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Planning Committee

Held at Council Chamber, Ryedale House, Malton
Wednesday 28 August 2013

Present

Councillors Mrs Burr MBE, Clark (Substitute), Cussons, Mrs Goodrick, Hope, Maud, Raper (Chairman), Mrs Sanderson, Wainwright (Observer), Windress (Vice-Chairman) and Woodward

Substitutes: Councillor J S Clark

In Attendance

Gary Housden, Shaun Robson, Bridget Skaife and Anthony Winship

Minutes

53 **Apologies for absence**

Apologies were received from Cllr Richardson.

54 **Minutes of the meeting held on 29 July 2013**

Decision

That the minutes of the meeting of the Planning Committee held on 29 July 2013 be approved and signed by the Chairman as a correct record.

55 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

56 **Declarations of Interest**

The following Members indicated that they would be declaring interests under the Member's Code of conduct in respect of the following item.

Councillor	Application
Cussons	12
Goodrick	7,8
Windress	8

Sanderson	7,8,12
Hope	8,11
Raper	7,8,12
Maud	12
Woodward	7,8
Clark	7,8
Burr	7,8

57 The Community Infrastructure Levy (CIL), Preliminary Draft Charging Schedule - Consultation Draft

Decision Delegated to the Planning Committee

The Community Infrastructure Levy (CIL), Preliminary Draft Charging Schedule be approved for a 6 week public consultation period.

58 Schedule of items to be determined by Committee

59 13/00016/MOUT - Land At OS Field 9525, Crossgate Lane, Pickering

13/00016/MOUT - The erection of a retirement community of 168no. assisted living units comprising 90no. care suites/apartments and 78no. bungalows together with associated community facilities, access, parking and landscaping (site area 4.37ha)

Decision

PERMISSION GRANTED – Subject to conditions as recommended and completion of 106 Agreement.

In accordance with the Members' Code of Conduct Councillors Mrs Goodrick, Windress, Mrs Sanderson, Raper, Woodward, Clark and Mrs Burr declared a personal non pecuniary but not prejudicial interest.

60 13/00342/MOUT - Land At Westfields, Kirkbymoorside

13/00342/MOUT - Development of up to 210no. (Use Class C3) residential dwellings, 50no. (Use Class C2) apartments with care for older people, the provision of expansion land to Kirkbymoorside Community Primary School (Use Class D1), landscape, open space, highway improvement works and associated works (site area 11.6ha)

The Head of Planning and Housing submitted a report to the Planning Committee which have previously circulated.

The Development Manager advised the Planning Committee that Gladmans had submitted two major planning applications for residential development at Kirkdale Road, Kirkbymoorside. Members had previously attended a site inspection on the first planning application and the second planning application was substantially the same. The planning application before Members was the second application. Gladmans submitted a non determination appeal on the first planning application before they had resolved outstanding matters on issues including affordable housing, structural landscaping, archaeology and education contributions and the Inquiry date was set for 3 September 2013. Gladmans had indicated in writing that if the second planning application was approved the appeal on the first application would be withdrawn.

The District Council's Planning Committee meeting on 4 June 2013 agreed the four notional reasons for refusal in relation to the first planning application as being inadequate information on:-

- (i) Affordable housing
- (ii) Education contributions
- (iii) Archaeology
- (iv) Landscaping

Members were advised that the Planning Committee meeting on 4 June 2013 raised no fundamental objection in principle to the first planning application submitted by Gladmans. Officers at the Committee advised Members that the principle of the development was not considered to be at odds with National Policy or locally adopted and emerging Plan policies. All the above four reasons for refusal had been resolved. Accordingly there were no reasonable grounds on which the District Council could oppose the appeal proposals based on the first planning application.

The report of the Head of Planning and Housing recommended approval of the second planning application before the Planning Committee. The proposed development was considered on balance to be in accordance with National Policy, locally adopted policies and emerging Plan policies. Councillor Cussons moved refusal and Councillor Clark duly seconded the proposal.

The reasons for refusal put forward by Councillor Clark were:-

- (i) The proposed development was not a small/medium size development and was contrary to the emerging Local Plan Strategy.
- (ii) The proposed development is outside the 'saved' development limits.
- (iii) The proposed development was on good quality agricultural land.



~~No Member indicated that they intended to move a proposal for a site inspection or deferral during the debate.~~

At the conclusion of the debate the Committee moved to the vote using the electronic voting system. The voting result was as follows:-

For

Clark
Woodward

Against

Raper
Cussons

Abstentions

Burr
Goodrick
Hope
Maud
Sanderson
Windress

Because there was an equality of votes the Chairman exercised his casting vote ~~and voted against the proposal of refusal:~~

by using his casting vote for the application.

The Chairman declared that the proposal to refuse the planning application was not carried and declared the application approved.

as a consequence
Reasons for Approval

(As amended at the meeting held 24 September 2013)

The Planning Committee had given due regard to all material considerations including the Officer's report on the planning application which recommended approval subject to the completion of a Section 106 Planning Obligation and conditions and to all other representations.

The proposed development was in accordance with the guidance contained within the National Planning Policy Framework which provided for a presumption in favour of sustainable development.

The Council does not have a demonstrable five year supply of housing sites and the Sites Allocation Document part of the emerging development plan is not at an advanced stage of production.

Whilst the site lies outside the 'saved' development limits for settlement in terms of the old Ryedale Plan (2002), it lies adjacent to existing housing and is well

related to the built-up area of Kirkbymoorside which is designated as a Local Centre Service in the emerging Local Plan Strategy Document.

The development includes the provision of 74 affordable housing units, education contributions, land available to the further expansion of the school, contributions towards highway improvements and travel plan subject to the provision of a Section 106 Agreement.

The proposal is considered not to have an adverse impact on the amenities of adjacent residents and whilst the layout is indicative it illustrates that an acceptable form of development can be developed on site. The precise details of this will be dealt with by the subsequent reserved matters application.

Consideration was given to the Local Plan Strategy policy relating to residential planning applications being limited to small and medium sized developments for Kirkbymoorside.

In considering this scheme against the emerging Plan, the key issue is whether the scale of the scheme is significantly and demonstrably contrary to the emerging Plan.

It was considered, however, that given the Local Plan Strategy is indicative regarding the scale of sites, in policy principle terms the site is not significantly and demonstrably contrary to the Plan Strategy.

Against this background and weighing all material considerations in the decision making balance it was considered that the planning balance justified approval and there were no other material considerations of sufficient weight to justify refusal.

Decision

PERMISSION GRANTED – Subject to conditions as recommended and completion of 106 Agreement

In accordance with the Members' Code of Conduct Councillors Mrs Goodrick, Windress, Mrs Sanderson, Hope, Raper, Woodward, Clark, Mrs Burr declared a personal non pecuniary but not prejudicial interest.

61 **13/00710/MFUL - Area Of Hardstanding To East Of Wombleton Caravan Park, Moorfields Lane, Wombleton, Kirkbymoorside**

13/00710/MFUL - Change of use of concrete hardstanding to provide caravan storage area

Decision

PERMISSION REFUSED – For the reasons recommended in the Officer's report.

62 13/00628/FUL - Potters Lodge, Marton Road, Marton, Kirkbymoorside

13/00628/FUL - Change of use of land to domestic curtilage and erection of detached open fronted double garage with turning area

Decision

PERMISSION GRANTED – Subject to Conditions as recommended.

63 13/00600/FUL - Land Adjacent To Sauveterre, Low Street, Thornton Le Clay, Malton

13/00600/FUL - Erection of 1no. three bedroom dwelling with attached garage, amenity area and parking to include formation of vehicular access.

Decision

PERMISSION REFUSED - The proposed development fails to reflect local distinctiveness in terms of design and materials. As such, it is contrary to the principles of Section 7 of the National Planning Policy Framework and Policies SP16 and SP20 of the Local Plan Strategy.

Decision contrary to Officer recommendation of approval.

The Planning Committee attached more weight to the impact of the design on the locality since the proposed development was considered to be an inappropriate design in a traditional Ryedale village.

In accordance with the Members Code of Conduct Councillor Mr Hope declared a personal and prejudicial interest and left the room.

64 13/00696/HOUSE - 10 Keepersgate, Pickering

13/00696/HOUSE - Erection of replacement conservatory linking to existing detached garage.



Decision

PERMISSION GRANTED – Subject to conditions as recommended.

In accordance with the Members' Code of Conduct Councillors Cussons, Mrs Sanderson, Raper, Woodward declared a personal non pecuniary but not prejudicial interest.

- 65 **13/00820/FUL - Ryedale District Council, Ryedale House, Old Malton Road, Malton**

13/00820/FUL - Relocation of the existing roof mounted twin condenser unit from the reception roof to the civic suite roof.

Decision

Delegated to Head of Planning and Housing to Approve subject to conditions.

- 66 **13/00944/FUL - Land West Of Tara Park, Malton**

13/00944/FUL - Erection of replacement barrier to site entrance

Decision

Delegated to Head of Planning and Housing to Approve subject to conditions.

- 67 **Any other business that the Chairman decides is urgent.**

There are no items of urgent business.

- 68 **List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applicants determined by the Head of Planning & Housing in accordance with the Scheme of Delegated Decisions

- 69 **Update on Appeal Decisions**


Members' were advised of the following Appeal Decisions.

Ref Y2736/A/13/2195879, Barn to the rear of Manor Cottage, Main Street, Hovingham, YO62 4JT



Ref Y2736/D/13/2199956, 60A Bondgate, Helmsley, York, YO62 5EZ

The Meeting Closed at 10.00pm

Signed 

Dated. 24/9/13