of harm to the appearance of the Conservation Area and special historic nature of the dwelling.

4.12 No vehicle access can be made from Holgate Road onto Mount Parade, although vehicles may exit from Mount Parade onto The Mount. Mount Parade itself is very narrow, and access along the street is difficult for deliveries and many vehicles need to cross onto the pavement due to the width. The street was subject to an improvement scheme between City of York Council, York Civic Trust and Residents, to replace paving along the highway and pavement. Concern has been raised that vehicles often need to mount the pavement when exiting the existing garages, however it is considered that taking into account the existing established access, it would be difficult to argue that the additional movements proposed would be significant enough to warrant refusal on highway grounds. The size nor type of domestic vehicle parked could not be controlled by planning permission.

4.13 Residents parking is available along The Mount, to the front, which serves other properties along Mount Parade (all houses here are also Grade II Listed). A supporting statement for the proposals has been received by the applicant detailing evidence in relation to acts of vandalism to cars when parked in this location, which has been confirmed in correspondence received from North Yorkshire Police. Parking of cars within the rear garden as proposed, would provide some increased security with regards to car crime for the applicant.

4.14 When viewed from Mount Parade the appearance of the conservation area would appear the same in public view, though from within the site the increase of enclosure with high brick boundary walls would further change the soft landscape appearance of this group of gardens within this row. The area of hardstanding would significantly be increased with approx. one third of the original garden area being removed. Long gardens within the centre of York are rare and being sited along the public route of Mount Parade and with the lack of cars using this lane, gives this part of the conservation area a tranquil quality with contrasts with the busy main road into the city. This is a key characteristic of the conservation area in this location, which would be harmed by this proposal.

4.15 The parking zone and foundations of the new wall would be well within the root protection zone of the tree and the level of the garden would need to be graded down to the existing garden level. The combined effect implies there would be damage to the tree which is of positive value to the area. Insufficient evidence has been provided to the contrary.

4.16 A small lean-to shed is also included within the submission, to provide cycle storage along with car charging facilities. Due to the small scale nature of this proposal, and its siting and design, this element is not considered to harm the amenity of neighbouring residents nor the character or appearance of the Conservation Area, and would be supported.

4.17 Loss in value of house prices is not a material consideration to be taken into account as part of the planning process. Details of private correspondence were forwarded to CYC in error in relation to neighbourhood watch issues, by the agent and are not a consideration as part of this submission.

5.0 CONCLUSION

On balance, insufficient justification has been demonstrated for increasing the parking area and walling in favour of reducing the garden, to outweigh the harm to the appearance of the Conservation Area or adjacent tree. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed additional hard-landscaping and additional walling in order to achieve car parking spaces is considered to harm the soft landscape appearance of this group of gardens causing harm to the appearance of the Conservation Area and contrary to City of York Council Development Control Local Plan Policies HE3 and HE2 and national Planning Policy Guidance Note 5 - Planning and Historic Environment.

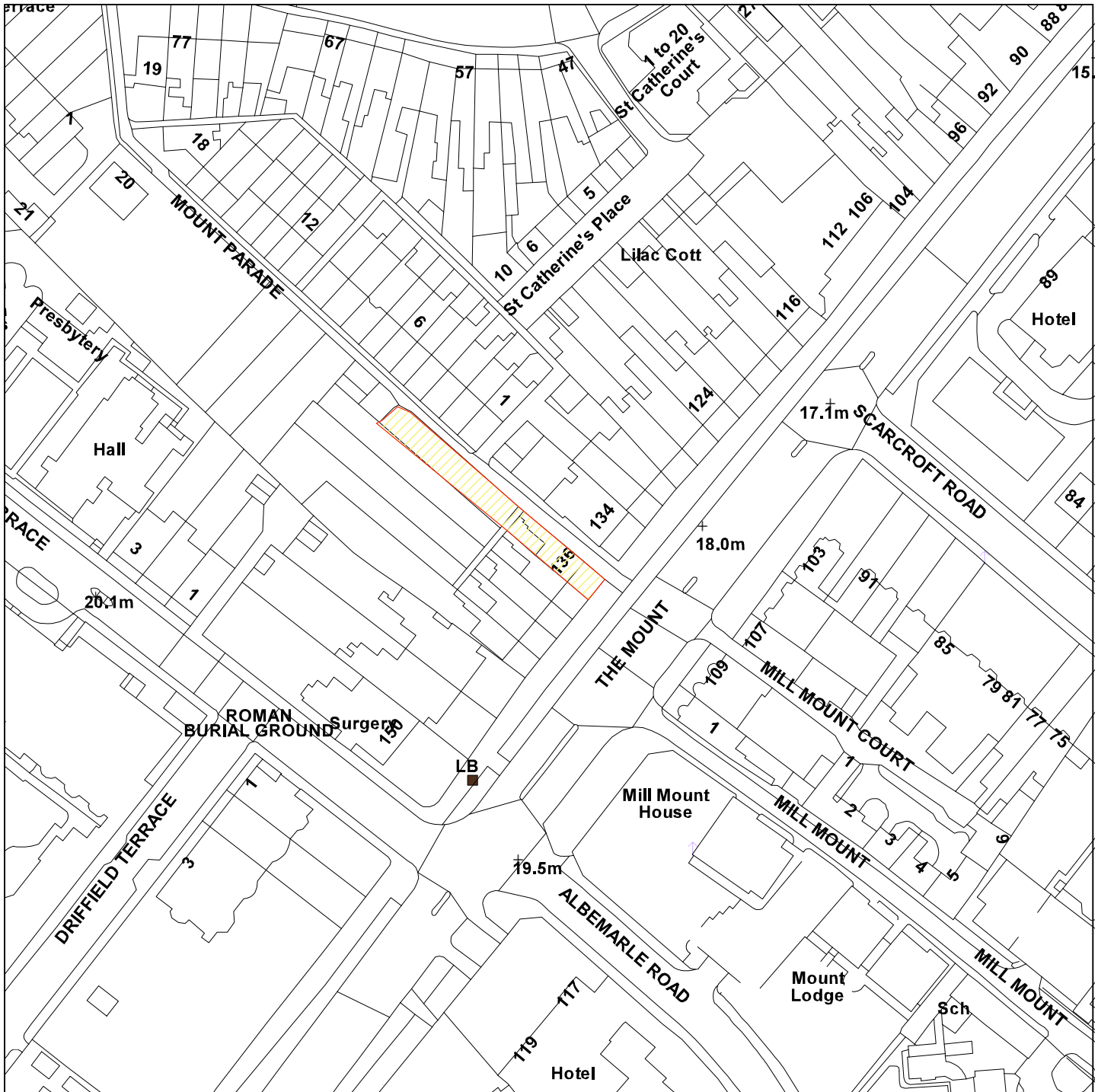
2 The foundations of the new wall would be likely to cause significant damage to roots of the adjacent Sycamore Tree, which is subject to a Tree Preservation Order and is of significant townscape value, affecting its health and retention. This would be contrary to policy NE1 of the City of York Council Development Control Local Plan and national Planning Policy Statement 9: Biodiversity and Geological Conservation.

Contact details:

Author: Carolyn Howarth Development Management Assistant
Tel No: 01904 552405

136 The Mount

11/00304/FUL & 11/00039/LBC



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	06 June 2011
SLA Number	Not Set

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COMMITTEE REPORT

Date: 16 June 2011 **Ward:** Micklegate
Team: Householder and Small **Parish:** Micklegate Planning Panel
Scale Team

Reference: 11/00039/LBC
Application at: 136 The Mount York YO24 1BW
For: Demolition of part of boundary wall and erection of new relocated wall
By: Mr Donald Salter
Application Type: Listed Building Consent
Target Date: 26 April 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks permission for the creation of hardstanding to provide two car-parking spaces within the rear garden. This would involve the removal of the rear boundary wall, and its rebuilding 5 metres further up the garden, along with the replacement of a section of hedging with a boundary wall along the common boundary with No. 138 The Mount. Access is proposed via the existing gates which serve the garage block to the rear.

1.2 This regency three-storey end terrace dwelling is Grade II Listed and sited within the central historic core conservation area, sited along a main route to the city centre.

1.3 This application is to be heard by Committee at the request of Councillor Merrett

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core CONF

Listed Buildings Grade 2; 136 The Mount York YO2 2BW 0319

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONSInternal

3.1 Design, Conservation and Sustainable Development - Object due to the loss of the garden area to parking, in comparison to the long gardens within this group of listed buildings.

External

3.2 Micklegate Planning Panel - No objection
3.3 The Georgian Group - No comment received

- 3.4 Ancient Monuments Society - No comment received
- 3.5 Victorian Society - No comment received
- 3.6 20th Century Society - No comment received
- 3.7 Council for British Archaeology - No comment received
- 3.8 Society for Protection of Ancient Buildings - No comment received

3.9 13 letters of objection from 8 neighbouring households, and one objection letter signed by 22 neighbouring households raising the following concerns

- Harm to the appearance of the Conservation Area;
- The architectural integrity and cohesiveness of this Georgian/Early Victorian street should be preserved;
- Details submitted are inadequate and possibly misleading
- No site levels shown;
- 'No-dig' technique is inappropriate for car parking
- Risk to adjacent sycamore tree;
- Increased vehicle traffic may damage Yorkstone pavings and kerbs in Mount Parade
- Proposals would harm the special nature of the quiet and green space within area
- Parking of large vehicles such as caravans or mobile homes would spoil the nature of this green space;
- Possible damage to kerbstones and York stone paving;
- Vehicles will block the street – difficult for emergency vehicles and loading/unloading;
- Increased risk to pedestrians due to increased traffic;
- Misrepresentation within supporting statements re consultation with residents;
- Existing garage block should not be used as a precedent for future development.
- Loss of house value to neighbouring properties;
- On-street parking should be accepted as part of modern urban living;
- May set precedent for further car parking within the area.
- Future owners of existing garages may restrict access.
- Loss of outlook
- Reverse traffic flow - no entry from Holgate Road
- Proposals contrary to CYC policies HE2; HE4 and GP10
- Charging point within proposed shed may result in wider range of industrial uses.
- Inappropriateness of divulging private correspondence regarding neighbourhood watch scheme, in support of proposal

One letter of support stating the additional car parking will aid access to the existing garage block to the rear of the site.

4.0 APPRAISAL

KEY ISSUES

4.1 Impact upon the special historic nature of the listed building

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.3 DRAFT LOCAL PLAN POLICY CYHE4 of the Development Control Local Plan states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

4.4 Planning Policy Statement 5: Planning and the Historic Environment offers advice on development proposals in historic environments and confirms the aim of conserving our heritage assets and utilising the historic environment in creating sustainable places. Para HE9.5 states inter alia that where a proposal has a harmful impact on a heritage asset which is less than substantial harm, then in all cases, the local planning authority should weigh the public benefit of the proposal against the harm.

RELEVANT PLANNING HISTORY

136 The Mount

02/03859/LBC+02.03858/FUL - Installation of timber gates in existing boundary wall. Refused 27.02.03

08/01142/LBC - Rebuild boundary wall using existing bricks. Approved 27.06.08.

10/00214/FUL+10/00216/LBC - Single storey rear extension, internal alterations and rooflights to front and rear. Approved 08.02.10.

11/00966/NONMAT - Non-material amendment to allow alterations to rear roof and internal arrangement. Approved 13.05.11.

20 Mount Parade

Application No. 7/09/4545A/PA+7/09/4545B/LB - Alterations to boundary wall, including erection of gates and creation of terrace and turning area. Refused 03.06.92. Appeal dismissed 17.02.03.

1 Mount Parade

Application No. 7/09/6816/LB - Removal of part of wall to create vehicle access with iron gates. Approved 03.07.89.

134 The Mount

Application No. 7/00/2657/PA - Demolition of existing garage and erection of new garage to rear of site. Refused 23.11.78.

ASSESSMENT

4.6 The host site currently has a long garden to the rear, with brick boundary wall to the side boundary with Mount Parade and rear boundary with the adjacent garage site to the rear. Hedging is in place along the common boundary with No. 138 Mount Parade. Most of the garden is laid to grass, though the rear section is laid to gravel, with raised beds, which is separated from the grassed area by trellis. A large mature Sycamore tree, the subject of a tree preservation order is also sited within this rear garden.

4.7 An existing block of two garages, with turning area, owned by neighbouring residents is sited to the rear of the host site, and is accessed via gates along Mount Parade, which have been in use for some years, and it is this access the applicant now proposes to use to gain access to the rear. A previous request for consent was refused, as mentioned above, for an

new access to be created for access to car parking at the host, though this was refused on the grounds of harm to the appearance of the Conservation Area and the special historic nature of the dwelling.

4.8 When viewed from Mount Parade the appearance of the conservation area would appear the same in public view, though from within the site the increase of enclosure with high brick boundary walls would further change the soft landscape appearance of this group of gardens within this row. The area of hardstanding would significantly be increased with approx. one third of the original garden area being removed. Long gardens within the centre of York are rare and being sited along the public route of Mount Parade and with the lack of cars using this lane, gives this part of the conservation area a tranquil quality with contrasts with the busy main road into the city. This is a key characteristic of the conservation area and the special historic nature of the listed buildings within this row, which would be harmed by this proposal.

4.9 Residents parking is available along the cobbled tree-lined avenue to the front, which serves other properties along Mount Parade (all houses here are also Grade II Listed). A supporting statement for the proposals has been received by the applicant detailing evidence in relation to acts of vandalism to cars when parked in this location, which has been confirmed in correspondence received from North Yorkshire Police. Parking of cars within the rear garden as proposed, would provide some increased security with regards to car crime for the applicant. This argument however, is not considered to be sufficient justification to outweigh the harm to this heritage asset.

5.0 CONCLUSION

On balance, insufficient justification has been demonstrated for increasing the parking area and walling in favour of reducing the garden, to outweigh the harm to the special historic interest of the building. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal for increased hard landscaping to provide car parking and increased walling in favour of reducing the garden area would be unsympathetic and visually harmful to the architectural and visual interests of this listed building, and within this group of listed buildings No.s 136-144 (even) the Mount, contrary to Policy HE4 of the City of York Development Control Local Plan and national planning guidance contained in Planning Policy Statement 5 " Planning for the Historic Environment. " It is considered that the applicant has failed to demonstrate sufficient justification that would outweigh the harm to the Grade II Listed Building.

Contact details:

Author: Carolyn Howarth Development Management Assistant

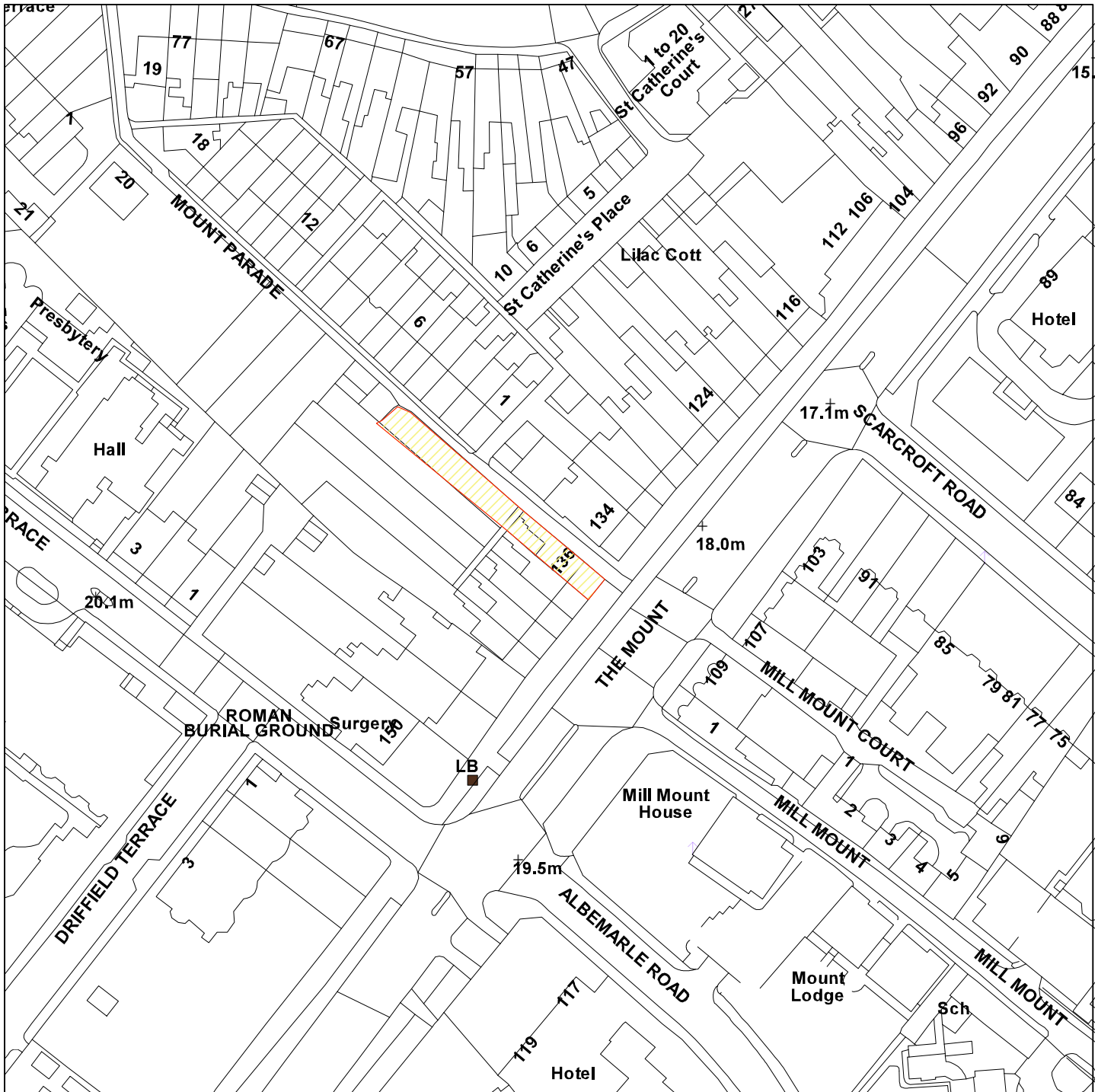
Tel No: 01904 552405

136 The Mount

11/00304/FUL & 11/00039/LBC



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	06 June 2011
SLA Number	Not Set

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DELEGATED REPORT

Date: 16 June 2011 **Ward:** Rural West York
Team: Major and Commercial **Parish:** Copmanthorpe Parish Council
Team

Reference: 11/00289/FUL
Application at: Land North Of Low Westfield Road Copmanthorpe York
For: Erection of cable stayed wind monitoring mast up to a maximum height of 70 metres for a temporary period of three years
By: Banks Renewables Ltd
Application Type: Full Application
Target Date: 7 April 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a cable stayed wind monitoring mast. The original application indicated that the height would be up to 80 metres in height, the applicant has now revised the height to 70 metres. The application is for a temporary consent for three years.

1.2 The steel pole will be up to 219.1 mm in diameter (would taper from 197.3mm to 219.1mm) and would be secured to the ground with cables that would stretch to a radius of 50 metres. The steel guy wires would be attached to 5 land anchors There would be measuring devices on horizontal booms attached to the mast to measure the wind speed, the indicative drawing indicates 8 devices. The finish would be a matt grey.

1.3 The mast is to collect wind speed data for a potential application for wind turbines on the site, and to achieve finance for a potential wind farm. The data collected would be used in a noise assessment to be submitted with a potential future application. In addition it would assist in the design and selection of potential wind turbines on the site. No application for wind turbines has been submitted for the site or the neighbouring fields as yet.

1.4 The site is to the west of the village of Copmanthorpe, and in a field currently being used for arable crops. The site is 150 metres to the south of the single track Colton Lane and 160 metres north of the footpath - Low Westfield Road. The site is open and flat in character. The nearest dwelling would be 22 Holmfield Close in Copmanthorpe which is approx 740 metres from the proposed site.

1.5 A previous application for a 50 metre high monitoring mast (07/02915/FUL) at Elvington Water Treatment Works was approved by East Committee on 11 September 2008.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYSP2

The York Green Belt

CYSP3

Safeguarding the Historic Character and Setting of York

CYGP1

Design

CYGP5

Renewable energy

CYGP14

Agricultural land

CYGP23

Temporary planning permission

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Accept the statement that the equipment will be towed onto the site by a Land Rover and that this will have no impact on the local road network beyond that of normal agricultural activity

3.2 The statement also states that the access to the site will be either from Ebor Way to the north, or Low Westfield Road to the south. Ebor Way is a long distance footpath a section of which runs along Colton Road to the north of the site. Colton Road is a classified highway (C291). Low Westfield Road is not an adopted public highway nor does it have any definitive rights of way; the highway authority therefore cannot grant rights of access along it. To use this road, it should be included within the applicant's ownership or control or it should be shown to have the owner's permission to use. If the site is to be accessed using this route then full details of the Land Rover and trailer combination are requested due to the restricted access within Back Lane

ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 Due to the temporary nature of the proposals EPU do not have any objections to the proposals.

3.4 In terms of noise associated with the monitoring mast itself, whilst they may be a small amount of noise as a result of wind movement through the steel guy wires, it is highly unlikely to result in any loss of amenity due to noise.

3.5 Whilst it is appreciated that granting of planning permission for the proposed mast in no way prejudices the outcome of any future application for wind turbines, there are some concerns over whether or not the proposed mast will achieve the necessary outcomes for such a scheme. Wind speeds and directions can vary significantly at differing heights above ground level; with difference becoming more prominent the higher up you go. In many situations it is possible to have total opposing wind directions at different heights at the same time. Indicative plans unveiled by the applicant have shown that the long term proposal

would be to install wind turbines tip height of 145m, this being 65m taller than the top of the proposed mast. Thus the proposed mast is unlikely to give a true reflection of the wind speeds and directions at tip height etc. Ideally it is preferred that the monitoring also be carried out at the proposed tip height of 145m, but appreciate that this may be unlikely to be achieved.

3.6 In terms of the proposals it is requested that wind speed and direction be monitored at 10m above ground level, at the top of the mast, and at least one other position on the monitoring mast. The positions to be submitted and approved in writing with the Local Planning Authority prior to construction and commencement of monitoring.

COUNTRYSIDE ASSISTANT - No objections

3.7 The mast will be situated within an arable field which at present has relatively little wildlife interest.

3.8 The 80m high mast could however potentially have an impact on birds, but in this location, this is unlikely to be significant, and provided that there is adequate lighting installed on the mast, particularly on the guy ropes, this should not be a problem. Small LED lights to be present at different heights up the mast itself and also on the guy wires. Alternatively other forms of deflector or flight diverters attached to the wires could be used, such as UV or coloured deflectors. In this location though do not consider that this would be so significant/essential so would be happy for this to be a recommendation or informative rather than secured by condition.

3.9 Whilst this application only refers to the installation of a wind monitoring mast, would however just like to raise the issue that in order to implement any wind farm development within this location, bat monitoring will also need to be carried out. Possibly the best way to do this would be to implement this on the mast (which could allow bat detectors to be installed at different heights?) whilst the monitoring for wind is also taking place. By collecting all of this information together at the same time, this could then also allow analysis of the levels of bat activity in different weather conditions.

LANDSCAPE ARCHITECT

3.10 The mast (and supporting wires), although tall, is very slender and to this end would have a very limited physical and visual impact on the open character of the greenbelt in relation to policy GB1 a), b), and c), especially given its temporary nature.

3.11 Night-time safety lights attached to the mast should be kept to a minimum.

3.12 A condition should be attached to enforce the proposed temporary nature.

3.13 No objections, provided that acceptable very special circumstances apply.

ARCHEOLOGIST – No objections

3.14 The site lies in an area where relatively few archaeological investigations have been carried out. However, the site lies in an area which has great archaeological potential. The site lies adjacent to the postulated line of a Roman road; it lies in a geological and topographical context where evidence will be found for (a) for human activity within a dynamic post-glacial landscape (b) the emergence of landscape divisions and clearances from the 4th millennium BC onwards and (c) the development of a complex late-prehistoric Romano-British landscape.

3.15 The groundworks for this test mast provide an ideal opportunity to carry out part of the evaluation programmed. Would like all groundworks carried out in association with the construction of the mast to be carried out as an archaeological exercise: that is, supervised removal of all topsoil, cleaning of surfaces and selective excavation of revealed archaeological features and deposits. The information obtained from this exercise can be used to inform the design of future evaluation works that will be required in connection with an application for a wind farm on this site. Would like standard condition ARCH1 (an archaeological excavation) on any consent that is granted

EXTERNAL CONSULTATIONS

COPMANTHORPE PARISH COUNCIL - Object

3.16 The site of the proposed wind mast lies in a distinct agricultural landscape, characterised by native ancient hedgerows, and is within the draft Greenbelt. In addition to the definitive footpaths there are many field paths used by walkers.

3.17 The applicant's supporting statement indicates access will be via Ebor Way or Low Westfield Road. Ebor Way is Colton Lane, and Low Westfield Road is not adopted and is an undesignated ancient bridleway, the ownership of which is unknown. Consent and permission would be required from the owner

3.18 The mast and guys will obstruct the track and field path used for decades and still used by walkers.

3.19 It is adjacent to the hedgerows where the scarce Lesser Whitethroat and Yellowhammer nest each year, and is on a field upon which Skylarks nest. It should be noted that Askham Bog a SSSI is nearby

3.20 Insufficient supporting photographs have been submitted, lack of submitted assessments relating to visual intrusion, land constraints, environmental impact, ecological impact, renewable energy, biodiversity, conservation etc

3.21 The development is on the direct flight path of aircraft landing at Rufforth Airfield. Gliders, microlights and balloon flight will be affected. There are other operational airfields in the area

3.22 Very Special Circumstances should be shown to justify mast and wind farm applications

3.23 The Copmanthorpe Village Design Statements has been adopted as supplementary planning guidance and should be taken into account

3.24 Concerns that if the application is granted any conditions are unlikely to be enforced with any diligence

3.25 The City has prepared a publication "York: New City Beautiful - Towards an Economic Vision". Unfortunately the report restricts itself to the City bounded by the Ring Road and ignores the main approaches to the "City Beautiful" which gives that vital first impression. However the A64 from Leeds and the main conurbations to the south and west already provides this green access as it runs alongside Copmanthorpe with agricultural land and Pike Hills Golf Club on either side. How will a wind farm sit within the context of this publication?

NATIONAL AIR TRAFFIC SERVICES LTD - No objections

3.26 Proposed development from a technical safeguarding aspect and does not conflict with the NATS safeguarding criteria

CIVIL AVIATION AUTHORITY

3.27 At 80 metres in height the mast does not technically constitute an aviation en-route obstruction

3.28 The relatively close proximity of a local gliding focused aerodrome at York/Rufforth is noted. CAA are aware that tall structures close to gliding sites have caused difficulties at other locals. The aerodrome in question is not a CAA licensed facilities and that as in all cases aerodrome safeguarding responsibilities rest with the relevant aerodrome director

3.29 At 80 metres in height the mast would be one of the tallest structures in the immediate vicinity and might be viewed by some quarters as needing to be lit and/or marked for aviation purposes. Unless there is any aerodrome safeguarding issues, aviation warning lighting on tall structures only becomes legally mandated for structures of a height of 150 metres or more. However structures of a lesser height might need to be lit if, by virtue of their location and nature, they are considered a significant navigational hazard. The CAA would be unlikely to have issues associated with an aviation stakeholder (e.g. a local aerodrome operator or airspace operator) request for lighting/marketing of any structure that was considered to be a significant hazard to air navigation.

3.30 If a wind turbine proposal is submitted should be aware that such developments have a very significant potential to impact upon local aviation operations (both civil and military. related policy and guidance (CAP 764) is available on www.caa.co.uk.

MINISTRY OF DEFENCE - No comments received

YORK GLIDING CENTRE

3.31 As the height of the proposed mast has been reduced to 70 metres, it will be outside the approach surface.

3.32 Have concerns that it is a pilot for a project that would seriously impact on their operations

NORTH YORKSHIRE AIR AMBULANCE - No comments received

SELBY DISTRICT COUNCIL - No objections

3.33 As the monitoring mast would be temporary and have limited massing Selby District Council does not have objections

YORK NATURAL ENVIRONMENT PANEL - No objections

3.34 The panel are encouraged by the number of monitors on the mast; however there should be adequate studies of birds and bats over a greater area than that covered by the mast alone. Bat surveys should be carried out at different heights along migratory/commuting/feeding routes over a minimum of a year.

REPRESENTATIONS RECEIVED AS THE RESULT OF PUBLICITY

595 letters of objection have been received some relate to the proposed wind monitoring mast and some relate to the potential application for a wind farm. The comments have been separated in those relating to the application for the proposed wind monitoring mast and those relating to a wind farm, of which no application has been received. Comments made in respect of the potential wind farm cannot be taken into account in the determination of the application.

COMMENTS OBJECTING TO WIND MONITORING MAST

3.35 Is within the greenbelt,

3.36 Area provides public amenity space and the proposed development would alter the character

3.37 Would cause noise and vibration

3.38 Visually Intrusive, concerned regarding height, scale, colour, visible from dwellings and gardens

3.39 As the wind farm should not be allowed therefore there is not a need for the monitoring mast

3.40 Too close to housing. Cause devaluation of properties, Council tax will have to be reduced due to devaluation

3.41 Distraction for motorists on the A64 and surrounding road network. A large number of accidents will occur

3.42 Cause a danger to airborne traffic

3.43 Local businesses will be adversely affected e.g. Rufforth Gliding Club

3.44 Object to the time period proposed, too short, too long

3.45 Have concerns that the data collected will not provide a true reading. The data will not be collected for a sufficient period of time. Data should be submitted to CYC. Should be independently assessed and verified

3.46 Object to the funding provided for the mast

3.47 Danger to wildlife including insect, birds and mammals

- 3.48 The mast should be the same height as the turbines so the resident can view the impact and to provide accurate coverage of the wind levels at all heights
- 3.49 Impact on the gateway and entry to York and subsequent impact on tourism
- 3.50 Will impact on the view of York Minister
- 3.51 Concerned regarding the construction noise
- 3.52 Concerned that the LPA is considering the application
- 3.53 There should be a moratorium on development on Green Belt.
- 3.54 A Policy Planning Statement should not overrule a Village Statement
- 3.55 Impact on Askham Bog
- 3.56 Maybe a target for vandals
- 3.57 Light pollution if any lights are affixed to the mast
- 3.58 No point in making the mast blend in with the surrounding with the colour finish when the following turbines will be more unsightly
- 3.59 The application does not address the impact of a wind farm
- 3.60 Tests should be undertaken at a number of sites. A detailed assessment of all none green belt locations suitable for such development should be procured.
- 3.61 An undertaking of a Community Levy or Section 106 should be required
- 3.62 The council should let the applicant know of any restrictive covenants that may affect the schemes viability
- 3.63 Would affect York's bid to become a UNESCO world heritage site and therefore affecting resident's livelihoods and the level of investment within the city
- 3.64 Not consulted by CYC
- 3.65 Supporting information is misleading
- 3.66 Roads may not be able to accept the traffic, concerned regarding the risk from construction traffic
- 3.67 Will interfere with TV and radio signals
- 3.68 Supporting statement indicates that access will be via Ebor way or Low Westfield Road. Ebor way is in fact Colton Lane, and Low Westfield Road is not adopted and an undesignated bridleway, the ownership of which is unknown.
- 3.69 Cause harm to ancient hedgerows
- 3.70 Concerned that it would set a precedent
- 3.71 Would like earlier decision published made between CYC and Banks Renewable that this is a suitable site for such a development
- 3.72 If allowed will become a brownfield site
- 3.73 Is the distance of the mast from residential properties consistent with the recommendation contained in the Department of Energy and Climate Change report that wind turbines should be no closer than 10 rotor lengths from nearest dwelling. If not the data is unlikely to be of value
- 3.74 Concerned that users of the area may not be safe if mast were to collapse
- 3.75 A risk assessment is required for the potential danger to aircraft and the possibilities of ground casualties in Copmanthorpe from a stricken aircraft
- 3.76 Will be unable to sell properties, or obtain mortgages. Has the developer put in place a guarantee to purchase such properties at a pre wind mast values? Will CYC provide financial guarantees to compensate residents should the proposal be allowed? Would like details of how much of a council tax reduction the residents of Copmathorpe can expect
- 3.77 The applicant gives two different measurements for the width of the proposed mast
- 3.78 Photograph submitted shows a 60 metre high mast, not submitted photographs to the east and west of the proposed site
- 3.79 Applicant has supplied wind data at 50 metres but not at 80 metres
- 3.80 The education course on wind turbines at Askham Bryan College should not be used as an argument for the construction of the mast.
- 3.81 Askham Bryan College can provide other methods of energy generation for its needs
- 3.82 Cheaper alternative methods of energy generation are available rendering the test to be academic and unnecessary
- 3.83 Will be an adverse visual impact to Pike Hills Golf Club which has over 800 members

- 3.84 Potential high pressure gas main on this land?
- 3.85 Supporting information is misleading
- 3.86 Would like to know what financial benefits the landowners are being offered for allowing this application
- 3.87 Seek clarification from the council on the appropriateness of the applicant offering financial incentives to the local community
- 3.88 Concerned who will own the development if it should go ahead. There is a suggestion that CYC are actively encouraging the application rather than the landowners. As such there needs to be transparency over ownership and the future of the development before the application progresses further
- 3.89 No evidence has been submitted that the mast can safely dissipate a lightning strike
- 3.90 No mitigation has been submitted to prevent people climbing the mast
- 3.91 Cause subsidence to properties and exacerbate existing subsidence problems
- 3.92 Weather conditions may obscure the mast
- 3.93 In the supporting statement the data collected will be used to inform the design and siting of the turbines not if they are viable
- 3.94 There should be defined separation distance between dwellings and masts
- 3.95 Should comply with PPS22, PPG2, and PPS9. Contrary to Policies GP23, SP2, SP3, GP5, GP14, GP20, GB1 of the CYC Local Plan
- 3.96 The siting is because the applicant perceives CYC has “softer” planning laws
- 3.97 Concerned that Selby DC did not object
- 3.98 Only one owner of the land has been stated in Section 25 of the application form. There is another owner from Land Registry records
- 3.99 The applicant has been stated incorrectly on the application form
- 3.100 Concerned that Countryside Assistant has said in her response that bat monitoring equipment could be added to the mast if it was approved.
- 3.101 Wind speed data is available and as such mast is not required

COMMENTS OBJECTING TO WIND TURBINES

- 3.102 Turbines would not be sufficiently efficient to warrant the impact on the village.
- 3.103 Safety implications to air traffic
- 3.104 Too close to housing - Cause devaluation of properties, Council tax will have to be reduced due to devaluation
- 3.105 Use of agricultural land
- 3.106 Wind turbines would impact on quality of life and cause illness
- 3.107 The turbines do not work when it is too cold, too windy, or not windy enough
- 3.108 The wishes of the voters are ignored
- 3.109 Will result in future applications to increase the height of the turbines
- 3.110 Concerned that development not viable and the applicant is only after the funding available for such a project
- 3.111 Would impact on the character of the village and the surroundings. Will create a semi-industrial aspect to many viewpoints in the village
- 3.112 'Flicker effect'
- 3.113 The government's renewable targets relating to this scale of wind turbines should not be applicable within York boundary
- 3.114 Concerned how structures of these sizes can be considered so close to the main access road/visual impact of a city that relies heavily on tourism.
- 3.115 The area is used for walking and cycling; the structures will prevent this and will have to travel to experience the same type of amenity
- 3.116 Germany and Denmark are actively rejecting the technology
- 3.117 More appropriate sites for renewable energy
- 3.118 Wind Turbines are inefficient, heavily sponsored by the Government and would not even be considered unless subsidised. They are inefficient unless built on an industrial sized scale.
- 3.119 The turbines would be the largest in the country, possibly due to the lack of wind

- 3.120 Turbines would overshadow York Minster, would have an impact on the visual environment, not just locally but in the Vale of York as a whole
- 3.121 Onshore wind farms have not achieved even a 30% load factor in any year since 2003 and in December 2010 had a load factor of 5.8%.
- 3.122 Will affect the water supply when foundations are laid, it will interfere with the underground watercourse from which the objector draws their household water. May impact on the water supply to Askham Bog
- 3.123 There is no immediate adjacent high voltage collection point for any power generated
- 3.124 Existing noise problems from the A64
- 3.125 Consider turbines and the subsequent pylons to be ugly
- 3.126 Impact to insects, birds, and mammals, some of which are protected
- 3.127 The proximity to residential dwellings is unacceptable and inconsistent with regulations imposed on wind turbine construction and development by countries such as France and Denmark. In Scotland any turbine over 100metres has to be 2 km away from dwellings. The proposed turbines exceed the height and are 500metres from dwellings. Evidence from Canada, America and Australia indicates that turbines should be sited a minimum of a mile and half away from the nearest dwelling. Report from the DECC recommending that turbines should be sited at least 10 rotor lengths from the nearest dwelling, will all the turbines be in accordance with this guideline. Until some ruling is made all applications should be put on hold
- 3.128 No amount of landscaping would mitigate the visual impact of the turbines.
- 3.129 All wind farms should be built off shore
- 3.130 Cause a distraction to drivers on the A64 and other surrounding roads
- 3.131 Potential safety implications of the children that play in the area
- 3.132 Is in the greenbelt
- 3.133 Strobe effect especially during winter will impact on the users of the A64, causing accidents
- 3.134 How much non green energy is used in the manufacture and erection of turbines
- 3.135 Noise will impact on farm animals
- 3.136 Seek clarification that turbines are cost effective and produce a significant amount of electricity relative to the size and the amount of disruption they cause
- 3.137 Will the electricity generated by the turbines be sent underground or over ground?
- 3.138 Concerned how the public exhibition was carried out by Banks. The information was inaccurate
- 3.139 State that Banks cannot afford the level of development it is committed too
- 3.140 Wind turbines use more electricity than the amount produced
- 3.141 There no feasibility study and no alternative sites been suggested
- 3.142 Ice can collect on the blades and cause danger to passers by
- 3.143 If wind turbines are required within the CYC boundary then a proactive approach should be taken to find the most appropriate site
- 3.144 Question the durability if the devices to be used in the future
- 3.145 Risk of turbines collapsing
- 3.146 Would be overshadowing and are overbearing
- 3.147 50 temporary constructions jobs does not justify the wind turbines
- 3.148 Turbines are produced in other countries and as such the transportation is not environmental friendly
- 3.149 There is a Wind Turbines Bill (minimum Distance from Residential Premises) currently before the House of Lords. This specifies minimum distances
- 3.150 Should this development proceed, funding for such restoring site to its original condition should be guaranteed
- 3.151 Will not benefit the electricity bill of the nearby residents
- 3.152 Would like details of all the meetings between the applicant and CYC
- 3.153 Wind farm including the height would be oppressive, overwhelming and overbearing harming living conditions of propel leaving nearby

3.154 Would like to know how much funding Banks Renewables received from the UK Government or European bodies for wind turbine projects

3.155 Question the commitment of the applicant to return the land to its pre development condition. Should this development proceed, funding for such restoring site to its original condition should be guaranteed

10 LETTERS OF SUPPORT, for the same reasons as the objection comments these representations have been separated into comments in support of the monitoring mast and comments in support of a wind farm.

COMMENTS IN SUPPORT OF MONITORING MAST

3.156 The proposed mast will not be visually intrusive or have negative impact on the quality of life

3.157 The feasibility of erecting turbines to provide energy needs to be tested

3.158 Kyoto Protocol - must commit to reduce emissions

3.159 The temporary structure would not cause a lasting loss of amenity to the local community nor be to the permanent detriment of the greenbelt

3.160 It is unlikely to generate any noise appreciable from ground level

3.161 Being stationary it is unlikely to pose a hazard to wildlife

3.162 Pilots of aircraft will be able to avoid the mast

3.163 The mast will prove if there is enough wind to justify the development of a wind farm, it is for the planning application for the actual wind farm to determine if the site is actually suitable for the erection of wind turbines not this wind monitoring application. If the monitoring proves the site viable then would be in favour of the development.

COMMENTS IN SUPPORT OF WIND TURBINES

3.164 The UK is an importer of fuel; oil and gas are in short supply

3.165 Wind energy has benefits in terms of climate change and secures energy supplies. Industrial turbines may not contribute much individual but collectively they make a difference,

3.166 Well designed turbines are quiet enough to cause no disturbance to people living a few hundred metres away

3.167 RSPB support wind power

3.168 Circumstances globally have advanced well beyond the stabilisation point for CO2 levels, and we will directly face increasing weather and economic disruption, mitigation measures are required as soon as possible

3.169 Heritage arguments may emerge that press for preservation issues. However no part of Britain is untouched. There is a vast network of railways and canals that carved through the country on a much greater scale, that many heritage supporters now campaign to maintain. Victorian reservoirs and sewer systems that abolished water-transmitted diseases. Wind-farms fall into this new category of potential heritage, very much like windmills that are renovated for their aesthetic appeal; turbines bring a new sculptural aesthetic to the landscape that should be supported.

3.170 The audio levels experienced in close proximity to turbines are insignificant, and at the distances cited at the meeting, could be dismissed altogether for any resident, even at the margins, especially where double-glazed.

3.171 The proposed site is, in effect, a farm factory-floor, and replacing diesel pollution and noise from agricultural machinery, and the cessation of regular chemical spraying, if the land is so rescheduled, may be of even greater local benefit.

3.172 Coal-fired power stations not only greatly add to the CO2 overburden, but release quantities of radioactive material from the burning minerals into the air, that in themselves contribute to our health problems, and create acid rain.

3.173 Nuclear option may be an option, however this is a short term solution

COPMANTHORPE WIND FARM ACTION GROUP - Object

- 3.174 In close proximity to 4 airfields concerned regarding safety of airborne traffic
- 3.175 Cause a distraction to users of the A64 and surrounding roads, concerned regarding safety
- 3.176 The construction of the mast will cause unacceptable disturbance to the wildlife on the site. Concerned wildlife may not return
- 3.177 Not aware that a bat survey has been carried out
- 3.178 As the site lies within 2km of a SSSI (Askham Boggs) the applicant should be required to submit an ecological statement to assess any potential threat and the need for mitigation.
- 3.179 The mast is to be finished in grey, presumably to lessen the environmental impact. If this is the case the mast is less visible to birds that use the site resulting in bird death.
- 3.180 The proposed mast would inappropriate development in the greenbelt
- 3.181 Concerned regarding the archeologically heritage in the site and surrounding area
- 3.182 Concerned regarding the danger of collapse of the proposed mast to the users of the nearby footpaths, roads, and bridleways
- 3.186 The mean wind speed for this area is low, lower than the country average. As such would like to know what is the purpose of erecting the mast
- 3.187 Planning guidelines state that the usual height for an anemometer mast ranges from 25m to 60metres. Proposed height of 80m is an admission that this site would be struggling to attain sufficient wind speeds to make a wind farm viable?
- 3.188 Concerned that it would set a precedent if a future application for a wind farm is submitted
- 3.189 PPS22 stresses the importance of consulting with local communities there has been no consultation other than an exhibition by the applicant (2 March)
- 3.190 The application form has not been completed correctly
- 3.191 The properties just outside the York Boundary within the Selby District Council area were not notified of the application,
- 3.192 Was problems submitting objection to the scheme because an address "did not exist".
- 3.193 There were not enough site notices

The Copmanthorpe Wind Farm Action group have submitted a petition with 1708 signatures objecting to the wind turbines at the above site. It is clarified on the front page that the term 'wind turbines' includes the wind monitoring mast.

MCLEAN AVIATION - Object

3.194 McLean Aviation is an aircraft maintenance organisation operating from Rufforth Aerodrome. Use the runways under a licence agreement with York Gliding Centre. Runway 17/35 (the north south runway) takes incoming or outgoing aircraft almost directly past the proposed wind farm location. The company has regular visitors using single and twin engined aircraft that pass through the Hagg Wood area at 600ft minimum (182.88 metres) which is consistent with a normal glidascope approach. It is not unusual for a heavily loaded aircraft to be similar height on climb out. For these reasons any obstruction proposed would be a potential danger to the users of Rufforth Aerodrome

3.195 The reduction in height to 70 metres whilst below the Rufforth Aerodrome safeguarding plan limits does not remove their concerns, as the test mast will lead to an application for wind turbines that they will object too.

YORK RACECOURSE - Object

3.196 The proposed mast is about 800M from the published routing into the racecourse landing site. The published height for RWY36 (This is the magnetic compass heading, for the runway that approaching aircraft will need, so RWY36 is due north) on this route is 400ft, based on Church Fenton QFE (This is the barometric altimeter setting which will cause an

altimeter of the aircraft to read zero when at the reference datum of a particular airfield (generally a runway threshold).

3.197 In normal temperature conditions the altimeter will read height above the datum in the vicinity of the airfield. The barometric pressure can alter during the day and is normally different in different parts of the country. Church Fenton is the closest airfield to get this information which the pilot will need before they land. The height is set to maintain separation between low flying jets from Church Fenton and departing aircraft from the racecourse. Given that aircraft may be required to adjust their routing to de-conflict with other aeroplanes and gliders, there is the potential for limiting the manoeuvring capability of inbound helicopters.

JULIAN STURDY MP for York Outer – Object to the application

3.198 The planned height of the mast, whilst lower than the proposed wind turbines themselves, would have a significant, negative impact on the surrounding community and would be out of keeping with the local surroundings

3.199 The proposed height is out of proportion with any existing natural feature or development in the area

3.200 Concerned regarding the safety implications for aircraft using Rufforth Airfield. There are an increasing number of airborne activities taking place from the airfield all of which have the potential to come into conflict with the proposed mast

3.201 Would be an unacceptable intrusion into the Green belt which surrounds the historic city and provide protection to the area

YORK RYDALE FRIENDS OF THE EARTH - Support the application

3.202 More renewable energy needs to be generated

3.203 Wherever it is sited there will be objections, and when the scheme is up and running local opinion changes into support

YORK CIVIC TRUST – Object

The objection is to a possible wind farm

3.204 The wind farm would impact on the entrance to the city

3.205 The wind farm should not compromise or challenge the dominance of the Minister in the landscape, and from important view points such as Ingrish Hill, Garrowby Hill, Terrington and the White Horse at Sutton Bank

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/00579/EIASP - Scoping opinion for proposed wind farm at Ribble Sykes and Low Westfield - Scoping Opinion Decision issued

KEY ISSUES

1. Greenbelt
2. Visual and Landscape Impact
3. Aviation Safety
4. Impact on Birds and Animals
5. Impact on Residential Amenity

ASSESSMENT

PLANNING POLICY

YORKSHIRE AND HUMBER REGIONAL SPATIAL STRATEGY

4.1 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and the intention to remove the RSS is a material consideration. The York Greenbelt is specified in PPG2 and the boundaries of the Green Belt are clearly detailed on the Proposals Map of the City of York Council Development Control Local Plan.

4.2 The aim of Policy ENV9, of the Yorkshire and Humber Regional Spatial Strategy is to influence policy within the Local Plan and emerging LDF, its intention is to safeguard and enhance the historic environment, and ensure that historical context is taken into account. The sky-lines, view, and setting of the City of York are specified within the policy. This is also supported by Policy Y1.

4.3 The application is not been assessed against the regional and national targets for the generation of renewable energy, as they are not considered to be directly applicable to this application. A discussion of the targets would form part of the assessment of an application for a wind farm.

LOCAL PLANNING POLICY

4.4 The emerging Core Strategy, part of the Local Development Framework, has not yet been out for Public Consultation and as such the application has been assessed against the policies set out in the City of York Council Development Control Local Plan.

4.5 The relevant development plan is The City of York Council Development Control Local Plan Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.6 Policy GB1 and its supporting text relates to the control of development in the Green Belt and SP2 and SP3 refers to safeguarding the Green Belt and the historic character and setting of York with reference to the overall impact on the York skyline. Policy GP1 seeks to control design and ensure that neighbour amenity is not compromised. Policy GP5 relates to developments for renewable energy. The proposed monitoring mast is the initial stage in a process of considering a renewable energy scheme in the area and it is therefore considered appropriate to assess the proposal against this policy.

4.7 Policy GP23 'Temporary Planning Permission' in the City of York Council Development Control Local Plan (2005) states that planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided: there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development; and that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or a trial period is necessary for the development, to allow an assessment of its character or effects.

4.8 The Copmanthorpe Village Design Statement (2003) is supplementary planning guidance. The design statement emphasises the importance of the surrounding fields and

native hedges to the visual amenity of the village. The majority of the guidelines relate to housing development within the village and the retention of the character of the village. The guidelines that do apply relate to the retention to the rural character of the village, and the retention of open spaces. In addition the views into and out of the village are considered to be significant to the overall character of the village, and the existing locally distinctive landscape features surrounding the village should be preserved and protected.

4.9 PPS7 'Sustainable Development in Rural Areas' states that new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Priority should be given to the re-use of previously developed sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations in comparison with greenfield sites. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

GREEN BELT

4.10 The site is in the Green Belt. Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the Development Control Local Plan (DCLP) and this site clearly falls within the Green Belt. Policy GB1 'Development in the Green Belt' of the DCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.11 The proposed wind mast does not fall into any of the specific categories of development which are appropriate development within the greenbelt and as such the proposed development is considered to be inappropriate. Such proposals, by their very nature, will be situated in open areas and in York this will almost inevitably be on Green Belt land. Renewable energy projects when located in the green belt will generally constitute inappropriate development and may impact on the openness of the Green Belt. Although there is no advice contained in PPG2 in relation to potential renewable energy schemes, the advice contained in PPS22 'Renewable Energy' gives significant weight to the need to find renewable sources of energy. A main thrust of Government guidance is a focus on achieving sustainable forms of development and the Government are committed to targets aimed at increasing energy generation from renewable sources. This is advocated in PPS1 and PPS22. DCLP Policy GP5 reflects advice in PPS22. PPS22 states that careful consideration will need to be given to the visual impact of such projects in the Green Belt and developers will need to demonstrate very special circumstances that outweigh any harm by reason of inappropriateness. It goes onto say that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources, which is also the argument put forward by the applicant.

4.12 Whilst the mast in this instance will not directly act as a form of renewable energy, the information gained from the monitoring devices will aid the applicant in making informed decisions on whether future turbines are appropriate in this location and if so, how they would best operate. The mast would also collect information for noise assessments to accompany a future application for a wind farm; in addition the mast would help the applicant gain funding for potential wind farm on the site. As such, whilst the proposal would constitute inappropriate development in the Green Belt when considered against PPG2, it is in line with Government guidance on renewable energy. The proposed mast is a monitoring mast and not a wind turbine and its sole purpose is to assess weather conditions. Furthermore, it is proposed to be only a temporary structure for 3 years. Given the thrust of Government guidance which is encouraging of such renewable energy developments, an application which is aimed at assessing whether such a development might be suitable in the future does constitute the very special circumstances referred to in para. 13 of PPS22. Officers consider that these very special circumstances outweigh the harm by reason of inappropriateness as required by PPG2.

4.13 Paragraph 32 of the annex to PPS22 states that anemometers will normally be required for at least 12 months, preferably longer. The proposed term of 3 years is considered to be reasonable, and the length of time can be conditioned.

4.14 When assessing harm to the Green Belt, it is also appropriate to consider visual impact even when it is concluded that the proposal is appropriate in the Green Belt. The proposed mast would be tall and slender in design. Given the height of the mast, and the relatively flat open character of the area, it would be visible over a relatively wide area. However, given its slim design and the slim nature of the supporting cables, it would not be particularly visually prominent, despite its height. It is not considered that it harms the openness of the Green Belt. As a result its visual impact in the surrounding flat open rural landscape, the setting and character of Copmanthorpe, and on the on the wider setting and skyline of York would be considered to be limited. Furthermore any potential harm is mitigated by its temporary nature.

IMPACT ON RESIDENTIAL AMENITY

4.15 There may be a small amount of noise as a result of wind movement through the steel guy wires, however it is considered unlikely to result in any loss of amenity due to noise. As the mast is stationary it is not considered to cause flicker. By virtue of the slender width the proposed mast is not considered to impact on signals to television and radio aerials. At a distance to the nearest house of approx. 764 metres, it is not considered that the mast will dominate or be overbearing in views from local residential property. Therefore it is considered that the mast will not adversely affect the residential amenity.

4.16 Objectors have raised concerns about the safety of the mast and the potential for collapse; the proposed mast would be 150 metres from the closest public right of way, twice the topple distance. In the unlikely occurrence of a mast collapse it unlikely to impact on the users of the public right of way.

IMPACT TO BIRDS AND OTHER ANIMALS

4.17 There is not considered to be an impact to animals from the proposed mast. The Conservation Assistant has requested that lighting be added to the mast and guy wires to act as a flight diverter to birds, particularly in poor visibility. The lighting is their preferred option, although they are willing to accept bird deflectors or flight diverters. They state that they do not consider the lights or diverters to be essential, however they are considered preferable and such the bird diverters could be conditioned.

ARCHAEOLOGY

4.18 There are no listed buildings in the immediate vicinity of the proposed mast, however Colton Lane and the surrounding fields may be of archaeological interest. The CYC Archaeologist has suggested that the area has archaeological potential. It is only the supporting wires that would be driven into the existing surface. The Archaeologist has suggested condition ARCH1 - the implementation of a programme of archaeological work. Whilst only the guy wires will be attached to the ground it is considered to be reasonable to condition.

AVIATION SAFETY

4.19 The proposed mast has been reduced in height and as such falls below the 75 metre high approach surface, as indicated in the Safeguarding Map for Rufforth Aerodrome (3.85km to the north of the site). The Civil Aviation Authority advises that unless there are aerodrome safeguarding issues, aviation warning lights on tall structures are only legally mandated for structures at 150m or more. The Ministry of Defence has not commented on the proposal. It is not considered that lights are required on the mast for aviation traffic.

TRAFFIC SAFETY ISSUES

4.20 The proposed wind mast by virtue of its slender design and the set back from the surroundings roads is not considered to cause a diversion to vehicle drivers. As already discussed the mast is not considered to be unduly prominent, and the mast will not appear suddenly while travelling along the road and as such drivers would be prepared for the mast and it is not considered to be a diversion impacting on road safety.

4.21 The applicant has confirmed that they would use an existing field entrance from Colton Lane. The proposed mast would be transported to the site by long base Land Rover with trailer and would be expected to be erected within the day and as such is not considered to unduly increase the traffic within the village.

AGRICULTURAL LAND

4.22 Policy ENV7 relates to the use of agricultural land: "If development of agricultural land is required it should take place on poorer quality land wherever possible and appropriate" The policy is reflected in Policy GP14 'Agricultural Land' of the City of York Council Development Control Local Plan which states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2, and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere. The site is within a field currently used for arable crops; the field is classified as grade 2 agricultural land. It is considered that the proposed mast will not prevent use of the majority of the field for agricultural purposes.

FLOOD RISK

4.23 The site is within Flood zone 1, the site is set within a relatively level flat field, and the proposal is unlikely to result in any additional floodrisk. The proposal does not require any hardstanding as it will be supported by cables driven into the existing surface.

OBJECTIONS

4.24 There is significant local opposition to the proposal and the comments are precised in the previous section. Some of the objections refer to concerns over the perceived impact

and effects of wind turbines. This application is for the temporary installation of a monitoring mast is to provide wind data at or near the hub height of a potential wind turbine, the mast would also collect information for noise assessments if a future application for a wind farm is submitted, and to help the applicant's gain funding for potential wind farm on the site. The determination of the application must be based on what has been applied only. If the applicant decides to submit an application for a wind farm all issues relevant to such an application will be fully considered and assessed as part of that application. If members are minded to approve this monitoring mast, this does not in anyway suggest support for a future turbines which will have to be assessed on its own merits.

5.0 CONCLUSION

5.1 The proposed location for the monitoring mast has been chosen as it is within a site that is being considered for a wind farm. However the application is for a 70 metre high wind monitoring mast, not for wind turbines. As such the application should be assessed on what is being applied for not for an application that may be submitted in the future.

5.2 The proposed mast, despite being 70 metres high will not, by virtue of its slender design, have an adverse visual impact in the area. The proposed mast would not be particularly visually prominent, despite its height. Neither is it considered to harm the openness of the Green Belt. As a result its visual impact in the surrounding flat open rural landscape, the setting and character of Copmanthorpe, and on the on the wider setting and skyline of York would be considered to be limited. Furthermore any potential harm is mitigated by its temporary nature. It is considered that very special circumstances exist which outweigh any harm by inappropriateness to the Green Belt.

5.3 The proposed mast by virtue of its slim design and distance from the residential properties is not considered to result in harm to the residential amenity to the occupants of the nearby dwellings.

5.4 The proposed mast is not considered to cause harm to the wildlife of the area. In addition by virtue of its height it is not considered to unduly impact the users of the nearby Rufforth Aerodrome. The proposed mast by virtue of its distance from the nearby roads and its slim design is not considered to cause a distraction to the users of the transport network. Approval subject to the following conditions is recommended.

5.5 Under Circular 02/09 inappropriate development on land allocated as Green Belt should be referred to the Secretary of State if the proposed development by reason of its scale, nature, or location would have a significant impact on the openness of the Greenbelt. For the reasons set out in this section and the previous section the proposed development is not considered to have a significant impact on the openness of the Green Belt and as such does not require to be referred to the Secretary of State.

6.0 RECOMMENDATION: Approve

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

Drawing Number HJB/TA755/18 received 9 February 2011
Drawing Number HJB/TA755/19a received 27 May 2011;

Reason: For the avoidance of doubt and to ensure that the development is carried out only

as approved by the Local Planning Authority.

2 The mast and all associated works shall be wholly removed from the site within 3 years of the date of this decision notice.

Reason: To restrict the period in which the permission may be implemented, and to ensure the removal from the site of the mast and associated works and the site's restoration upon the expiry of the permission.

3 ARCH1 Archaeological programme required

4 Development shall not commence until details of the bird deflectors to be attached the guy wires including number, locations, means of attachment have been submitted to and approved in writing by the Local Planning Authority. The approved deflectors shall be fitted concurrently with the erection of the mast and guy wires and shall be retained thereafter throughout the life of the development

Reason: To prevent any potential impact to birds and comply with PPS9.

5 Prior to the commencement of development the colour and finish of the mast shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried and maintained using the approved colour and finish.

Reason: So as to achieve a visually cohesive appearance.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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 impact on the openness of the Green Belt, visual impact, danger to birds and local residential amenity, with particular regard to noise and disturbance. It is considered that very special circumstances, namely its temporary nature, have been demonstrated to justify development within the greenbelt. As such the proposal complies with Policies GB1, SP2, SP3, GP1 GP5, GP14, and GP23 of the City of York Development Control Local Plan (2005) and Central Government advice contained within Planning Policy Guidance 2 'Green Belts', Planning Policy Statement 7 'Sustainable Development in Rural Areas', PPS9 'Biodiversity and Geological Conservation', and Planning Policy Statement 22 'Renewable Energy'.

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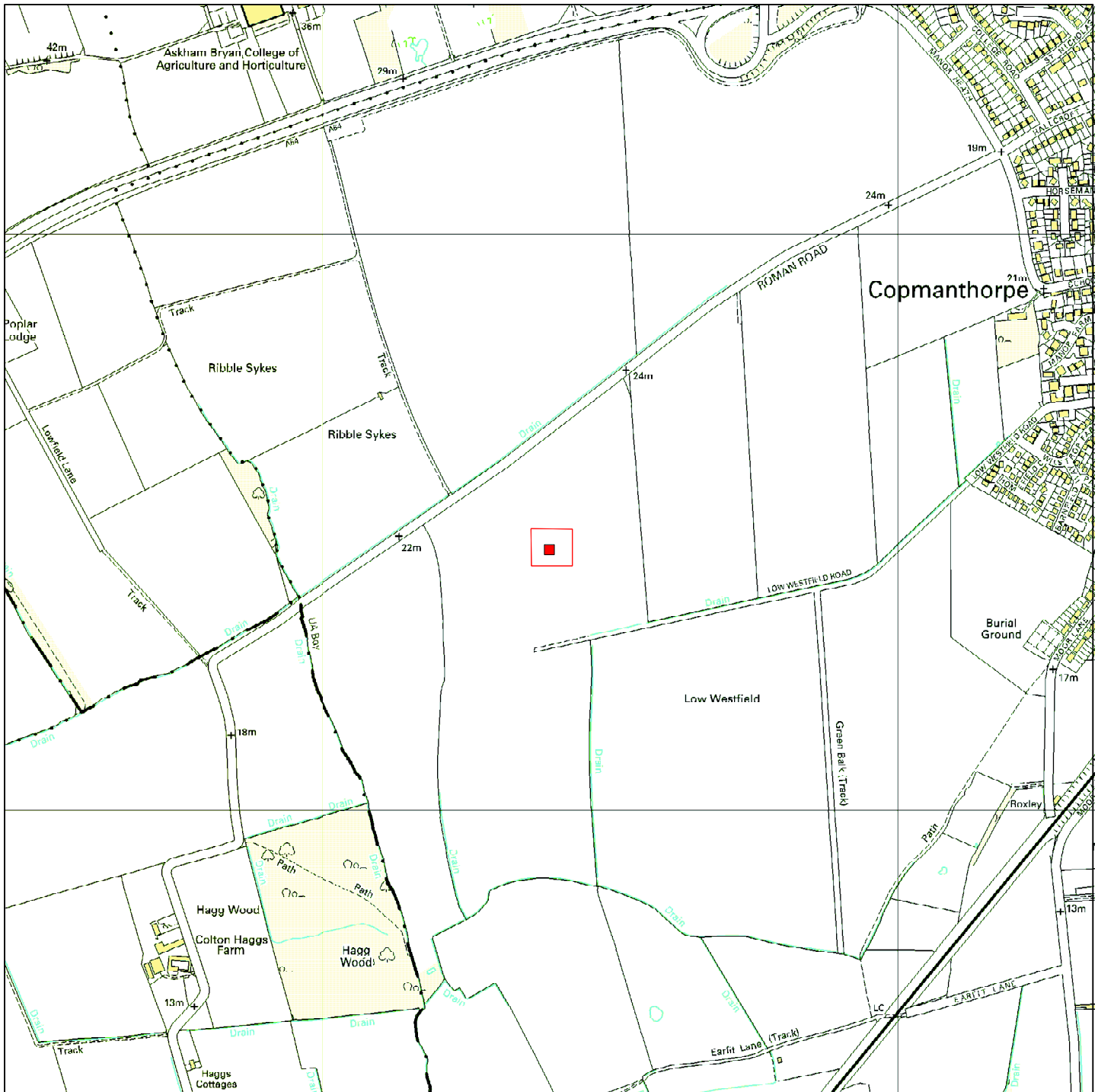
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Land North of Low Westfield Road, Copmanthorpe

11/00289/FUL



GIS by ESRI (UK)



Scale : 1:10000

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	06 June 2011
SLA Number	Not Set

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