

EAST RIDING OF YORKSHIRE COUNCIL

PLANNING COMMITTEE

12 JANUARY 2012

PRESENT: Councillors Pollard (in the Chair), Bayram, Boatman, Chapman MBE, Davison, Galbraith, Harold, Pearson, Sharpe, Temple (substitute for Councillor C Chadwick), West and Whittle.

Also in attendance: Press - 2
Public - 50

The Committee met at County Hall, Beverley.

6301 DECLARATIONS OF INTEREST AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS - The following Members made declarations:-

Item	Member
(i) 11/04441/STPLF Land south west of Crawberry Hill, Walkington Heads, Walkington (Minute 6304 refers)	All Members at the Committee with the exception of Councillor Temple made a declaration under Section 4 of the Planning Code of Practice as they had received correspondence from the objectors in connection with the application but had not made their views known. In addition Councillors Pearson, Pollard and Whittle had attended exhibitions in relation to the application put on by the applicants.
(ii) 11/04989/STOUT Storage depot Stonepit Road, South Cave (Minute 6309 refers)	Councillor Galbraith made a declaration under Section 4 of the Planning Code of Practice as he had spoken with the applicant but had not made his views known. Councillor Boatman declared a personal interest as he was employed by BAe and reference was made to the company in relation to this application.

6302 MINUTES - Resolved - That the minutes of the meeting of the Committee held on 15 December 2011 be confirmed and signed as a correct record.

6303 PLANNING SUB-COMMITTEES - The minutes of the under mentioned Sub-Committees were received:-

- (i) Eastern Area Planning of 19 December 2011
- (ii) Western Area Planning of 20 December 2011

6304 LAND WEST OF CRAWBERRY HILL, WALKINGTON HEADS, WALKINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Rathlin Energy (UK) Limited for the construction of a temporary drilling site with associated access to drill an appraisal borehole for the purposes of mineral exploration (petroleum) at land south west of Crawberry Hill, Walkington Heads, Walkington (Application 11/04441/STPLF).

The application had been considered by the Planning Committee at its meeting on 24 November 2011 when it had been deferred to enable further detailed consideration of all the technical and scientific aspects of the application to be considered.

At the meeting the Director updated the Committee on the following representations that had been received following the publication of the report.

- A further representation had been received from Walkington Parish Council arising from the exhibitions given by the applicant which had provided technical information, but the Parish Council felt that there was insufficient time to consider this in detail. The company had given assurances but no absolute guarantees for the residents in relation to the aquifer and the water supply and the Parish Council therefore maintained its objection in relation to this aspect as well as raising further concerns relating to:-
 - Protection of the aquifer from chloroform.
 - Obnoxious gaseous emissions.
 - Storage and treatment of contaminated effluence which would be toxic and could get into the water supply.
 - The consultation timescales were too short, more time was needed.
 - The East Riding officers had insufficient expertise to deal with the application. The Parish Council had resolved to request a deferral for a period of two months to enable an informed decision to be made.
- Pocklington Town Council had raised the risk to the town's water supply and if approved requested conditions imposed by Yorkshire Water.
- 124 additional letters of objection had been received on the following grounds:-
 - Water supply contamination.
 - Deposits will produce gaseous emissions.
 - Road access unsuitable.
 - Light pollution in a rural location.
 - Excessive noise in a rural location.
 - Damage due to fracking and reference to the Vale of Glamorgan decision refusing a similar application.
 - Visual impact.
 - Damage to infrastructure.
 - Property damage.
 - Detract from tourism.
 - Detract from public rights of way use.
 - Little gain for local economy.
 - Use of fossil fuel should stop.
 - Reference to moves to ban fracking across the United Kingdom.

- One letter of support had been received referring to the informative exhibition.
- The applicant's agent had submitted a further representation indicating that the application categorically did not involve fracking; the applicants were a financially viable company involving conventional drilling and did not use hazardous substances; noise was within the statutory limits; the transport arrangements would abide by the travel plan; in relation to the aquifer, constant monitoring would be undertaken by Yorkshire Water and out of 30 years of petroleum drilling operations, an aquifer had never been polluted.

The Director went on to clarify some of the points raised:-

- In relation to the aquifer the report outlines the mitigation methods to be used to protect the groundwater; surface casing is to be used which would be cemented in to prevent any chemicals leaching into the aquifer and this would be monitored; the same equipment is used for drilling for water; ongoing maintenance and monitoring of water quality is undertaken; the boreholes are lined with permeable membrane; the detailed planning conditions would be adhered to as required by Yorkshire Water and the Environment Agency who had not submitted any objections. The applicant had also started work on the hydro-geological risk assessment.
- The access route was not through Walkington and there was a detailed traffic management plan proposed.
- In relation to odour this referred to hydrogen sulphide which could be produced from the process, this was tightly controlled, it was captured and filtered when it came through the borehole.
- As illustrated in the report and the appendix to the report, the planning approval was only one of a raft of approvals required which involved a significant amount of independent and technical input.
- Both through the construction period and the temporary operation the development would meet noise guidelines. The nearest property was 780 metres away from any drilling.
- Fracking was not proposed in this case.
- The Vale of Glamorgan decision related to the impact on an aquifer, however parallels could not be drawn as the geology was different from this site and it was difficult to draw any analogies between the two applications.
- A significant amount of information had now been received and considered and the need for a further referral was unnecessary as sufficient relevant information was now available.
- Should commercial quantities of petroleum be found any further operation would require a new planning application.

An objector and 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 to include an additional condition preventing the use of fracking.

6305 LAND WEST OF THE LIMES, STAITHES ROAD, PRESTON - The Director of Planning and Economic Regeneration submitted a report on an application by Countryside Solutions for the erection of two 85 metre high wind turbines with associated crane hard standings and sub stations, construction of new vehicular track and widening of access on to the public highway at land west of The Limes, Staithes Road, Preston (Application 11/01980/STPLE).

An objector addressed the meeting in accordance with the agreed protocols.

Resolved - (a) That consideration of the application be deferred pending satisfactory completion of a Section 106 Agreement covering:-

- Financial security for the restoration of the site following the cessation of electricity generation at the end of the 25 year term.
- No energy generation prior to connection to the grid via underground cabling.
- Completion of a routeing agreement and signage and traffic management plan, 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.

6306 LAND NORTH OF SPRING HOUSE FARM, FEOFFEE COMMON LANE, BARMBY MOOR - The Director of Planning and Economic Regeneration submitted a report on an application by York Heritage Limited for outline erection of an 80 bed care home and 24 supervised bungalows with associated access and parking (access layout and scale to be considered) at land north of Spring House Farm, Feoffee Common Lane, Barmby Moor (Application 11/04180/STOUT).

At the meeting the Director updated the Committee on a further representation received from the Director of Children, Family and Adult Services in relation to the application stating that Adult Services was not supportive of increasing the capacity of beds but now understood that the 80 bed care home would consist of 12 to 18 mainstream beds for dementia patients/nursing/challenging behaviour, bariatric care and step up/step down beds and therefore was now happy that this met some of the services objectives. Also the 24 bungalows for rent would be a good option for people who required a mixed economy of care.

The transport plan would provide a minibus service to transport staff, residents and visitors which would make the concept more sustainable. Reassurance had also been sought on the fee plans to be put in place and therefore the service was now confident that the proposal could meet future needs. It was also reported that Councillor Harrap, the Council's portfolio holder for Adult and Carer Services endorses the comments made by the Director.

In relation to these comments it was clarified that the main issue with the application was the location as it was remote from settlements and services. However the officer's view was that the provision of a minibus did not overcome this. The Director of Children, Family and Adult Services also referred to specific means of care which could not realistically be achieved via a

planning consent and would be very difficult to enforce. In relation to the bungalows these would be on the open market and therefore planning approval could not control this. The recommendation therefore remained as a refusal.

The applicant and an objector addressed the meeting in accordance with the agreed protocols.

Councillor Mole 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.

6307 FORMER HARBOURLITE FACTORY, LIVINGSTONE ROAD, HESSLE - The Director of Planning and Economic Regeneration submitted a report on an application by Messrs R D Waby and Kamis for outline erection of buildings for mixed use development comprising buildings for B1 uses and two, three and four storey buildings for use as residential apartments and houses (Renewal of planning permission 07/07029/STOUT) at former Harbournite Factory, Livingstone Road, Hessle (Application 11/04728/STOUT).

At the meeting the Director reported that the Trees and Landscape Officer had no objections subject to the imposition of appropriate conditions. It was also reported that the agent was engaging with Hull University to update the estuarine coastal studies report.

Resolved - (a) That consideration of the application be deferred pending the satisfactory completion of an appropriate assessment, and

(b) that subject to no objection from Natural England the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions as detailed in his report.

6308 CELCON BLOCKS LIMITED, HECK AND POLLINGTON LANE, POLLINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Next Generation Limited for the erection of a 120 metre high 2MW wind turbine with associated access track, hard standing and switch house at Celcon Blocks Limited, Heck and Pollington Lane, Pollington (Application 09/02681/STPLF).

At the meeting the Director referred to a further letter from the agent in relation to the concerns raised by Robin Hood Doncaster and Sheffield Airport indicating that they believed this objection would be difficult to sustain as the airport had provided no technical evidence of the detrimental effect the turbine could have. The agent indicated that this would be a risk to the Council unless it had confirmation from Robin Hood Doncaster and Sheffield Airport as to whether or not it would support any appeal. The agent also referred to costs that would be awarded on an appeal and that due to the acceptability of all other aspects of the application it would be unfortunate to refuse it.

Robin Hood Doncaster and Sheffield Airport had submitted a further representation stating that it would maintain its objection based on the cumulative effect the development would have, although the Aire and Calder Scheme had been withdrawn. It was confirmed that the rotation of the blades would be detected by the airport radar and due to the position of the turbine, it was on the right side of the runway, it would add additional clutter to the pilot's sight line on landing and add more to the air controllers' screen. On this basis, the objection was maintained.

The applicant and an objector addressed the meeting in accordance with the agreed protocols.

Councillor Barrett 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.

6309 SOUTH CAVE BUSINESS PARK, STONEPIT ROAD, SOUTH CAVE - The Director of Planning and Economic Regeneration submitted a report on an application by Spanridge Limited for outline erection of buildings for use within Use Classes B1, B2 and B8 with associated site works (All Matters Reserved) (Revised Scheme of Withdrawn Application 10/04691/STOUT) at South Cave Business Park, Stonepit Road, South Cave (Application 11/04989/STOUT).

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

- Highways Control were currently investigating the highways issues.
- The Highways Agency had reviewed the information but was not able to comment fully as there was insufficient information available, therefore was lodging a holding objection, if the Committee was minded to approve the application, the Highways Agency directive stated that this could not be done for a period of three months.
- A highways consultant had produced a response indicating that the transport notice provided further clarification and that the Highways Agency was basing its objections on the worst case assumptions and that the development was not expected to have a detrimental effect on the strategic highway.
- The Environment Agency had no objections subject to the appropriate conditions.
- An email from the agent indicated that this was not a speculative application and the applicants would develop them themselves as easy in/easy out rental units, therefore as it was not speculative it met Policy IN7.
- A further email from the agent suggested that the previous report had been unbalanced and did not set out the merits of the scheme. Also since the last report the announcement had been made relating to the closure of BAe Systems which should be taken into consideration.
- A letter of support had been received from NT3 Surveyors stating that there was a demand outstripped supply for office space.
- Shield Security had submitted a letter of support indicating that the site would be ideal for secure storage.
- A letter of support had been received from a resident of Elloughton welcoming the opportunity for new jobs.

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

Moved by Councillor Galbraith and seconded by Councillor Bayram -

(a) That consideration of the application be deferred pending the receipt of the final response from Highways Control and the Highways Agency;

(b) that subject to satisfactory responses from the above and the Highways Agency removing its objection, the Director of Planning and Economic Regeneration be authorised to approve the application subject to the appropriate conditions, on the grounds that whilst technically it was classed as open countryside, the character of the area was not rural; it was a brownfield site currently in similar forms of land use; the closure of BAe Systems was of particular significance to this area and the Government advice on Planning for Growth should be given weight in these particular circumstances, and

(c) that should the Highways Agency objection be maintained, the application be referred back to the Committee for determination.

Moved by Councillor Pearson and seconded by Councillor Chapman as an amendment -

(a) That consideration of the application be deferred pending the receipt of the consultation responses from Highways Control and the Highways Agency, and

(b) that subject to no additional objections the Director of Planning and Economic Regeneration be authorised to refuse the application for the reasons detailed in Section 12 of this report.

Amendment lost.

Motion carried.

Resolved - (a) That consideration of the application be deferred pending the receipt of the final response from Highways Control and the Highways Agency;

(b) that subject to satisfactory responses from the above and the Highways Agency removing its objection, the Director of Planning and Economic Regeneration be authorised to approve the application subject to the appropriate conditions, on the grounds that whilst technically it was classed as open countryside, the character of the area was not rural; it was a brownfield site currently in similar forms of land use; the closure of BAe Systems was of particular significance to this area and the Government advice on Planning for Growth should be given weight in these particular circumstances, and

(c) that should the Highways Agency objection be maintained, the application be referred back to the Committee for determination.

6310 LAND WEST OF J TOWNEND AND SONS HULL LIMITED, WYKE ROAD, MELTON - The Director of Planning and Economic Regeneration submitted a report on an application by Allam Marine for the erection of a link building to connect existing and new premises and associated hard standing at land west of J Townend and Sons Hull Limited, Wyke Road, Melton (Application 11/04847/STPLF).

At the meeting the Director informed the Committee that an email had been received from the applicant's agent concerning the first note to applicant as set out in the report and did not wish for discussions with the Council's Countryside Access Officer to be linked to the

Diversion Order and requested that the note be amended by removing the words 'prior to the making of any Diversion or Closure Order' from the second sentence.

The view was that the note did not commit the Council to any specific action and therefore the amendment to the note was unnecessary.

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.

6311 LAND SOUTH OF YORK GROUNDS FARM, RIPLINGHAM ROAD, RAYWELL - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Richard Thompson for the erection of a temporary 40.5 metre high anemometer mast at land south of York Grounds Farm, Ripplingham Road, Raywell (Application 11/05401/STPLF).

At the meeting the Director informed the Committee that one letter of objection had been received on the grounds that it is a precursor for a wind turbine application.

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.

6312 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 meetings of this Committee.

Resolved - That the report be noted.