

# Minutes

## Planning Committee

Venue:	Council Chamber
Date:	13 July 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), I Reynolds (substitute for D Peart), Mrs E Casling, I Chilvers, J Deans, D Mackay, C Pearson, B Marshall, and P Welch.
Apologies for Absence:	Councillor D Peart.
Officers Present:	Jonathan Carr - Interim Lead Officer, Planning Ruth Hardingham – Interim Deputy Lead Planning Officer, Yvonne Naylor – Principal Planning Officer, Diane Wilson – Planning Officer, Nigel Gould – Principal Planning Officer, Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.
Public:	27
Press:	1

### **1. DISCLOSURES OF INTEREST**

All councillors declared they had received correspondence in relation to applications 2015/1186/FUL – Yew Tree House, Chapel Fenton, Tadcaster and 2016/0359/OUT – Land south of Moor Lane, Sherburn in Elmet.

### **2. CHAIR’S ADDRESS TO THE PLANNING COMMITTEE**

The Chair reminded the Committee that a session in relation to the outcomes of the Planning Review had been arranged on 18 July 2016 at 1.30 pm, the session would be followed by a Planning Committee training session.

The Chair explained that application 2016/0359/OUT – Land south of Moor Lane, Sherburn in Elmet would be considered as the first item. The remaining items would be considered in the order as listed in the agenda.

### **3. SUSPENSION OF COUNCIL PROCEDURE RULES**

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) in the Constitution, to allow a more effective discussion on applications.

#### **RESOLVED:**

**To agree the suspension of Council Procedure Rules 15.1 and 15.6 (a) for the Committee meeting.**

*Note – Councillor J Deans entered the Council Chamber at this point. With regard to declaration of interests, he advised that he had received correspondence in relation to applications 2015/1186/FUL – Yew Tree House, Chapel Fenton, Tadcaster and 2016/0359/OUT – Land south of Moor Lane, Sherburn in Elmet.*

### **4. PLANNING APPLICATIONS RECEIVED**

- 4.1**
- |                     |   |
|---------------------|---|
| <b>Application:</b> | <b>2016/0359/OUT</b>  |
| <b>Location:</b>    | <b>Land South Of Moor Lane<br/>Sherburn In Elmet</b>  |
| <b>Proposal:</b>    | <b>Outline application to include access (all other matters reserved) for erection of up to 20 dwellings.</b> |

The Interim Deputy Lead Planning Officer introduced the application and referred the Committee to the information provided in the update note.

The application had been brought before the Planning Committee at the request of Councillor Buckle, for the reasons set out in the report.

Councillors were advised that the application site was located within the defined Development Limits of Sherburn in Elmet, a Local Service Centre. The Interim Deputy Lead Planning Officer explained that on balance, the proposal was acceptable when assessed against the policies in the National Planning Policy Framework (NPPF), the Selby District Local Plan and the Core Strategy.

David Buckle, resident, spoke in objection to the application.

Councillor Mel Hobson, Ward Councillor, spoke in objection to the application.

Ed Harvey, the applicant's agent, spoke in support of the application.

Some Councillors raised concerns in relation to the level of the highway, flood risk and drainage.

Some Councillors felt it would be beneficial to undertake a site visit before making a decision on the application. A proposal to defer a decision on the application until a site visit had been carried out was proposed and seconded.

An amendment to refuse the scheme on the grounds that the application would have a detrimental impact on nearby residents and the natural wildlife in the area, flood risk, inadequate highway access, noise and light pollution, and the site being unsuitable for housing development, was proposed and seconded. The amendment to refuse was withdrawn following advice that the reasons for refusal were not sufficiently detailed and members were invited to consider a deferral, in order to obtain further advice from planning officers and to consider the reasons for refusal.

The Planning Committee voted on the first motion to defer a decision until a site visit had been undertaken. The proposal was supported by Councillors.

**RESOLVED:**

**To DEFER a decision on the application, until a Committee site visit had been undertaken.**

**4.2            Application: 2014/0831/COU**  
**Location: 72 Ousegate, Selby**  
**Proposal: The retrospective change of use of**  
**the building from A1 (retail) A4**  
**(Drinking Establishment).**

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the update note.

Councillors were informed that the application had been re-publicised due to a change of description. The new site notice was due to expire on 15 July 2016.

The Principal Planning Officer explained that the application had been brought to Planning Committee due to more than 10 representations contrary to the Planning Officer's recommendation being received.

The application was for the retrospective change of use of the building from A1 (retail) to a mixed use of D2 (Assembly and Leisure) and night club (Sui Generis). The Principal Planning Officer advised the Committee that insufficient information in relation to noise created by use had been provided to assess the impact on amenity of nearby residential properties. The scheme therefore failed to accord with Policy ENV1 (1) of Selby District Local Plan, Policies SP13, SP14 and SP19 of the Core Strategy and the advice contained within the NPPF. On this basis the Committee was recommended to refuse the application.

Mrs Coultish, Parish Councillor, spoke in objection to the application.

Ian Wright, the applicant, spoke in support of the application.

A proposal to refuse the application, for the reasons detailed in the report, was proposed and seconded.

**RESOLVED:**

**To REFUSE the application for the reasons outlined in section 2.12 of the report.**

**4.3            Application:        2015/1186/FUL**  
**Location:        Yew Tree House**  
**Chapel Green**  
**Appleton Roebuck**  
**Proposal:            Proposed erection of a 3 bedroom detached dormer**  
**bungalow following the demolition of a detached**  
**garage and stone garden wall.**

The Planning Officer introduced the application and referred the Committee to the information provided in the update note.

Councillors were advised that the application had been considered by the Planning Committee at the meeting held on 8 June 2016, when Councillors had resolved to defer the application to obtain further advice in relation to reasons for refusal, contrary to the Planning Officer's recommendation.

The Planning Officer explained that after due consideration, officers were of the view that the suggested reasons for refusal would be difficult to sustain at Appeal, on the grounds that the concerns raised, whilst material considerations, had previously been assessed as being acceptable. Therefore, Councillors were recommended to approve the application.

Liam Tate, spoke in objection to the application.

Mr A Flatman, the applicant's agents spoke in support of the application.

Councillors raised concerns in relation to drainage, inadequate highway access, detrimental impact of a nearby oak tree on the proposed dwelling, detrimental impact on the living conditions of nearby residents in terms of overlooking and overshadowing, and inadequate amenity space for the size of the proposed dwelling resulting in a cramped form of development.

A proposal to refuse the application for reasons 3, 4, 5 and 6 as set out in the report, was proposed and seconded.

An amendment to approve the application for the reasons set out in section 2.20 of the report was proposed and seconded. The amendment was not supported by the Committee and fell accordingly.

The Committee voted on the proposal to refuse the application.

**RESOLVED:**

**To REFUSE the application, for the following reasons:**

- I. The proposed scheme provides insufficient information on drainage. Insufficient information has been submitted to show that soakaways would provide sufficient drainage for the proposed development. The proposed scheme provides insufficient information to show where the drainage tanks or soakaways are located without harming the oak tree. The proposed scheme there for fails to accord with Policies SP15 and SP16 of the Core Strategy Local Plan and paragraph 95 of the NPPF.**
- II. The proposed dwelling, due to its proximity to the oak tree would have a detrimental impact on the proposed dwelling causing damage to both the proposed dwelling and the oak tree's roots. The proposed scheme therefore fails to accord with policy ENV 1 (5) of the Selby District Local Plan**
- III. The proposed development as a result of its scale, design and location would have a harmful impact on the living conditions for the occupants of 3 Chapel Green and Yew Tree House in terms of overlooking, overshadowing and an overbearing effect. The proposed scheme therefore fails to accord with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 policy of the Selby District Core Strategy Local Plan.**
- IV. The proposed scheme fails to provide sufficient amenity space for the size of the proposed dwelling resulting in a cramped form of development. The proposed scheme therefore fails to accord with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 policy of the Selby District Core Strategy Local Plan.**

- 4.4 Application: 2016/0035/FUL**  
**Location: Broad Lane, Church Fenton**  
**Tadcaster**  
**Proposal: Demolition of existing agricultural buildings (use class Sui Generis) and the erection of a specialist state funded day school for up to 20 children and associated parking (Class D1 use) on land adjacent to Fenton Grange.**

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the update note.



**RESOLVED:**

**To REFUSE the application, subject to reasons detailed in section 3.0 of the report.**

**4.6**

**Application:** 2016/0189/REM  
**Location:** Industrial Chemicals Group Ltd  
Canal View, Selby  
**Proposal:** Reserved matters application relating to appearance, landscaping, layout and scale (reserved matters) of approval 2012/0705/FUL Extension of time application for approval 2004/1264/FUL for application under Section 73 to vary time limiting condition on outline approval 8/19/273U/PA (for the expansion of existing chemical works onto land to the south), to extend the time within which reserved matters can be submitted.

The Principal Planning Officer introduced the application.

Councillors were advised that the application had been brought before the Planning Committee due to the original Outline Planning Application being accompanied by an Environmental Statement. The scheme was a subsequent application and the ecology appraisal was considered as an addendum to the Environment Statement. The Principal Planning Officer advised that the determination of a subsequent application was not within the remit of officers under the scheme of delegated authority and therefore it had been brought to the Planning Committee for determination.

The Principal Planning Officer advised Councillors that having assessed the proposal against the relevant policies and the original outline planning permission, the application was considered to be acceptable.

Mr J Lawson, the applicant's agent, spoke in support of the application.

The Principal Planning Officer's recommendation was moved and seconded.

**RESOLVED:**

**To APPROVE the application, subject to conditions detailed in section 3.0 of the report.**

**4.7            Application:        2016/0098/COU**  
**Location:        Hales Hill Farm, Back Lane, Acaster Selby**  
**Proposal:        Change of use of land from agricultural to**  
**touring caravan site following relocation of site**  
**from adjacent field.**

The Principal Planning Officer introduced the report and referred the Committee to the information provided in the update note.

Councillors were advised that the application had been brought before the Planning Committee as the scheme was for development that was considered to be inappropriate within the Green Belt, the acceptability of which was dependent upon the demonstration of very special circumstances.

The Principal Planning Officer reported that a case for very special circumstances had been submitted, and the circumstances put forward were considered to be very special circumstances that would clearly outweigh harm caused by the development. On this basis Councillors were recommended to approve the application.

The Principal Planning Officer's recommendation was moved and seconded.

**RESOLVED:**

**To APPROVE the application, subject to the conditions detailed in section 2.21 of the report and amended Condition 8 as detailed in the update note.**

The Chair closed the meeting at 3.20 p.m.