

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 10 August 2016
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), Mrs E Casling, I Chilvers, J Deans, D Mackay, B Marshall, C Pearson, and P Welch.
Apologies:	None.
Officers present:	Gillian Marshall, Solicitor to the Council; Jonathan Carr, Interim Lead Officer (Planning); Ruth Hardingham, Interim Deputy Lead Officer (Planning); Calum Rowley, Senior Planning Officer; Yvonne Naylor, Principal Planning Officer; Keith Thompson, Senior Planning Officer; and Daniel Maguire, Democratic Services Officer
Public:	22
Press:	1

12. DISCLOSURES OF INTEREST

Councillor Peart noted that he had requested planning application 2016/0236/HPA (agenda item 6.4) to come before the Committee as the ward councillor, but that he had an open mind on the application and would make a judgement based on the merits of the case presented to the Committee.

13. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed Councillors and officers to the meeting.

14. MINUTES

The Committee considered the minutes of the Planning Committee meetings held on 29 June 2016 and 13 July 2016, and the minutes of the Planning Sub-Committee meeting held on 26 July 2016.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 29 June 2016 and 13 July 2016, and the minutes of the Planning Sub-Committee meeting held on 26 July 2016 as a correct record.

15. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6(a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6(a) for the duration of the meeting.

16. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications.

- 16.1 Application: 2016/0359/OUT**
Location: Land south of Moor Lane, Sherburn in Elmet.
Proposal: Outline application to include access (all other matters reserved) for erection of up to 20 dwellings.

The Interim Deputy Lead Officer (Planning) presented the report, which was for an outline application for up to 20 dwellings and had previously been considered by the Committee at the meeting on 13 July 2016. The Committee had deferred a decision to allow for a site visit, which had subsequently taken place on 8 August 2016.

It was noted that the application had been brought to the Committee due to a request by a ward councillor, Councillor David Buckle.

The Committee's attention was drawn to the Officer Update Note which included further comments from the applicant regarding flooding, comments from two local residents, and amendments to the conditions.

The Interim Deputy Lead Officer (Planning) recommended that the application be approved, subject to the conditions outlined in the report (as amended in the Officer Update Note).

Mr David Buckle addressed the Committee as a local resident, to object to the application.

Councillor Melvin Hobson addressed the Committee as a Parish Councillor to object to the application.

Councillor Bob Packham addressed the Committee as a ward Councillor to object to the application.

Mr Edward Harvey addressed the Committee as the agent to support the application.

The Interim Deputy Lead Officer's recommendation to approve the application, subject to the conditions detailed in the report, was moved and seconded.

RESOLVED:

- (i) To delegate authority to officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, on-site Recreational Open Space and a waste and recycling contribution; and**
- (ii) To APPROVE the application, subject to the conditions detailed in the report and the officer update note and subject to the satisfactory completion of a Section 106 agreement as outlined in (i) above.**

16.2 Application: 2016/0223/FUL
Location: Ebor Court, Newton Kyme, Tadcaster.
Proposal: Proposed residential development of 11 dwellings.

The Senior Planning Officer presented the report, which was for a residential development of 11 dwellings on a site previously approved for 9 employment units. Planning consent for the demolition of the old Papyrus Works and the development of the site for 128 dwellings and 9 employment units had been granted on 1 May 2014. The current application had been brought to the Committee due to more than 10 objections having been received.

The Committee's attention was drawn to the Officer Update Note, which included an additional public comment received and the deletion of paragraphs 2.3.5 to 2.3.15 in the original report.

It was noted that the developer had been unable to attract sufficient commercial interest in the 9 employment units and was seeking to provide 11 dwellings in place of the employment units. It was further confirmed that the

larger 'Fitzroy' style of dwelling had been withdrawn, and that the 11 dwellings would be no larger than 9.3m to ridge and 5.3m to eaves which compared with 7.8m to ridge and 4m to eaves for the previously approved employment units.

The Senior Planning Officer recommended that the application be approved, subject to the conditions outlined in the report.

Mr Peter Jones addressed the Committee as a local resident to object to the application.

Mr Mark Johnson addressed the Committee as the agent to support the application.

The Senior Planning Officer's recommendation to approve the application, subject to conditions contained in the Officer's report, was moved and seconded.

RESOLVED:

To APPROVE the application subject to the conditions outlined in the officer's report and the completion of a Section 106 agreement on affordable housing and waste and recycling.

16.3 Application: 2016/0457/FUL
Location: Land south of Common Lane, Church Fenton, Tadcaster.
Proposal: Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment of access serving Church Fenton Hall.

The Principal Planning Officer presented the report which was an outline application for the erection of 9 dwellings including access and the realignment of access to Church Fenton Hall.

The Committee's attention was drawn to the Officer's Update Note which included additional Parish Council comments, changes to some conditions and minor corrections.

The Principal Planning Officer recommended that the application be approved, subject to the conditions in the report.

Mr Chris Carol addressed the Committee as the agent, to support the application.

The Principal Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in the report and the officer update note.

- 16.4 Application: 2016/0236/HPA**
Location: Woodlands, Long Drax Village, Selby.
Proposal: Proposed demolition of the existing single storey rear extension, proposed extension of new single extension to rear and to change the existing two-storey flat roofs to be hipped roofs incorporated into the existing hipped roof.

The Principal Planning Officer presented the application which was for the demolition of existing extensions and the construction of a larger extension. The application had been brought to the Committee following a request by a ward councillor, Councillor Dave Peart.

The Committee was advised that having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the officer considered that the proposed extension would form a disproportionate addition over and above that of the original dwelling and as such would detract from the open character of the countryside and the visual amenities of the area contrary to Policies ENV1 and H14 of the Selby District Local Plan. Consequently the Principal Planning Officer recommended that the application be refused.

Mr Richard Borrows addressed the Committee as the agent in support of the application.

A proposal to approve the application as it was not considered to detract from the open character of the countryside and visual amenities of the area, subject to conditions, was moved and seconded.

RESOLVED:

To APPROVE the application (subject to conditions relating to time of delivery, materials used in construction, completion of a Flood Risk Assessment and the detail of plans to be approved by the Planning Officer), as the application would not detract from the open character of the countryside and the visual amenities of the area.

16.5 Application: 2016/0957/OUT
Location: Low Mill, York Road, Barlby.
Proposal: Proposed outline application with all matters reserved for the erection of 2 detached dwellings to the rear of the location.

The Senior Planning Officer presented the report which was for an outline application with all matters reserved for the erection of 2 detached dwellings to the rear of the existing property. The application had been brought before the Committee in the context of the recent Court of Appeal judgement in the West Berkshire case. Prior to this judgement the Council was able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from developments of fewer than 10 residential units. However, following the recent Court Judgement the proposal was contrary to the provisions of the Development Plan, but there were material considerations that would justify approving the application. In addition, as there had been more than 3 objections the application could not be considered by the Planning Sub-Committee.

The Committee's attention was drawn to the Officer Update Note, which included one additional consultation response and an amendment to a condition.

It was confirmed that the principle of the proposed development was considered to be acceptable with regard to Policy SP2A(a) and SP4(a) of the Core Strategy Local Plan as the location was within the defined development limits of a Designated Service Village. Matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination were considered to be acceptable.

It was further confirmed that the recent Court of Appeal decision was a material consideration of substantial weight which would outweigh the policy requirement for the commuted sum. The Senior Planning Officer therefore recommended that, having had regard to Policy SP9 and the Planning Policy Guidance that, on balance, the application was acceptable without a contribution for affordable housing.

The Senior Planning Officer's recommendation to approve the application, subject to conditions detailed in the report and the officer update note, was moved and seconded.

RESOLVED:
To APPROVE the application, subject to the conditions detailed in the report and the officer update note.

- 16.6 Application:** 2016/0449/MLA
Location: Land near crossing at Leeds Road, Thorpe Willoughby.
Proposal: Application to modify a section 106 planning obligation under section 106BA following approval of 2016/0197/REM for reserved matters relating to the approval of details of appearance, landscaping, layout and scale in relation to the development of 276 dwellings and associated infrastructure.

The Interim Deputy Lead Officer (Planning) presented the report, which was an application to modify a Section 106 planning obligation relating to a previously approved application for the development of 276 dwellings and associated infrastructure. The application had been brought before the Committee due to the applicant seeking to reduce the affordable housing contribution that the Committee had previously agreed.

The Interim Deputy Lead Officer (Planning) confirmed that, under Section 106BA of the Planning Act 1990, developers may seek to modify obligations that had previously been agreed with the planning authority. The applicant had approached the Council to request a reduction in the affordable housing contribution from 40% to 32% as the applicant had concluded that 40% was not commercially viable. Subsequent discussions between the applicant and the Council had resulted in a revised figure of 36%. The District Valuer had considered both revised figures and had disagreed with the applicant, advising that 40% was a commercially viable figure.

The Interim Deputy Lead Officer (Planning) confirmed that, on balance, the revised figure of 36% on-site affordable housing contribution was acceptable and recommended approval.

The Solicitor to the Council advised the Committee that it was required to make a judgement on the degree of weight to be given to both positions, and also the extent to which a 40% affordable housing contribution could be a barrier to the delivery of the development and the subsequent impact on the Council's delivery of its 5-year housing land supply.

The Interim Deputy Lead Officer's recommendation to approve the application, subject to the completion of a Deed of Variation to the original Section 106 agreement was moved and seconded.

RESOLVED:

- (i) To delegate authority to officers to complete a Deed of Variation to the original Section 106 agreement to reduce the on-site affordable housing contribution to 36%; and**

- (ii) To APPROVE the application subject to the satisfactory completion of a Deed of Variations to the original Section 106 agreement as outlined in (i) above.**

The meeting closed at 4.06pm.