

Meeting	Planning Committee
Date	24 October 2013
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Looker (Sub For Cllr Williams)
In Attendance	Councillors Orrell, Steward and Warters
Apologies	Councillor Williams

20. SITE VISITS

Site	Reason for Visit	Members Attended
Travellers Caravan Site, Outgang Lane, Osbaldwick	To enable Members to view the existing site pitches and proposed extension area with reference to its impact on the green belt.	Cllrs Boyce, Doughty, Firth, Galvin, Horton, McIlveen and Reid.
Sessions of York, Huntington Road, York	To enable Members to view the site, adjacent to a listed building and its surroundings in view of objections received.	Cllrs Boyce, Doughty, Firth, Galvin, Horton, McIlveen, Orrell and Reid.

21. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Simpson-Laing declared a personal and prejudicial interest in relation to Plans item 4a) - Travellers Caravan Site, Outgang Lane, Osbaldwick (Planning Application

13/02704/GRG3) in her role as Cabinet Member for Health, Housing and Adult Social Services, involved in the bid to the Homes and Communities Agency to acquire funding for the site. She confirmed that she would not be taking part, as a Member of the Planning Committee in the discussion or voting thereon.

22. MINUTES

Resolved: That the minutes of the last meeting of the Planning Committee held on 19 September 2013 be approved and signed by the Chair as a correct record.

23. PUBLIC PARTICIPATION

Cllr Warters, spoke in relation to the general remit of the Committee, firstly in relation to the Section 106 payment attached to the Derwenthorpe scheme, expressing concerns that the obligations were not being enforced. Secondly regarding a letter sent to the authority in November 2012, from the Meadlands Residents Association, raising reserved matters concerns relating to surface water drainage and the water table on the Derwenthorpe site which still remained unanswered.

24. PLANS LIST

Members then considered two reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

25a Travellers Caravan Site, Outgang Lane, Osbaldwick, York. (13/02704/GRG3).

Consideration was given to a general regulations application (Reg3), submitted by Ms Kate Grandfield, for an extension to the existing travellers site to accommodate 6 No. additional pitches with associated amenity buildings, amenity space with a 2 metre high fence surround, grazing areas and shelters for horses. In addition the provision of additional land to the south of the existing site to allow for expansion of the existing pitches and space for a future portakabin site office.

Officers provided an update to confirm that the applicant had submitted a drainage layout which included the means of attenuation. The list of plans for approval had been updated to include this addition.

Members went on to question a number of points raised at the earlier site meeting including:

- Details of the fence line and type on the strip of land between pitches 1 to 4. Details to be confirmed.
- Information re the shortfall in pitches.
- Details of modifications to the existing amenity building.
- Reference to Outgang Lane as a Public Right of Way (PROW), requested assessment of reduction in usage following blockage.

David Shaw, a local farmer, raised objections to the proposed expansion of the site, particularly as the present site appeared to have had little management until recently. Reference was made to holes in the existing fences which allowed travellers horses to graze on his land, damaging crops and hedges and often straying on to nearby roads. He asked Members to support the replacement of the fence with a high wall to overcome existing problems.

Denise Rothwell, made representations on behalf of Murton Parish Council to the expansion of the site, referring to anti social behaviour, trespass and damage to crops by site residents, many of which went unreported. A request was made for better site management and site improvements prior to the granting of planning permission.

Peter Broadley, spoke on behalf of Holtby Parish Council, raising objections to the application and confirming his support for earlier speakers comments. Although a small village comprising 50 dwellings and 10 farms Holtby residents also suffered criminal damage to land and property. It was felt that an expansion of the site would exacerbate current problems. A request was made for a protocol or policies to deal with traveller's horses.

Cllr Warters, made reference to earlier speaker's comments and the recent site visit pointing out that, the current problems relating to the site had arisen as a result of negligible management on site. Particular reference was made to

overcrowding, previous conditions imposed which had required the provision of a site office and warden, to intimidation of users of the adjacent PROW and he circulated photographs of site conditions prior to a recent clean up. Figures provided in the Local Plan for future pitch requirements were questioned and suggested for independent examination. He requested Members to refuse the application in view of these issues.

In answer to a number of questions, Kate Grandfield, the applicant, and the Planning Officers made the following points:

- Existing pitches were overcrowded as they needed to accommodate, extended families including elderly relatives and families with children.
 - A current waiting list of approximately 24 people were seeking a York traveller's site pitch.
 - An overall site review would be undertaken to ensure a robust management structure to assist the wider community.
 - The recently agreed protocol for the management of horses was now out to tender. This included a horse bailiff who would have the authority to remove horses from private land.
 - The protocol also required the provision of grazing land around the city for traveller's horses, for which a charge would be made. A traveller who had been banned from keeping horses would not be given permission to graze a horse on CYC land.
 - Confirmation that, if permission were granted for the additional pitches, this would allow for better management of the site.
 - The future site office was required to make space available to deal with the complex needs of residents in an informal, confidential environment.
 - Reference to animal welfare issues on the existing site were confirmed as not relevant planning issues.
 - Request for confirmation that any unauthorised structures would be removed and existing fencing secured.
- Confirmed that a review would be undertaken of all the existing pitches and discussions undertaken regarding the removal of any unauthorised structures, provision of stock proof/robust fencing which would be repaired if damaged. It was confirmed that the Fire Officer had also undertaken an examination of the site and provided advice to residents.

- Location of future site office shown as part of the application however further details of any permanent structure would be required by the local planning authority.

Councillor Simpson-Laing, spoke in her capacity as Cabinet Member for Health, Housing and Adult Social Services referring to a number of points raised, earlier in the meeting, which were not, in her opinion, planning matters and should not therefore be taken into consideration. She referred to the visible on site need for the expansion as travellers families were living longer but had poorer health outcomes. On balance, she felt that the case had been made for very special circumstances which outweighed harm to the green belt as outlined by Officers.

The legal representative then set out details of what would not be considered lawful planning considerations, material to this application. These included current management of activity at the site and animal welfare and Members were reminded to consider the application on its merits, having considered all the planning issues and whether special circumstances had been proven to allow development in the green belt.

Following further lengthy discussion upon the application and potential concerns relating to the management of the site, Cllr King moved and Cllr Crisp seconded, in an attempt to alleviate those concerns, a motion to approve the officer recommendation in support of the application, subject to the addition of an informative to request that any future request for a portakabin/site office be referred back to the Committee for approval.

Cllr Galvin then moved and Cllr Firth seconded an amendment requesting deferral of the application for the provision of further clarification and justification for the proposals including details of the site management plan. On being put to the vote the amendment was LOST on the Chair's casting vote.

The original motion to approve, subject to an informative, was then put to the vote and LOST.

Cllr Ayre then moved and Cllr Reid seconded a motion to refuse the application. On being put to the vote this was LOST.

After considerable further discussion in relation to an updated site management plan, site office requirements and the

reasonableness of any condition imposed, the Chair then moved and Cllr King seconded approval of the application with further detailed conditions relating to *the provision of an updated site management plan incorporating facilities for a site office, prior to occupation or as soon as practicable thereafter*, to address the remaining site concerns.

Cllr D'Agorne then moved and Cllr Reid seconded an amendment to the above motion to remove the words '*as soon as practicable thereafter*'. . On being put to the vote the amendment was LOST.

The motion to approve, in the names of Councillors Horton and King above was then put to the vote and it was

Resolved: That the application be approved subject to the imposition of the conditions listed in the Officers report, the provision of an updated site management plan, incorporating facilities for a site office, prior to occupation of the extension or as soon as practicable thereafter.

Reason: In officers' view the shortfall in the number of currently available pitches, the requirement to identify suitable sites and the difficulty in finding suitable sites within the settlement limit constitute very special circumstances that outweigh harm to the green belt. Extending the site as proposed accords with national and local planning policy and is considered acceptable.

25b Sessions of York, Huntington Road, York, YO31 9HS. (13/02724/FULM).

Consideration was given to a major full application, submitted by Ben Bailey Homes and Stirling Scotfield (Ebor) LLP, for the erection of 59 dwellings with associated works, following demolitions of existing buildings (resubmission).

Councillor D'Agorne left the meeting and took no part in the consideration of this item.

Officers provided an update in which they requested revisions to Conditions 8, 9, 23 and 33 for further clarity. A copy of the full

wording of the revised conditions, circulated at the meeting, have been added to the online agenda for information.

Following a request, Officers confirmed that the requirement for a lighting scheme would allow the authority to ensure that wildlife would not be unduly affected by the lighting proposals. The Chair also confirmed that the proposed conditions covered the removal of the chicanes on Huntington Road and their replacement with permanent traffic calming measures.

Tom Cook, spoke in support of the scheme as the applicants agent, referring to consultation undertaken and extensive pre application discussion with Officers prior to submission of the application. It was pointed out that the site was in a sustainable location, close to public transport routes and made good use of a vacant site.

Cllr Orrell, as a Ward Member, confirmed details of the developer's community involvement prior to submission of the application this had included both Ward Members, residents and the Parish Council which had worked well. He expressed support for the proposals but raised some concerns regarding the flat roofs proposed on some properties and the lack of details relating to the new traffic calming measures.

Following further discussion it was

Resolved: That the application be approved subject to a Section 106 agreement, the imposition of the conditions contained in the Officers report, together with the following amended conditions and informative:

Condition 8 - Prior to the occupation of the dwellings a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Condition 9 - Prior to occupation of the dwellings a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of

the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Condition 23 - Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA, all works on site shall be undertaken in accordance with the approved statement. Such a statement shall include at least the following information;

The routing that will be promoted by the contractors to use the main arterial routes and avoid the peak network hours.

Where contractors will park.

Where materials will be stored within the site.

Measures employed to ensure no mud/detritus is dragged over the adjacent highway.

Reason – To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

Condition 33 - Prior to the occupation of the dwellings on Plots 10, 11, 12, and 13 the acoustic fence shown in Drawing Number 4135/01 Revision K (received 7 October 2013) shall be in place and retained.

Additional Informative relating to green roofs over the flat roofed properties – Consideration should be given to the incorporation of 'green' roofs for Plots 13,14,15,16 and 17. Further details should be submitted as part of Condition 3. If green roofs for these units does not prove to be practicable, justification should be submitted to the Planning Authority.

Reason: The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location.

26. **APPEALS PERFORMANCE UPDATE REPORT**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 July to 30 September 2013. Details of the salient points from the appeals were also reported.

It was noted that in order to regain previous performance levels Officers had continued to impose high standards of design and visual treatment in the assessment of applications and where significant planning issues were identified revisions were sought at an early stage.

Resolved: That the Council's appeals performance during this period be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].