
Meeting	Planning Committee
Date	20 November 2014
Present	Councillors Reid (Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, Galvin (Vice-Chair), Horton, King, Looker, McIlveen, Simpson-Laing, Watt, Warters and Williams
In Attendance	Councillors Brooks and Steward.

22. Site Visits

	Reason for Visit	Members Attended
Harewood Whin	To enable members to familiarise themselves with the site.	Doughty, Horton, Galvin, Reid Watt
Ivy House Farm	To enable members to familiarise themselves with the site.	Doughty, Horton Galvin, Reid, Watt & Brooks as Ward Member.

23. 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. None were declared.

24. Minutes

Resolved: That the minutes of the Planning Committee held on 23rd October 2014 be approved and signed by the Chair as a correct record.

25. Public Participation

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

26. Plans List

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

26a Ivy House Farm, Hull Road, Kexby, York, YO41 5LQ (14/02008/FULM).

Consideration was given to a major full application for the erection of a wind turbine (maximum height blade to tip 78 metres) with associated access tracks, crane pad, sub station building, underground cabling and temporary construction compound.

Officers provided an update to the committee report as follows:

- Paragraph 1.1 should read “....erection of a single 800 kw wind turbine with a maximum height of 78 metres to blade tip together with ancillary infrastructure”.
- Nearby electricity pylons rise to 50m.
- The Ministry of Defence (MOD) had now withdrawn its objection.
- English Heritage had raised concerns in respect of the impact of the turbine upon their assets in the area, notably St Lois Farm.
- The applicant was now seeking deferral to continue talks with English Heritage to remove that aspect of refusal from the recommendation, although Officers still considered that the Green Belt grounds for refusal would remain.

In response to questions from a Member about the MOD withdrawing its objection, Officers confirmed that the applicant had agreed a number of measures with the MOD to prevent the turbine from appearing on radar screens.

Mrs McCallum, the applicant's agent, made representations in support of the turbine. She raised concerns about the content of the committee report and advised that the MOD had mediated with the applicant and it seemed likely an agreement could also be reached with English Heritage. In relation to Very Special Circumstances in the Green Belt she referred to the recognised need to increase renewable energy and a lack of alternative sites, and considered this constitutes Very Special Circumstances. She asked that Members defer the application to enable further work to continue.

Councillor Brooks spoke on behalf of Dunnington Parish Council to advise that the turbine would affect a number of residents in the Dunnington area, particularly on Hull Road, Intake Lane and Eastfield Lane. She raised concerns about the possible health impact of turbines and referred to studies undertaken by the Royal Society which suggested that exposure to low frequency sounds can cause ear problems. She stated that the whole of Dunnington would be affected if the low frequency noise was able to travel 10km.

Jill Edwards spoke on behalf of Kexby Parish Council. She raised concerns about the impact on the Green Belt and the detrimental impact on the character of nearby villages.

Councillor Brooks then spoke as Ward Councillor. She advised that the turbine would be a lot higher than the electricity pylons in the area and it would be highly visible from the from the A1079 which is a tourist route into the centre of York. She also queried the impact upon views of the Minster. She also argued that there were no site specific special circumstances and urged Members to refuse the application.

In answer to a number of questions, Planning Officers made the following points:

- In relation to the impact of noise, the nearest property would be 630 metres away from the turbine and assessments undertaken in accordance with planning regulations indicated the scheme would be acceptable in terms of noise in the proposed location.
- In relation to the impact on the Minster, due to topography in the area, the turbine would not harm views of the Minster.

- Officers agreed with a Members' comment that due to the height of the land the turbine would appear higher than it's 78m.
- It was confirmed that the matter of private views being harmed could not be taken into account as a significant consideration when deciding the application.

Members entered debate and commented as follows:

- A number of reasons for refusal had been disregarded but the argument for Very Special Circumstances in the Green Belt presented by the applicant remained unconvincing.
- Some Members were concerned at the Officer recommendation to refuse and agreed with the applicant's suggestion to defer to allow further negotiations to take place as renewable energy sources are lacking in the Local Authority area.
- Members recognised the arguments surrounding the impact on views and the Green Belt but also acknowledged the benefits of renewable energy supply.
- Other Members felt that even if the turbine was deferred to a future committee, the Officers recommendation would not change due to the proposed Green Belt location and planning policy.

Councillor Simpson-Laing moved deferral, this was seconded by Councillor Horton. On being put to the vote it was:

Resolved: That the application be deferred to the 18th December Planning Committee..

Reason: To enable the applicant to address English Heritage's concerns and to further clarify the case for very special circumstances in the Green Belt.

27. Land to the South of Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York. (13/00041/FULM).

Consideration was given to an application by Yorwaste Ltd for the construction of a material recovery facility and waste transfer station including associated weighbridge and office facilities, concrete hardstandings, car parking, visual and acoustic screens, access roads and lighting.

Officers introduced the report and Members questioned a number of points as follows:

- The reason for the difference in timings between the working hours and the site construction hours conditions. Officers confirmed that the timings were different to take into account that the site work takes place indoors and the construction work outdoors.
- Whether any alternative sites had been considered. It was confirmed the applicant had looked for another site but had found none suitable within the York area.
- The monitoring of noise and the repercussions if conditions are not adhered to. Officers confirmed that monthly reports are received and if there are problems, the Council's planning enforcement team can investigate or the Environmental Protection Unit.

Mr Rollings, a local resident on behalf of Rufforth and Knapton Action Group, raised objections to the proposed expansion of the site and advised that the proposal was not just an extension but another large factory within the Green Belt. He referred to a commitment made to Rufforth Village at the time the original site was proposed which stated that no further buildings would be put on the site. He queried why Northminster Business Park had not been considered as a suitable site.

Steven Grieve had registered to speak on behalf of Yorwaste. He advised that Yorwaste had successfully managed the site for 30 years, but in recent times there had been a significant increase in the amount of recycling in the city which meant that new facilities were now required. He advised that since 2011, Yorwaste had consulted with Rufforth and Knapton Parish Council on 6 separate occasions on plans for the site. The site is considered the best location. The impact on the Green Belt would be mitigated by the landscaping. In relation to the traffic issues he advised that Yorwaste had been willing to support alterations on the highway to stop vehicles turning into Rufforth

but the Council's highway officers had not considered it necessary. CCTV had however been installed at the entrance to monitor the number of right turns from the site towards Rufforth, with the intention of raising the matter with Highways if there was evidence of right turns being made despite the signage and instruction from Yorwaste.

Colin Valentine had registered to speak on behalf of Rufforth and Knapton Parish Council. He queried whether Northminster Business Park had been considered and suggested the application be deferred to consider other sites.

Councillor Steward had registered to speak as Ward Member. He supported the views of the residents that opposed the development but acknowledged that it was a tough decision as there are no other suitable sites for such a facility. He stated that it was inappropriate development in the Green Belt for which no Very Special Circumstances had been given by the applicant. He also raised concerns about transport issues.

Members questioned the speakers on a number of points as follows:

- The suggestion that Northminster Business Park may be a suitable site despite it being located much closer to Knapton than the current site is to Rufforth. It was confirmed that Yorwaste do not own the Northminster site and any designation of the site in the Local Plan was yet to be consulted upon.
- It was confirmed there had been no noise complaints from the Yorwaste facility at Hessay.
- Officers confirmed it would be unreasonable to defer the application on highways grounds given that the Highway Authority had indicated they were happy with the application.

Councillor Warters moved deferral to consider further the provision of highway works to stop vehicles turning into Rufforth and Councillor D'Agorne seconded.

Councillor Horton moved as an amendment that the application be approved as set out in the Officers report and this was seconded by Councillor Firth. When put to the vote the amendment was carried.

Councillor D'Agorne then moved that the application be approved subject to additional conditions to restrict outdoor activity to 20:00 and to stop vehicles turning right into Rufforth. Councillor McIlveen seconded these. When put to the vote this amendment was lost.

The substantive motion to approve as set out in the officers report, when put to the vote, was carried.

Councillor Warters asked that his vote against approval be recorded in the minutes.

Resolved: That the application be deferred for referral to the Secretary of State with delegated authority to approve on completion of a Section 106 agreement.

Reason: The application for the erection of a domestic materials recycling facility (MRF) and waste transfer station is subject to Environmental Impact Assessment under Schedule 2 of the 2011 Environmental Impact Assessment Regulations. It is accepted that the proposal is inappropriate development within the Green Belt. A case for "Very Special Circumstances" based upon co-location of waste management facilities as supported by Central Government Planning Policy in the National Planning Policy Statement on Waste has been put forward. This is on balance felt to be acceptable. Concern has also been raised in respect of the consideration of alternative sites. However it is not clear that the suggested alternative site at Northminster Business Park can be delivered within the required timescale. It is considered that subject to noise and odour mitigation schemes and the landscaping and other mitigation measures offered by the application, the proposal is acceptable in all other respects and approval is recommended.

28. Appeals Performance

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st July to 30th September 2014 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.

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

Following requests from two Members to change the time of the Site Visits for Planning Committee from 12.30pm to 10am, the Chair asked members to consider the request.

Following a vote it was:

Resolved: That the Site Visits be moved to 10am on the Tuesday before the meeting as from December with a view that if it does not work they can be moved back to 12:30.

Reason: To respond to requests from members of Planning Committee.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.35 pm].