
Meeting	Area Planning Sub-Committee
Date	7 January 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Cannon, Looker, Mercer and Orrell

35. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. No interests were declared.

36. Public Participation

It was reported that there had been no registrations to speak on general issues within the remit of the Committee.

37. Plans List

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

37a) Site Lying Between 92-100 The Village Strensall, York (15/02353/OUTM)

Members considered a Major Outline Application by Shirethorn Limited for the erection of 11 no. dwellings including the approval of means of access (resubmission).

In their update to Members, Officers informed the Committee that there was a typo in the report at Paragraph 4.63 in that “weight could *not* be attached to the planning history as a very special circumstance on this site in any case”.

In response to a Member's query as to whether the Foss Internal Drainage Board had raised concerns about the application, Officers explained that if the application had been recommended for approval then the Flood Risk Management Team would review the Drainage Board's suggested conditions.

Representations were received from the Ward Member Councillor Doughty. He felt that the application did not show very special circumstances in the green belt. He warned Members that the application could be an example of a Trojan horse in that a previous application on the site had been for sixty homes. Finally, he noted that there were drainage problems on the site in that a nearby existing property had been flooded on Boxing Day.

Representations were received from Eamonn Keogh, the agent in support. He made reference to a 1995 Planning Inspector's decision which accepted that the site was within the Green Belt, but said that it should not be located within it and should not be kept permanently open. At the time of that ruling however, they felt that the long term boundary of the green belt would be fixed without undue delay. In regards to the landscaping details, he stated that the hedgerow would be retained. He added there was scope to add attenuation measures such as soakaways and pipes to alleviate concerns expressed relating to flooding.

Further representations in objection were received from Andrew Bolton, a representative of Strensall with Towthorpe Parish Council. He referred to the application's location in the Green Belt and felt that it demonstrated no exceptional circumstances for development. He pointed out that a previous application on the site had been refused by the Secretary of State. The proposed access to the site was badly congested and on-road parking made this worse safety wise. He stated that it would cause further congestion and that the proposed dwellings would only be homes for commuters. The local infrastructure in the village was at full capacity.

Resolved: That the application be refused.

Reason: (i) Policy YH9 and Y1 of the Yorkshire and Humber Plan – Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre.

The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, and ecology. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Development Control Local Plan (Approved April 2005).

- (ii) Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed access arrangements can satisfactorily accommodate the proposed development without detriment to the free flow of traffic, the safety of pedestrian, the visual amenity of the area and to an adequate standard to accommodate the proposed development and potential adjacent land allocation. Without additional information the Local Planning Authority is not satisfied that the development complies with the requirements of paragraph 17 and paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to sites and high quality design.
- (iii) The development will result in the loss of Great Crested Newt (GCN) habitat and potential harm to individual newts. Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning' says Local Planning Authorities must consider the likelihood of

a European Protected Species licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are met. As submitted the application shows mitigation proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not acceptable as compensatory habitat. In addition given the Green Belt status of the site there is no overriding public interest to grant planning permission for the development. It is considered that the development fails to comply with the requirements of circular 06/2005 and does not accord with the advice in Paragraphs 109 and 118 of the National Planning Policy Framework which seeks to conserve and enhance biodiversity.

37b) North Lodge, Clifton Park Avenue, York (15/01309/FULM)

Members considered a Major Full Application by Gem Holdings (York) Limited for the erection of a 3 storey building forming 14 flats following the demolition of existing buildings.

It was reported that the application had been withdrawn from consideration by the applicant before the meeting.

37c) 45 Windmill Rise, York YO26 4TU (15/02598/FUL)

Members considered a full application by Mr John Howlett for two storey front and side extensions, single storey rear extension, formation of sloping roof to existing rear projection, front porch and detached garage/store to front.

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

Reason: It is considered that the application will not harm the character or appearance of the dwelling or surrounding area, nor result in undue loss of amenity to neighbouring properties. The proposals are

considered to comply with the NPPF, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance- House Extensions and Alterations (Approved 2012).

37d) Bert Keech Bowling Club, Sycamore Place, York YO30 7DW (13/03727/FUL)

Members considered a full application by Mr David Brown for the erection of 4no. two storey dwellings and 1no. three storey dwelling.

Officers gave a verbal update to the report to Members, a copy of which is attached to the republished agenda. This included an email from the proprietor of a nearby guesthouse whose comments referred to residents parking, highway safety issues about the gates that secured the site and flood risk.

They also explained why the application had to be reconsidered by the Committee even though they had previously approved it, in that National Planning Policy had changed and a planning obligation could now be requested where justified. As such a contribution towards Open Space was now required and the legal agreement had yet to be completed.

One Member queried whether the Committee were just examining the Section 106 agreement, they could still turn it down, particularly given that it was located in Flood Zone 3. Officers felt that they were content that the Flood Risk Assessment was acceptable. The Chair pointed out that it could be refused but that the Council would be liable to costs if taken to appeal, as he felt a refusal could not be sustained as being a reasonable decision. Another Member stated that the area historically had not flooded.

Resolved: That the application be approved subject to a revised Section 106 agreement to secure £5000 towards the making of Traffic Regulation Order(s) to amend residential parking order(s), and £18,340 to use towards sports facilities at Water End, York.

Reason: As the scheme would assist with housing supply in the city, which is a Government priority and there are no significant adverse effects which would conflict with planning policy.

37e) 1 Hillcrest, Holtby, York YO19 5UB (15/02309/FUL)

Members considered a full application by Mr G Millington for a two storey side extension and dormer window to rear.

Representations in support were received from the applicant Mr G Millington. He informed Members that the reason for the extension was to provide more space on the first floor, for example to change the size of the master bedroom and also to allow for one of the smaller bedrooms to become a dressing room for the master bedroom. In response to an objection that had been raised about car parking, Mr Millington stated that there would be enough space at the property for four cars. He felt that the property would not change the current street scene, as it was made up of mixed types of properties.

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

Reason: As it complies with National Planning Policy Framework (2012), Local Plan Policies GP1, GB1, GB2 and H7, advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations' December 2012 and advice contained within the Holtby Village Design Statement.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.00 pm].