

Officer Update Note

13th July 2016

Item 5.2

APPLICATION NUMBER:	2015/1186/FUL	PARISH:	Appleton Roebuck
APPLICANT:	Mr and Mrs Carter	VALID DATE:	29 th October 2015
		EXPIRY DATE:	24 th December 2015
PROPOSAL:	Proposed erection of a 3 bedroom detached dormer bungalow following the demolition of a detached garage and stone garden wall.		
LOCATION:	Yew Tree House Chapel Green Appleton Roebuck York North Yorkshire YO23 7DP		

Amendment to paragraph 2.3 in officer report should be read as "presented to planning committee and officer update note 8th June 2016 not 8th June 2015 as referred to in the officer report.

Following Chairs Briefing it was requested that clarification is sought to bring to the attention of Members of Planning Committee the validity of the reasons for refusal in terms of costs which may occur should the application be determined through appeal.

The reasons for refusal are noted in the officer report however it is considered that:

Given the lack of objections from the highway authority, and the location of the drainage being a building control function, it is considered that reasons 1 to 3 found on page 17 to 18 of the report with respect to parking and turning, the access road and drainage. Would be vulnerable to cost should this item be refused at committee and determined through the planning appeal process, as these conditions are not considered to be reasonable reasons for refusal.

Reasons 4 to 6 found on page 18 of the report with respect to the proximity of the oak tree to the dwelling, residential amenity, and amenity space are considered on the judgement and on balance subjective. Therefore the opinion of planning officers do not consider these to be sufficient reasons for refusal and may not be considered reasonable reasons at the appeal. However members may have a different view and consider these reasons for refusal to be acceptable.

In view of new information coming to light, in terms of percolation tests which were heard at planning committee 8th June 2016 plan number P205 is removed from the drawing list.

The drawings to be approved would be as follows:

12. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

LOC - Location Plan	P200
LAY - Planning Layout	P201
PROP - Proposed Plans	P202
ELPR - Elevations as Proposed	P203
ELPR - Elevations as Proposed	P204
LND – Landscaping	P206
LAY - Planning Layout	P207

Reason: For the avoidance of doubt and in accordance with policy ENV1 of the Selby District Local Plan.

Item 5.3

APPLICATION NUMBER:	2016/0035/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Cambian Group PLC	VALID DATE:	25th January 2016
		EXPIRY DATE:	21st March 2016
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		
LOCATION:	Street Record Broad Lane Church Fenton Tadcaster North Yorkshire		

Condition 2 on the published report should be removed and replaced with the following:

02 Prior to the commencement of development details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

Condition 5 needs the reference to condition number 16 added, the first part should therefore read as:

05. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 16:

Item 5.4

APPLICATION NUMBER:	2016/0154/OUT	PARISH:	Biggin
APPLICANT:	Mrs P Ratcliffe-Springall	VALID DATE: EXPIRY DATE:	15th February 2016 11th April 2016
PROPOSAL:	Outline application with all matters reserved for the erection of two detached dwellings on land at Little Fenton Field		
LOCATION:	Land Adj To Little Common Farm Biggin Lane Biggin Leeds West Yorkshire		

Further to the committee request submitted by Councillor Ellis and detailed in the published report, Councillor Ellis has submitted the following letter and asked for it to be circulated to members:

I fully support the above planning application for 2 dwellings even though it is outside the current area for permitted development.

We need to maintain a 5 year housing supply. This site does not affect the neighbours at either side of the proposed development and represents an Infill situation.

Permission has recently been granted in Biggin at Croft Farm for 5 houses which is outside the village envelope and permitted development of a Secondary Village.

I trust that the Planning Committee will take note of my comments and look on this application favourably.

Regards

Keith Ellis Cllr.

Whilst the comments are noted this does not change the officers recommendation.

Item 5.7

APPLICATION NUMBER:	2016/0359/OUT 8/58/1060/PA	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Jackson Trust	VALID DATE:	5th April 2016
		EXPIRY DATE:	5th July 2016
PROPOSAL:	Outline application to include access (all other matters reserved) for erection of up to 20 dwellings		
LOCATION:	Land South Of Moor Lane Sherburn In Elmet North Yorkshire		

1.5 Publicity

Since the compilation of the Officer Report there have been three further letters of objections received that have raised the following issues:

- Facilities and amenities within Sherburn in Elmet do not provide for the current population without adding to this with increased housing.
- The site area is and always has been subjected to flooding, which would put further pressure on the already developed area adjacent to the identified site location.
- This land is underwater for the best part of a year and it would cause flooding problems if an estate was built on it.
- It is also extremely close to the bypass which would be unsafe.
- It is also the only piece of greenland left on Moor Lane as the rest has been destroyed to make way for more houses.
- Sherburn has fulfilled and exceeded its 5 year allocation of housing. There is nothing wrong with allocating the houses to Selby or Tadcaster as they still have to meet their allocation of housing in the Selby plan.
- Almost 1000 signatures are available from residents who do not want to see anymore homes being approved in the village. The infrastructure needs to be concentrated on first before more homes are approved.

It is not considered that any of the above issues raise any further material considerations and the above issues are covered in the Officer Report.

Photographs of the application site have been submitted to illustrate surface water on the site.



It is considered that these issues are fully addressed in paragraph 2.10 of the Officer Report.

2.16 Recreational Open Space

It should be noted that the Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for 60sqm per dwelling to be provided on site in the first instance, the layout plan shows 305 sqm which would be short of the 1,200 sqm required. However, given the size and scale of the proposed development this is considered to be an acceptable amount.

APPLICATION NUMBER:	2014/0831/COU (8/19/373D/PA)	PARISH:	Selby Town Council
APPLICANT:	Mr Wright	VALID DATE:	1 September 2014
		EXPIRY DATE:	27 October 2014
PROPOSAL:	The retrospective change of use of the building from A1 (retail) A4 (Drinking Establishment).		
LOCATION:	72 Ousegate, Selby, North Yorkshire, YO8 4NJ		

1.5 Publicity

The application has been re-publicised due to the change of description. The new site notice expiry date is 15 July 2016. To date the following additional representations have been received.

Since the compilation of the Officer Report there have been two further letters summarized as follows:

- Selby Town Council -no objection -subject to consultation with neighbouring residents. Suggests that the applicant should have made a planning application before the works were carried out. Perhaps the District Council could promote the necessity for planning permission for such proposals more widely.
- Letter from Paula Walker (no address given)- Querying how the change of use can have occurred including the knocking through of a wall before planning permission is granted. Also how it got a licence to sell drink and why residents were not given letters about the issue.

In view of the site notice expiry date, the recommendation should be amended as follows:

Recommendation

That, following the expiry of the site notice on 15 July 2016, authority to REFUSE the application for the reasons set out below be delegated to officers, (subject to no further representations being received raising new issues which would warrant reconsideration of the application).

Item 5.6

APPLICATION NUMBER:	2016/0098/COU (8/80/4D/PA)	PARISH:	Acaster Selby
APPLICANT:	Mr Ian Wilson	VALID DATE:	10 th February 2016
		EXPIRY DATE:	6 th April 2016
PROPOSAL:	Change of use of land from agricultural to touring caravan site following relocation of site from adjacent field		
LOCATION:	Hales Hill Farm, Back Lane, Acaster Selby, York, YO23 7BW		

Condition 8 to be amended to read

"The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Location Plan Ref YTA1 dated February 2016 as received 3rd February 2016
- Block Plan and Topographical Survey Ref YEW/277/51/001/A dated June 2016 as received 4th July 2016

Reason:

For the avoidance of doubt

