

# EAST RIDING OF YORKSHIRE COUNCIL

## PLANNING COMMITTEE

14 JANUARY 2010

**PRESENT:** Councillors Pollard (in the Chair), Abraham, Bayram, Bird, C Chadwick, Chapman MBE, Engall (substitute for Councillor Hunter), Lynn, Mathieson, Moore (substitute for Councillor O'Neil), Owen (substitute for Councillor Sharpe), Pearson, Robinson, Tress and Whittle.

Also in attendance: Press - 1  
Public - 36

The Committee met at County Hall, Beverley.

**5030 DECLARATIONS OF INTEREST AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS** - The following declarations were made:-

<b>Item</b>	<b>Member</b>
(i) Land to the north of Southgate Bungalow, Southgate, Hornsea (Minute 5038)	Councillor Whittle made a declaration under Section 4 of the Planning Code of Practice as he had been approached by the objectors but had not made his views known.
(ii) Land south of J Dawson & Sons, Hull Road, Barmby Road (Minute 5040)	Councillor Bird declared a personal interest as one of the owners' relatives had worked for him in the past.
(iii) Ferndale Transport Co Hull Ltd, Staithes Road, Preston (Minute 5042)	Councillor Lynn declared a personal interest as she was a member of the Preston Internal Drainage Board.  Councillor Robinson declared a personal interest as the company was a customer of the firm of which he was a director.
(iv) Land south of Hogsea Lane, Hilston (Minute 5043)	Councillor Pearson made a declaration under Section 4 of the Planning Code of Practice as he had fixed views on wind farms. He spoke and left the meeting for the debate and voting on the item.  Councillor Robinson made a declaration under Section 4 of the Planning Code of Practice as he had been approached by both objectors and supporters but had not made his views known.

Councillor Chapman made a declaration under Section 4 of the Planning Code of Practice as she had been approached by both objectors and supporters but had not made her views known.

Councillor Moore made a declaration under Section 4 of the Planning Code of Practice as he had been approached by the Residents' Association but had not made his views known.

Councillor Whittle made a declaration under Section 4 of the Planning Code of Practice as he had been approached by both objectors and supporters but had not made his views known.

- (v) Development Site at 145 Boothferry Road, Goole (Minute 5035) Councillor Moore made a declaration under Section 4 of the Planning Code of Practice as he had been approached by Oakfield but had not made his views known.

**5031 MINUTES** - The Committee debated the accuracy of the resolution in relation to Minute 5003.

**Resolved** - That the minutes of the meeting of the Committee held on 10 December 2009 be confirmed and signed as a correct record.

**5032 PLANNING SUB-COMMITTEES** - The minutes of the undermentioned Sub-Committees were received:-

- (i) Eastern Area Planning of 14 December 2009
- (ii) Western Area Planning of 15 December 2009

**5033 REFERRAL FROM WESTERN AREA PLANNING SUB-COMMITTEE - LAND WEST OF ROYD TOP, KEMP ROAD, SWANLAND** - The Director of Planning and Economic Regeneration submitted a report on the following application which had been referred to this Committee for determination by the Western Area Planning Sub-Committee with a recommendation for approval as the Sub-Committee was of the view that the principle of development had already been established by the extant permission on the site:-

Application No and Applicant	Details
09/03907/PLF Mr B Al-Jarah	Erection of a dwelling with detached double garage (renewal of planning permission 07/02660/PLF) at land west of Royd Top, Kemp Road, Swanland.

At the meeting the Director informed the Committee that Swanland Parish Council had reconsidered the application and had now submitted a strong objection on the grounds that the creation of new housing in the village is not justified.

(The applicant's agent addressed the meeting in accordance with the agreed protocols).

**Resolved** - That the application be refused for the reasons as set out in the Director's report.

**5034 REFERRAL FROM EASTERN AREA PLANNING SUB-COMMITTEE - LAND WEST OF BLUE BELL INN, CRAB TREE LANE, OLD ELLERBY** - The Director of Planning and Economic Regeneration submitted a report on the following application which had been referred to this Committee for determination by the Eastern Area Planning Sub-Committee with a recommendation for approval as the Sub-Committee considered that an extension to the pub as an alternative would damage the pub, it would meet a local need and the pub may close if the dwelling were not allowed.

<b>Application No and Applicant</b>	<b>Details</b>
09/03388/OUT Mr and Mrs Diamond	Outline - Erection of one dwelling at land west of Blue Bell Inn, Crab Tree Lane, Old Ellerby.

(Councillor Grove addressed the meeting in accordance with the agreed protocols)

**Resolved** - That the application be approved on the grounds that it would not be practical to extend the existing public house; there was a local need for the dwelling and due to concern that if the pub closed this would be detrimental to the village; the approval to be subject to the appropriate conditions to include a local occupancy condition, a condition limiting occupation to that of someone associated with the pub and limiting the size to that shown indicatively on the submitted plans.

**5035 DEVELOPMENT SITE 145 BOOTHFERRY ROAD, GOOLE** - The Director of Planning and Economic Regeneration submitted a report on an application by Wm Morrisons Supermarkets Plc for the variation of condition 22 of planning permission 09/00172/STPLF to increase the sales area of the supermarket at development site 145 Boothferry Road, Goole (application 09/03868/STVAR).

At the meeting the Director updated the Committee on a letter that had been received from the applicant's agent outlining the issues in relation to the floor space and the likely turnover of comparison goods. It was pointed out that PPS4 was more relevant in this case because it dealt with retail planning issues but did remove the needs test. This report detailed the retail effect. This would not have a negative impact on investment in the area and was not deemed to be detrimental to the vitality and viability of the town centre. The scale was deemed to be acceptable. At the meeting the Director referred to PPS6 which had been replaced by PPS4. The officer's view was that the planning application met the tests and requirements of PPS4.

It was reported that the application was now required to be referred to Government Office as it exceeded the thresholds under the Town and Country Planning (Consultation) (England) Direction 2009 .

The applicants' agent addressed the meeting in accordance with the agreed protocols.

**Resolved** - (a) That consideration of the application be deferred pending referral to Government Office, and

(b) that subject to the application not being called in by the Secretary of State for his determination, the application be approved subject to the conditions as set out in the Director's report.

**5036 DEVELOPMENT LAND - LONG LANE, WOODMANSEY** - The Director of Planning and Economic Regeneration submitted a report on an application by East Riding of Yorkshire Council for the construction of a 2.8 kilometre relief road incorporating a park and ride facility with bus links, one highway overbridge and one rail overbridge, drainage, storage ponds and associated works (revised scheme of 07/07079/STPLFE) at development land Long Lane, Woodmansey (application 09/04286/STPLFE).

At the meeting the Director reported that the outstanding consultation responses had now been received as follows:-

- Public Protection - No objection.
- Highway Control - No objection.
- Yorkshire Wildlife Trust - Had commented that they were pleased with the embedded nature conservation element of the scheme but would like to be consulted on any new ecological matters.

**Resolved** - That the application be approved subject to the conditions set out in the Director's report.

**5037 PLAYING FIELD, BURSTWICK COMMUNITY PRIMARY SCHOOL, MAIN STREET, BURSTWICK** - The Director of Planning and Economic Regeneration submitted a report on an application by the Environment Agency for the construction of a flood embankment at the Playing Field, Burstwick Community Primary School, Main Street, Burstwick (application 09/00754/STPLF).

The Director reported that Sport England supported the application subject to the inclusion of a condition to ensure the delivery of the replacement playing field in a timely manner.

Councillor Turner addressed the meeting in accordance with the agreed protocols.

**Resolved** - (a) That consideration of the application be deferred pending the submission of a unilateral undertaking in an agreed form or the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the agreed details of lorry routing, and

(b) that on completion of the above the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions as set out in his report.

**5038 LAND TO THE NORTH OF SOUTHGATE BUNGALOW, SOUTHGATE, HORNSEA** - The Director of Planning and Economic Regeneration submitted an application by Tesco Stores Ltd for the removal of condition 16 (Hours of Delivery) of planning permission 09/00761/STPLF at land to the north of Southgate Bungalow, Southgate, Hornsea (application 09/04032/STVAR).

At the meeting the Director referred to PPS6 which had been replaced by PPS4 and these changes were reflected in the report. He also reported that the officer's recommendation was to vary the delivery hours by adding an additional hour Monday to Saturday and including later hours on a Sunday and not to delete the condition as requested by the applicant.

An objector and the applicant's agent addressed the meeting in accordance with the agreed protocols.

Councillor Jefferson addressed the meeting in accordance with the agreed protocols.

**Resolved** - That the application be refused on the grounds of detriment to residential amenity.

**5039 BEVERLEY WAR MEMORIAL HALL, 73-75 LAIRGATE, BEVERLEY** - The Director of Planning and Economic Regeneration submitted a report on an application by the Beverley War Memorial Hall Trustees for alterations and extensions following removal of 1950's extensions plus construction of pitched roof over main building, creation of an outdoor amphitheatre and associated works at Beverley War Memorial Hall, 73-75 Lairgate, Beverley (application 09/04255/STPLF).

The applicant addressed the meeting in accordance with the agreed protocols.

**Resolved** - That the application be approved subject to the conditions as set out in the Director's report, the Beverley Councillors to be informed should there be any changes to the proposal.

**5040 LAND SOUTH OF J DAWSON & SONS, HULL ROAD, BARMBY MOOR** - The Director of Planning and Economic Regeneration submitted a report on an application by Lafarge Aggregates Limited for the erection of a ready mixed concrete batching plant for the manufacture and distribution of ready mixed concrete (renewal of reference 04/03361/STPLF) at land south of J Dawson & Sons, Hull Road, Barmby Moor (application 09/03995/STPLF).

At the meeting the Director reported that the Environment Agency had no objections subject to the appropriate conditions.

**Resolved** - That the application be approved subject to the conditions as detailed in the Director's report.

**5041 WREN KITCHENS, HOWDENDYKE ROAD, HOWDEN** - The Director of Planning and Economic Regeneration submitted a report on an application by e-Buyer Holdings Limited for the change of use from distribution and storage (Use Class B8) to general industrial use (B2) and erection of plant and machinery at Wren Kitchens, Howdendyke Road, Howden (application 09/03790/STPLF).

The applicant's agent addressed the meeting in accordance with the agreed protocols.

**Resolved** - That the application be approved subject to the conditions as detailed in the Director's report to include an additional condition requiring signage reminding drivers leaving the site to drive on the left.

**5042 FERNDALE TRANSPORT CO HULL LIMITED, STAITHES ROAD, PRESTON** - The Director of Planning and Economic Regeneration submitted a report on an

application by D W Newsome and T Negri for the development of industrial/business park to include Use Classes B1, B2 and B8 industrial and office buildings and means of access following outline approval 03/07875/STOUT and 06/05978/STVAR (appearance, landscaping layout and scale to be considered) at Ferndale Transport Company Hull Limited, Staithes Road, Preston (application 09/04059/STREM).

At the meeting the Director reported that the outstanding consultation responses had been received, both the noise and contaminated land reports had been submitted and there were no objections subject to the appropriate conditions.

In relation to highways' issues there was a proposal to provide footpath links and more frequent bus services. In relation to highway verges, access was not part of the application and there would be no encroachment on the highway verge.

The applicant's agent addressed the meeting in accordance with the agreed protocols.

**Resolved** - That the application be approved subject to the conditions as set out in the Director's report to include additional conditions relating to landscaping, drainage, noise and contamination.

**5043 LAND SOUTH OF HOGSEA LANE, HILSTON** - The Director of Planning and Economic Regeneration submitted a report on the application by Energiekontor UK Limited for the erection of three wind turbines, sub-station, construction of access tracks and associated ancillary development at land south of Hogsea Lane, Hilston (application 09/02000/STPLFE).

It was reported that this application had been referred back to the Planning Committee following its consideration on 10 December 2009 due to a procedural issue and a requirement that the application be considered again. The legal officer advised the Committee on this issue.

At the meeting the Director updated the Committee on the following representations and consultation responses received on the application following the publication of the report:-

- The applicant, Energiekontor had submitted a letter addressing the reason used for refusal, cumulative effects and aircraft safety in detail indicating that there was no evidence to support the refusal on these grounds.
- A further letter had been received from the owner of the airfield, Professor Bantin, expressing his disappointment that the application had been referred back to Committee and indicating that Energiekontor's Consultants, Osprey had misquoted the Civil Aviation Regulations and reiterating the fact that the proximity of one of the wind turbines to a flight path would compromise the safety of the airfield.
- A further letter had been received from Dr Wells indicating that the Civil Aviation Authority had not used the phrase no objections.
- A letter had been received from Jamieson and Hill who were representing the Hilston and Tunstall Residents' Association giving a legal opinion on the wind turbine colour suggesting that this should be painted white.
- A further update had been received from Humberside Fire Authority confirming that it had no objections.
- The Hilston Residents' Association had reiterated its objection.

An objector and the applicant's agent addressed the meeting in accordance with the agreed protocols.

Councillor Stead addressed the meeting in accordance with the agreed protocols.

Councillor Pearson addressed the meeting and in accordance with the Council's Planning Code of Practice left the meeting.

**Resolved** - That the application be refused on the grounds of cumulative impact.

**5044 WESTERMOST ROUGH OFFSHORE WIND FARM, STAITHES ROAD, SALTEND** - The Director of Planning and Economic Regeneration submitted a report on an application that had been made to the Department of Energy and Climate Change (DECC) under Section 36 of the Electricity Act 1989 and Section 90 of the Town and Country Planning Act 1990 by DONG Energy for Westermost Rough Offshore Wind Farm consisting of wind turbines, offshore sub-station, cables, sub-sea cables and associated onshore underground cables coming ashore north of Tunstall, new sub-station and grid connection at Staithes Road, Saltend.

The Council was a consultee on the application and the Council was requested to set out any concerns about the potential impact of the proposals, what these impacts might be, whether the various aspects of the proposal would impact on the integrity of Natura2000 sites and any suggested mitigation measures to address those concerns.

**Resolved** - That the consultation response as detailed in the Director's report raising no objections be approved for submission.

**5045 FUTURE PLANNING APPLICATIONS** - The Director of Planning and Economic Regeneration submitted a report giving advance notice of planning applications which were currently under consideration and were likely to be submitted to the next or subsequent meeting of the Committee.

**Resolved** - That the report be noted.