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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 APRIL 2009
PRESENT	COUNCILLORS FIRTH, HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN

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**75. SITE VISITS**

	Attended by	Reason for Visit
Willow Court, Holtby.	Cllr Hyman & Cllr Moore	To familiarise Members with the site.
York University	Cllrs Hyman & Cllr Moore	To familiarise Members with the site.

**76. DECLARATIONS OF INTEREST**

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

Councillor Cregan declared a personal non prejudicial interest in agenda item 4b (Land to the West Of Metcalfe Lane, Osbaldwick, York) due to his involvement with the Derwenthorpe Partnership Forum.

**77. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 5 (Enforcement Cases Update) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

**78. PUBLIC PARTICIPATION**

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

## **79. PLANS LIST**

### **79a Former Piggeries Rear Of Willow Court, Main Street, Holtby, York. (08/01446/FULM)**

Members considered a major full application for the change of use of dilapidated pig rearing buildings to commercial storage. None of the buildings would be extended but would need building works to bring them up to the required standard. A communal toilet block would be constructed to serve the development. Other proposed works include new hard-standings, turning areas, parking spaces, access-ways, fencing, external lighting, cycle parking, drainage and landscaping.

Officers updated that two further letters of objection had been received and that there would be grounds for refusal of the application under Holtby Village Design Statement.

Representations in objection to the application were heard from the Parish Council who advised that 80 residents had objected to the proposal due to considerable concern regarding the potential for an increase in traffic going through the village. Representation in objection to the application was also heard from the Ward Member who raised concerns mainly regarding the visual impact of the proposed buildings on the Green Belt and Holtby Village as the site is clearly visible from the road.

Representations in support of the application were heard from the applicant who advised that the site is a problem as it is difficult to find an alternative use. He advised that he had looked at similar sites nationally and that the application had been carefully considered and would be a suitable use.

Members queried the possible impact on Holtby village should the site return to farming and debated that any use would increase traffic and impact visually on the area due to the location of the site.

Certain members sympathised with the applicants plight and felt that they could support the application as a use needs to be found for the site due to its current unsightly appearance.

Other Members felt that the use applied for was unsuitable due to its location and likely impact on Holtby and the Green Belt.

**RESOLVED:** That the application be refused.<sup>1</sup>

**REASON:** 1.It is considered that the nature and scale of the proposed development and the associated uses of land, together with the prominent location of the site,

would give the site an overtly commercial character, out of keeping with the rural character of Holtby village and the surrounding area, contrary to national planning advice contained within Planning Policy Statement 1 (“Delivering Sustainable Development”), policy GP1 of the Draft City of York Local Plan and design guidelines contained within the Holtby Village Design Statement (2005).

2.It is considered that the nature and scale of the proposed development and the associated uses of the land, together with the prominent location of the site, would have a materially greater impact than the present use on the openness of the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 (“Green Belts”) and policies SP6, GB1 and GB3 of the Draft City of York Local Plan and design guidelines contained within the Holtby Village Design Statement (2005).

3.The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 (“Green Belts”) and policies SP6, GB1 and GB3 of the Draft City of York Local Plan.

4.The site is in a remote location with inadequate cycle and pedestrian facilities within the adjacent public highway network and lack of convenient public transport connections. Bearing in mind these local constraints the applicant has not demonstrated that the proposal constitutes a sustainable form of development in accordance with national planning advice contained within Planning Policy Guidance Note 13 (“Transport”) and policy GP4a of the Draft City of York Local Plan.

5.The site is directly served by a derestricted and unlit road with no dedicated cycle and pedestrian facilities. Bearing in mind these local constraints the applicant has not demonstrated the proposal is suitable in terms of highway safety and security, having particular regard to its year round use with associated traffic movements into/out of the site during the hours of darkness.

6. Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with the national planning advice contained within Planning Policy Statement 25, policy GP15a of the Draft Local Plan and the council's adopted Strategic Flood Risk Assessment.

Action Required

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

**79b Land To The West Of Metcalfe Lane, Osbaldwick, York.**

Members considered a full application for the erection of a two storey building containing a single storey plant room and two storey ancillary community facility with separate foul water pumping station and access road. The community facility consists of a lobby with seating area and an office on the ground floor. The first floor would contain a viewing gallery and a large multi-purpose room which could be used for a variety of community uses.

Officers reminded members that the site has outline planning consent for 540 houses and a community facility site. Members were updated that Drainage had no objections but had added another condition.

Representations in objection to the application were heard from a local resident who represents Meadlands Residents Association who expressed concern at this further application being made for a Community Facility following a previous additional application for Temple Avenue and the initial application for 540 houses. He suggested that the application should be rejected until all the issues surrounding traffic, sustainability, drainage and hedge management are resolved.

Representations in objection were also heard from York Natural Environment Trust who object in principle to the development of the land.

Representations in support of the application were heard from the applicant who advised that the biomass boiler included in the application would assist in achieving the eco-homes targets required under the Section 106 agreement for the site. The applicant confirmed he would be happy to have a BREEAM rating of very good for the building as a condition.

Members queried why no sustainability statement had been submitted for the application. Officers advised that although no statement had been

received, sustainability had been addressed as the development in itself is sustainable.

Members queried whether treatment of the boundary hedge could be conditioned, Officers confirmed it could.

RESOLVED: That the application be approved subject to the conditions listed in the Officers report and the following additional conditions:<sup>1</sup>

Condition 12 – Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with the approved details.

Reason – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

Condition 13 – Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development first comes into use.

Reason – In the interests of visual amenities of the area.

Condition 14 – Prior to the commencement of development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum 'Very Good' rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review and a BREEAM Certificate for this review shall be submitted to the Local Planning Authority after completion of the building. Both assessments shall confirm that the minimum 'Very Good' rating indicated in the preliminary BREEAM Design and Procurement assessment submitted with the application.

Reason – In order to create sustainable development.

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

- the principle of development
- access;

- design/visual amenity
- environmental health;
- sustainability; and
- biodiversity

As such the proposal complies with Policies GP1, GP4a, NE7 and C1 of the City of York Draft Local Plan.

Action Required

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

**79c Telecommunications Installation including 12m high pole with 3no antenna (perpendicular design with overall height of 14.2m) and associated ground equipment (revised mast design).**

Members considered an application for prior notification for approval to be granted for a telecommunications installation including a 12m high pole with 3no antenna (perpendicular design with overall height of 14.2m) and associated ground equipment (revised mast design) for Vodafone Ltd.

Officers updated that no objection had been received from Hull Road Planning Panel but objections had been received from Osbaldwick Parish Council as the site is on the border of both Wards. Officers advised that other sites had been considered including the other side of the same street but a gas main had prevented that side being used. Members were advised that the site was the most suitable in terms of the coverage level required by the applicant.

Representations in objection to the mast were heard from a family member of a resident who lives directly opposite the proposed site. He advised that the house had been the family home since it was built and his elderly relative was distressed at the prospect of a mast being located outside of the property. Representations in objection were also heard from Osbaldwick Parish Council who advised that the proposed site is too close to residential properties and the trees nearby will offer little visual protection from the mast.

Councillor Morley spoke as Ward Member in objection to the application and advised that the location is unacceptable and feels the applicant has merely changed to the other side of the street due to a gas main at the other side as alternate sites do not give suitable coverage. He felt the site would be too close to local schools. He urged Members not to approve the mast.

Members commented that residents have a right to object if a mast is proposed to be located outside of their property and that the local authority should be supporting these objections.

RESOLVED: That the approval of the authority is refused.<sup>1</sup>

REASON: The proposed mast would result in a visually intrusive structure that would have a detrimental impact on residential amenity due to its siting in close proximity to adjacent properties, its height and appearance. This is considered contrary to national guidance in PPG8 (Telecommunications) and Policy GP20 of the City of York Development Control Local Plan, 4<sup>th</sup> set of changes approved April 2005.

Action Required

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

**80. 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 reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].