

EAST RIDING OF YORKSHIRE COUNCIL

PLANNING COMMITTEE

13 SEPTEMBER 2012

PRESENT: Councillors Pollard (Chairman), Boatman, A Burton, C Chadwick, Chapman MBE, Davison, Galbraith, Pearson, Sharpe, West and Whittle.

Also in attendance: Press - 1
Public - 50

The Committee met at County Hall, Beverley.

6677 DECLARATIONS OF PECUNIARY AND NON PECUNIARY INTERESTS AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS - There were no declarations.

6678 MINUTES - Resolved - That the Minutes of the meeting of the Committee held on 19 July 2012 be confirmed and signed as a correct record.

6679 PLANNING SUB-COMMITTEES - The Minutes of the under-mentioned Sub-Committees were received:-

- (i) Eastern Area Planning of 23 July 2012
- (ii) Western Area Planning of 24 July 2012.

6680 LAND NORTH EAST OF MANOR FARM, MAIN STREET, FRAISTHORPE - The Director of Planning and Economic Regeneration submitted a report on an application by Fraisthorpe Wind Farm Ltd for erection of nine wind turbines (80 metres to hub and 130 metres to tip), one meteorological mast, control building and ancillary development including access tracks and hardstandings at land north east of Manor Farm, Main Street, Fraisthorpe (application 12/00640/STPLFE).

An appeal against the non determination of the application had been made by the applicants. In such cases, the determination of the application was no longer within the jurisdiction of the Local Planning Authority and determination was made by the Secretary of State. The application was referred to the Committee for the confirmation of the deemed reasons for refusal of the application, which would form the basis of the Council's case on the appeal.

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

- The public inquiry for the appeal against non-determination is scheduled for 27 November until 4 December.
- Additional representations received by the Planning Inspectorate as follows -
- CPRE East Riding Branch object - the area is of prime importance for its heritage, landscape and much needed tourism.
- The Yorkshire Wolds has been designated an area of high landscape value and many would argue that it should be designated an Area of Outstanding Natural Beauty (AONB) alongside the Lincolnshire Wolds which have been designated. This, we

believe should be considered in any development which is likely to detract from the importance of this area in relation to the beauty of its landscape, tranquillity and escape for so many visitors.

- Fraisthorpe is easily visible for considerable distances. The cumulative aspect will mean that from every direction, wind turbines will be seen. This is particularly important in relation to such heritage sites in the area as Burton Agnes Hall, its gardens and manor house. These are an important tourist attraction and vital for this area.
- Obstruction and disruption during construction phase will have a severe impact on the hamlet of Fraisthorpe.
- An additional letter from a resident of Fraisthorpe stating that a petition sent to PINS indicates that between 75-80% of residents of Fraisthorpe, Carnaby and Wilsthorpe are opposed to the development. Confirms that they have requested 'Rule 6' status as a group representing the villages closest to the development.
- The MOD - this is in relation to a separate application on this agenda but this relates to all applications for wind turbines affected by MOD objections -
A radar installed at Trimmingham is due to be tested in flight trials against wind turbines in October and will test the capability of the radar to cope with off shore development at Sherringham. They do not have any plans for further trials to test the radar against smaller land based turbines at present until the outcome of the October trials is known.
- There are plans to install the same TPS 77 radar at Staxton Wold but this is not a generic mitigation measure which will address the MODs concerns relating to wind energy developments. Withdrawal of their concerns subject to appropriate planning conditions is dependent in each case upon submission of modelling which demonstrates that a Non Automated Initiation Zone solution is feasible. Decisions have yet to be reached as to how the allocation of such solutions will be managed.
For operational reasons HQ Air Command will not necessarily be willing to accept the imposition of the solution in any and all locations.

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

Councillors Evison and Hodgson addressed the meeting in accordance with the agreed protocols.

Resolved - That, should determination of the application still have been within the Committee's jurisdiction, the application would have been refused for the reasons contained in the Director's report.

6681 TWINACRE NURSERIES LTD, CASTLE ROAD, COTTINGHAM - The Director of Planning and Economic Regeneration submitted a report on an application by Mr M Rozenbroek for alterations to an existing building and erection of a building for use as a garden centre at Twinacre Nurseries Ltd, Castle Road, Cottingham (application 12/00677/STPLF).

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

Resolved - (a) That the application be deferred for receipt of an outstanding consultation response from Public Protection, and

(b) that subject to confirmation of no objection as per (a) above, the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions contained in the report and any conditions required by Highway Control and Public Protection.

6682 BECKSIDE VILLAS, LAND TO THE WEST, BACK LANE, DANTHORPE -

The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs S Swyer for the erection of a detached dwelling following demolition of an existing barn/store (resubmission of 11/05500/PLF) at Beckside Villas, land to the west, Back Lane, Danthorpe (application 12/00815/PLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following the publication of the report:-

- Three further letters of support had been received
- Elstronwick Parish Council strongly supported the application
- The further letters provided additional evidence of the history of the building as a warehouse, former retail unit and lawnmower business had been provided; stated that the current site was an eyesore and to allow the application would bring a younger generation into the village.

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

Councillors Turner and Grove addressed the meeting in accordance with the agreed protocols.

Moved by Councillor Galbraith and seconded by Councillor West -

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

Moved by Councillor Davison and seconded by Councillor Sharpe as an amendment -

That the application be refused for the reasons as set out in the Director's report with the exception of reason 1 which refers to the application being in open countryside.

Amendment Lost.

Motion Carried.

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

6683 REFERRAL FROM THE EASTERN AREA PLANNING SUB-COMMITTEE

- **South Wolds School, Chantry Lane, Etton** - The Director of Planning and Economic Regeneration submitted a report on the following application which had been referred to this Committee for determination contrary to established policies by the Eastern Area Planning Sub-Committee with a recommendation to approve the application in line with the officers recommendation for the reasons set out in the Sub-Committee report:-

| Application Number and Applicant | Details |
|--|---|
| 12/01747/PLF East Riding of Yorkshire Council | Erection of two dwellings, access roads and associated external amenity areas following demolition/removal of former school buildings and headmaster's house (resubmission of 11/03326/PLF) at South Wolds School, Chantry Lane, Etton. |

Resolved - (a) That the application be deferred for the application to be referred to the Secretary of State, and

(b) that if the Secretary of State does not call in the application for his consideration the application be approved subject to the conditions set out in Section 4 of the Director's report.

6684 LAND SOUTH OF PROSPECT HOUSE, HOWDEN ROAD, HOLME UPON SPALDING MOOR - The Director of Planning and Economic Regeneration submitted a report on an application by Allensway Recycling Ltd for the erection of a building for use as a materials recycling facility, construction of service yard, construction of earth bunds with tree and shrub planting and replacement of surface water storage lagoon at land south of Prospect House, Howden Road, Holme Upon Spalding Moor (application 12/02096/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following the publication of the report:-

- The Environment Agency had withdrawn its objection with regard to flood risk subject to a condition requiring amended drainage details.
- Nature Conservation - a further report had been submitted which showed no evidence that any protected species were using the study area and on this basis the objection on nature conservation grounds has been withdrawn.
- Public Protection - final comments awaited, but additional conditions would be required relating to hours of operation; limiting produce on the site; limiting use of building, depackaging only and relating to spreading.

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

Resolved - (a) That the application be deferred for a response from the Public Protection Officer, and

(b) that subject to a satisfactory response to the outstanding consultation the Director of Planning and Economic Regeneration be authorised to approved the application subject to the conditions set out in Section 12 of the Director's report to include the additional conditions referred to above.

6685 LAND EAST OF BANK HOUSE, BRIDGE LANE, RAWCLIFFE BRIDGE - The Director of Planning and Economic Regeneration submitted a report on an application by Airvolution Energy Ltd for the erection of a temporary 60 metre high anemometer mast at land east of Bank House, Bridge Lane, Rawcliffe Bridge (application 12/02128/STPLF).

Resolved - (a) That the application be deferred for receipt of outstanding consultation responses from Robin Hood Airport, and

(b) that subject to receiving confirmation of no objection from Robin Hood Airport, the Director of Planning and Economic Regeneration be authorised to approved the application subject to the conditions contained within the Director's report and any conditions required by Robin Hood Airport.

6686 NORTH COTES ROAD, WOLD NEWTON - The Director of Planning and Economic Regeneration submitted a report on an application by Empirica Investments Ltd for the erection of a 50 metre meteorological mast for a temporary period of up to 12 months at proposed site of meteorological mast, North Coates Road, Wold Newton (application 12/02196/STPLF).

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

6687 LAND NORTH WEST OF GRANGE FARM, WOLD ROAD, NAFFERTON - The Director of Planning and Economic Regeneration submitted a report on an application by Nafferton Wold Farms Ltd for the erection of one wind turbine (50 metres to hub and 77 metres to tip) and associated infrastructure at land north west of Grange Farm, Wold Road, Nafferton (application 12/02385/STPLF).

Moved by Councillor Davison and seconded by Councillor Burton -

That the application be refused for the reasons as set out in the Director's report to include an additional reason referring to the visual impact on the surrounding landscape.

Moved by Councillor Boatman and seconded by Councillor Galbraith as an amendment -

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

Amendment Lost.

Motion Carried.

Resolved - That the application be refused for the reasons set out in the Director's report to include an additional reason referring to the visual impact on the surrounding landscape.

6688 LAND EAST OF NEW HOUSE FARM, MAIN STREET, COTTAM - The Director of Planning and Economic Regeneration submitted a report on an application by F W, G and M G Ulyyott for the erection of one wind turbine (50 metres to hub and 67 metres to tip) and associated infrastructure (resubmission of 11/04963/STPLF) at land east of New House Farm, Main Street, Cottam (application 12/02401/STPLF).

At the meeting the Director advised the Committee that the following representation and consultation responses had been received on the application following publication of the report:-

- Kilham Parish Council objected as it would have a significant adverse impact upon the Wolds landscape and the commercial scale of the turbine was inappropriate and would cause a distraction to vehicles. It was also close to neighbouring properties and would adversely impact on local wildlife.

- An email had been received expressing concerns in relation to the presentation of the agenda papers and the map used to show all the turbines. The plan was there to show the larger turbines of 50m plus, the smaller ones were more difficult to plot as they looked disproportionately large.

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

Resolved - That the application be refused for the reasons contained in the Director's report.

6689 LAND NORTH EAST OF WASTE WATER TREATMENT WORKS, OUT GATES, GEMBLING - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Stuart Barber for the erection of a 60 metre high meteorological wind monitoring mast for a period of 24 months at land north east of Waste Water Treatment Works, Out Gates, Gembling (application 12/02716/STPLF).

Resolved - That the application be approved for the reasons contained in the Director's report.

6690 LAND EAST OF FURROWS FARM, YORK ROAD, CHERRY BURTON - The Director of Planning and Economic Regeneration submitted a report on an application by Windberry Energy Operations Ltd for the erection of one wind turbine (44 metres to hub and 62 metres to tip) construction of access track and associated infrastructure at land east of Furrows Farm, York Road, Cherry Burton (application 12/02805/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Public Protection had no objections subject to conditions.
- A letter from the agent had been received requesting that the application be deferred to the October Committee to allow time for negotiations with the MOD to overcome its objections, they were confident in ensuring a solution in the near future.
- The MOD had submitted a response referring to a TPS-77 radar installed at Trimmingham which was due to be tested in flight trials against wind turbines. The outcome of these trials would give an indication of how a TPS-77 radar to be installed at Staxton Wold would perform against a wind farm covered by a NAIZ. The response indicates that they are at the early stages of understanding the capabilities of this radar in relation to wind turbines and what the implications of those capabilities might be.
- A letter of support had been received from Beverley Friends of the Earth.

Resolved - That the application be refused for the reasons contained in the Director's report, to include an additional reason referring to the detrimental visual impact on the surrounding landscape.

6691 LAND SOUTH WEST OF CRAWBERRY HILL, WALKINGTON HEADS, WALKINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Rathlin Energy (UK) Ltd 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 12/02945/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Conditions 15 and 16 repeat conditions 9 and 10 and therefore are to be deleted.
- An additional condition is suggested to clarify that hydraulic fracturing “fracking” is not permitted under this application.
- In relation to paragraph 9.4.2, Yorkshire Water is happy with the submitted hydro-geological Risk Assessment in support of the application. A condition is no longer needed as they have submitted it up front and the Environment Agency and Yorkshire Water have liaised as their interests re ground-water overlap to ensure that both are happy.

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

6692 LANDFILL SITE, CATWICK GRANGE, HORNSEA ROAD, LEVEN - The Director of Planning and Economic Regeneration submitted a report on an application by FCC Environmental for the erection of one wind turbine (60 metres to hub and 90 metres to blade tip), control building and associated infrastructure at Landfill Site, Catwick Grange, Hornsea Road, Leven (application 12/02987/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Catwick Parish Council object on the following grounds - wrong place for a huge turbine between three villages; residents worried about flicker effect, noise/sound, drop in property values; concerns about resident and migratory birds and loss of habitat for local wildlife; no benefit to Catwick, local farmers or businesses.
- Public Protection raised no objections although suggested conditions in relation to noise.
- A letter had been received from Greg Knight MP stating that the turbine will be out of scale and the effect will be oppressive and referring to the adverse risk to RAF fast jets which overfly the area.
- Shadow flicker - it is noted that there is one property that may potentially be affected by shadow flicker, Catwick Grange. If Members wished to approve it is requested that a further condition is imposed to require the submission of a scheme to mitigate against the impacts of any potential shadow flicker at this property.

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

Moved by Councillor Burton and seconded by Councillor Pollard -

That the application be refused for the reasons set out in the Director’s report and with additional reasons referring to the detrimental effect on tourism in the area and the detrimental effect on the local communities due to the close proximity to Leven, Brandesburton and Catwick.

Moved by Councillor Galbraith and seconded by Councillor Boatman as an amendment -
That the application be refused for the reasons set out in the Director's report.

Amendment Lost.

Motion Carried.

Resolved - That the application be refused for the reasons contained in the Director's report and to include additional reasons relating to the detrimental impact on tourism in the area and the detrimental impact on local communities, due to the close proximity to Leven, Brandesburton and Catwick.

6693 SPALDINGTON AIRFIELD, WOOD LANE, BRIND - The Director of Planning and Economic Regeneration submitted a report on an application by Falck Renewables Ltd for the installation of two maximum 80 metre high meteorological masts (mast one E474524 N433617 and mast two E474777 N433412) for a period of 14 months at Spaldington Airfield, Wood Lane, Brind (application 12/03044/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- A further 18 letters of objection had been received from local residents and a planning agent representing a number of local residents stating the following - no need for masts, they have all the information they need already; two masts would be erected closest to the runway centre line at Brighton aerodrome and will affect aircraft safety; adverse effect on the visual amenity, overall structure in 100m wide; shows this is the wrong wind farm in the wrong place; previous 65m high mast has been removed; insufficient evidence to show how the mast will be transported to the site; no information to say why they are required.
- A letter from the agent stating - wind vanes and anemometers will be in the approximate positions shown on the plans; masts to be located in the same locations as the infrastructure forming part of the main wind farm so the wind farm cannot be built whilst the temporary masts are installed; no new access is required for the mast; mast is for commercial purposes only and will supplement the data already gathered, not replace it, data collected already is fully valid; masts are not there to verify that the wind farm is viable they are necessary for the wind farm project.

Resolved - That the application be approved for the reasons contained in the Director's report.

6694 LAND SOUTH OF ENGLAND HILL FARM, HULL ROAD, WITHERNSEA - The Director of Planning and Economic Regeneration submitted a report on an application by Windberry Energy Operations Ltd for the erection of one wind turbine (50 metres to hub and 67 metres to tip) extension of existing access track and associated infrastructure at land south of England Hill Farm, Hull Road, Withernsea (application 12/03050/STPLF).

At the meeting the Director advised the Committee that 10 further letters of support had been received on ecological grounds.

Resolved - That the application be refused for the reasons contained in the Director's report.

6695 MANOR FARM, SKIPSEA LANE, DUNNINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr M G Kirkwood for the erection of a wind turbine (60 metres to hub and 86.45 metres to blade tip) (revised scheme of 12/01782/STPLF) at Manor Farm, Skipsea Lane, Dunnington (application 12/03420/STPLF).

At the meeting the Director advised the Committee that Vodafone had no objection.

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

Resolved - That the application be refused for the reasons contained in the Director's report.

6696 FUTURE APPLICATIONS - The Director of Planning and Economic Regeneration submitted a report giving advance notice of planning applications that were currently under consideration or were likely to be submitted to the next or subsequent meeting of the Committee.

Resolved - That a site visit be arranged to land north of Spring House Farm, Barmby Moor and land east of 14 Aspen Close, Market Weighton.

6697 ADDITIONAL MEETING - A meeting was required in November and had not been scheduled due to the possible date clashing with the Police and Crime Commissioner Election.

Resolved - That a meeting of the Committee be held on Thursday, 22 November 2012 commencing at 2.00pm.

6698 MINISTRY OF DEFENCE - Resolved - That the Director of Planning and Economic Regeneration write to the Ministry of Defence on behalf of the Planning Committee expressing concern at the approach taken by it in relation to the wind farm applications.