

Meeting	Planning Committee
Date	21 August 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Boyce, Burton, Cuthbertson (Substitute), Doughty, King, Looker, McIlveen, Orrell (Substitute), Reid, Simpson-Laing, Williams and Watson
Apologies	Councillors Ayre, Crisp, D'Agorne and Firth

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#### **10. Declarations of Interest**

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

Councillor Williams declared a personal non prejudicial interest in agenda item 4 as an employee of Yorkshire Water who were mentioned in the committee report as a consultee.

#### **11. Minutes**

Resolved: That the minutes of the Planning Committee held on 21<sup>st</sup> July 2014 be approved and signed by the Chair as a correct record.

#### **12. Public Participation**

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

#### **13. Plans List**

Members then considered a report of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning application, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**14. Our Ladys RC Primary School, Windsor Garth, York, YO24 4QW (14/01037/FULM).**

Consideration was given to an application by Mr Ben Lysiak to vary conditions 2 and 10 of planning permission 13/02892/FULM in respect of Our Lady's RC Primary School, Windsor Garth, York, YO24 4QW.

Officers outlined the report and advised that the complex was currently in the process of being re-developed for the erection of 55 houses in accordance with planning permission 13/02892/FULM with associated Section 106 Agreement.

Planning permission was now being sought under Section 73 of the 1990 Town and Country Planning Act to vary Conditions 2 and 10 of the planning permission to vary the permitted ground level of the highways and surrounding areas as well as ridge heights of house type A in order to facilitate the safe and effective operation of the agreed drainage system.

Members noted that the initial planning permission 13/02892/FULM was subject to a Section 106 Agreement covering matters such as provision of off-site open space, affordable housing and the maintenance of the landscape buffer strip surrounding the site. As there had been no material changes in circumstances since that earlier approval, and the variations proposed would not alter the terms of the obligations that are required to make the application acceptable, it is recommended that the Section 106 Agreement be varied to include any new varied permission for the amended scheme.

Members commented that it was disappointing that the issues had not been picked up when the original application had been made, but as permission had already been given, there was no reason to refuse this application for the condition variations.

Resolved: That Members agreed to:

- (i) Defer decision pending variation of the Section 106 Agreement relating to commuted payments and the maintenance of an off site landscape buffer strip, to refer to this application.

- (ii) Grant delegated authority to officers to approve and issue the decision once the variation of the Section 106 Agreement is completed.

Reason: The proposals would allow for a modest increase in land levels surrounding the approved highways within the site, and raising in height of House Type A primarily within the centre of the site to allow for the efficient operation of the proposed surface water drainage system. It is felt that the proposed amendments would not lead to a materially greater impact upon the setting of Hob Moor than the previously approved scheme and that providing surface water discharges can be attenuated to a maximum of 35 litres per second in respect of all the approved dwellings then there would be no harm generated to the surrounding area in terms of surface water drainage. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

## **15. Appeals Performance Report.**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October 2013 to 31<sup>st</sup> December 2013 and provided a summary of the salient points from appeals determined in that period. The report also included a list of outstanding appeals to date.

Resolved: That the report 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.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 4.45 pm].