

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 7 September 2016
Time:	2.00pm
Present:	Councillors J Cattanach (Chair), D Peart (Vice-Chair), Mrs E Casling, I Chilvers, J Deans, B Marshall, I Reynolds (substitute for D Mackay), C Pearson, and S Duckett (substitute for P Welch).
Apologies:	Councillors D Mackay and P Welch.
Officers present:	Gillian Marshall, Solicitor to the Council; Jonathan Carr, Interim Lead Officer (Planning); Ruth Hardingham, Interim Deputy Lead Officer (Planning); Yvonne Naylor, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer, Jenny Tyreman, Planning Officer, Tom Webster, Principal Planning Officer, Nigel Gould, Principal Planning Officer, Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	22
Press:	1

17. DISCLOSURES OF INTEREST

Councillor I Reynolds declared that he had an interest in application 2015/0683/FUL Low Farm, Low Farm Road, Bolton Percy, by virtue of having acted on behalf of the applicant in relation to a separate planning application.

In the interests of openness and transparency, Councillor I Reynolds stated that he would leave the Chamber during the consideration of the application.

All Councillors declared that they had received representations in relation to application 2015/0683/FUL Low Farm, Low Farm Road, Bolton Percy.

18. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

There was no address from the Chair.

19. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 10 August 2016.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 10 August 2016 as a correct record, and they be signed by the Chair.

20. 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.

21. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

Note – Further to his declaration of interest, Councillor I Reynolds left the Chamber during consideration of the following application.

21.1 Application:	2015/0683/FUL
Location:	Low Farm, Low Farm Road, Bolton Percy, Tadcaster
Proposal:	Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2 No. dwellings with garden land and the erection of 1 new dwelling.

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note, which outlined a further representation which had been received and a response by the applicant to the representation.

Members were informed that the application had been brought before the Planning Committee in the context of the West Berkshire Case Court of Appeal judgement. It was explained that prior to this judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document

(SPD) from development under 10 residential units. Following the Court judgement, the proposal was contrary to the provisions of the Development Plan. However, the Principal Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the government policy in the form of the reinstated Written Ministerial Statement and updated Planning Practice Guidance were material considerations of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Principal Planning Officer reported that having had regard to all other relevant planning matters, the proposal was considered acceptable when assessed against the policies in the National Planning Policy Framework (NPPF), in particular paragraph 14, the Selby District Local Plan and the Core Strategy.

It was on this basis that Members were recommended to approve the application subject to the conditions set out in the report.

Mr M Newby, 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 set out in section 3 of the report.

Note – Councillor I Reynolds returned to the Chamber.

21.2 Application:	2015/0448/OUT
Location:	Colton Lane, Appleton Roebuck
Proposal:	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 dwelling with associated infrastructure and open space provision on land adjacent to Hillcrest House

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note, which outlined an additional submission received on 1 September 2016, from Samuel Smiths Old Brewery (Tadcaster) regarding the application and the response by officers to the submission.

Members were informed that the application had been brought before the Planning Committee following the quashing of the initial decision as a result of Court submissions by Sam Smiths Old Brewery Tadcaster following issuing of the decision on 1 December 2015. As such the application needed to be re-considered by the Committee in the context of any changed circumstances or new material considerations since the original consent had been issued.

The Principal Planning Officer advised the Committee that on balance, the application was considered unacceptable when assessed against the Development Plan and was contrary to Policies SP2A, SP5 (A) and SP5 (E) of the Core Strategy, and should therefore be refused.

Mr J Tuohy spoke in objection to the application.

Mr L Rayment, Parish Councillor, spoke in objection to the application.

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

RESOLVED:

To REFUSE the application for the reasons set out in section 3.6 of the report.

21.3 Application: 2016/0850/FUL
Location: Quarry Drop, Westfield Lane, South Milford
Proposal: Part retrospective application for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period.

The Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined consultation responses from the South Milford Parish Council and the Contaminated Land Consultant. The note also outlined five additional letters of representation that had been received and recommended the imposing of an additional condition.

Members were informed that the application had been brought before the Planning Committee in the context of the West Berkshire Case Court of Appeal judgement. It was explained that prior to this judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under 10 residential units. Following the Court judgement, the proposal was contrary to the provisions of the Development Plan. However, the Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the government policy in the form of the reinstated Written Ministerial Statement and updated Planning Practice Guidance were material considerations of substantial weight which outweighed the policy requirement to secure an affordable housing contribution. In addition, there had been more than three objections to the proposal and as such, the application could not be determined by the Planning Sub-Committee.

The Planning Officer reported that having assessed the application against the other relevant policies, it was considered that the proposal was acceptable in respect of its design, impact on: the character and appearance of the area, residential amenity, highway safety, flood risk, drainage, climate change, nature conservation, protected species and land contamination.

With regard to the erection of a temporary building for residential use during the construction period, Members were informed that the development was considered acceptable, subject to an appropriate condition requiring the removal of the temporary building following the occupation of the dwelling.

Mr S Barker spoke in objection to the application.

Mrs N Lindsay, the applicant, spoke in support of the application.

Members raised concerns in relation to the impact on nearby residents during the construction phase and the length of time the scheme had been underway.

It was proposed that any permission granted should have attached additional conditions regarding the hours/days of construction and a reasonable time limit for completion in the interests of the residential amenity of neighbouring residential dwellings.

The proposal was moved and seconded.

RESOLVED:

To APPROVE the application, subject to the conditions in paragraph 2.13 of the report and the additional condition set out in the Update Note and a delegation to the Lead Officer – Planning to add conditions relating to:

- I. The hours and days when construction may take place; and**
- II. the period of time within which the dwelling should be practically completed and available for occupation.**

21.4 Application: 2016/0403/OUT
Location: West Farm, West End, Ulleskelf
Proposal: Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale.

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined a consultation response from North Yorkshire County Council including from the Highways Officer and the Officer response to these. The Note also outlined three further letters of objection that had been received and the Officer response to these.

Members were informed that the application had been brought before the Planning Committee due to the proposal being a departure from the

Development Plan and 10 representations being received that raised material planning considerations.

The Committee was advised that the application site was located partly within, partly outside the defined development limits of Ulleskelf. The proposal was therefore contrary to Policy SP2A (c) of the Core Strategy. It was explained that development limits were currently under review as part of the PLAN Selby sites and allocations document, in-line with commentary detailed in the Core Strategy. The Principal Planning Officer explained that in evaluating the application, the relationship of the proposal to the edge of the settlement and defined development limit, the proposal was considered, on balance, to be acceptable.

In addition, Members were advised that on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and other policies in the Core Strategy.

Mr M Thomas, also on behalf of Ulleskelf Parish Council, spoke in objection to the application.

Mr P Leeming, the applicant's agent, spoke in support of the application.

Concerns were raised in relation to the number of dwellings proposed and level of growth being inappropriate for Ulleskelf, in light of developments that had already been approved in the area.

In addition, some Members felt the proposed location was in conflict with policy, in particular the adopted Core Strategy's spatial development strategy for this Designated Service Village in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A) and (E).

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

An amendment to refuse the application for the reasons set out above, was proposed and seconded.

The amendment was supported by the Committee and subsequently put to the vote.

RESOLVED:

To REFUSE the application for the following reasons:

- I. The proposal would be located partially within the open countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for 25 dwellings, when added to the 34 dwellings that have been built or approved in**

Ulleskelf since the start of the Plan Period in April 2011 would substantially exceed the minimum growth options of between 7 – 24 dwellings for Ulleskelf identified by research in connection various growth options for the Designated Service Villages as part of the development of PLAN Selby in July / August 2015. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Ulleskelf and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

- II. The proposal would be located partially within the open countryside and approval of this application for housing is in conflict with the recently adopted Core Strategy's spatial development strategy for this Designated Service Villages in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A) and (E).**

**21.5 Application: 2016/0484/REM
Location: The Laurels, Main Street, Church Fenton
Proposal: Reserved matters application relating to access, appearance, landscaping, layout and scale of approval 2015/0760/OUT outline application (all matters reserved) for the erection of 25 dwellings, garages, adopted road and landscaped areas.**

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined an amendment to paragraph 2.22.3 of the report and proposed an amendment to condition 11 following the receipt of the Arboricultural Method Statement. The Note also provided the Committee with information on Tree Preservation Orders on the application site.

Members were informed that the application had been brought before the Planning Committee at the discretion of the Interim Lead Officer (Planning).

The proposal sought reserve matters consent for the development of the site, which was granted outline planning permission (with all matters reserved) under reference 2015/0760/OUT on 21 December 2015. The Committee was informed that the principle of residential development on the site had therefore been firmly established under the outline planning permission. The applicant also sought to address all 'prior to commencement development' / conditions precedent on the Outline Consent, to enable commencement on site with minimal delay.

The Principal Planning Officer reported that having considered the proposed design of the scheme and all technical considerations, the proposal was

considered acceptable and there would be no adverse impact of granting reserved matters consent that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

Members were recommended to approve the application.

Mr D Chapman, 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 the conditions detailed in section 3.0 of the report and amended Condition 11 as set out in the Update Note.

21.6 Application: 2016/0505/OUT
Location: Land adj to Station Mews, Church Fenton, Selby
Proposal: Outline application for the erection of 5 new dwelling houses with access (all other matters reserved).

The Senior Planning Officer introduced the application.

Members were informed that the application had been brought before the Planning Committee because it was recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

The application site was located outside the defined development limits of Church Fenton, and was therefore contrary to Policy SP2A (c) of the Core Strategy. It was explained that development limits were currently under review as part of the PLAN Selby sites and allocations document in-line with commentary detailed in the Core Strategy. The Senior Planning Officer reported that the relationship of the proposal to the edge of the settlement and defined development limit was considered, on balance, to be acceptable.

Members were informed that an acceptable proposal could be designed to achieve an appropriate layout, scale, appearance, and landscaping at reserved matters stage, so as to respect the character of the local area, and not significantly detract from highway safety and residential amenity. In addition, the application was considered, on balance to be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan, and the Core Strategy.

The Committee was recommended to approve the application.

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

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 3 of the report.

**21.7 Application: 2016/0693/FUL
Location: Cherwell Croft, Hambleton, Selby
Proposal: Proposed erection of one dwelling (amended house type).**

The Senior Planning Officer introduced the application.

Members were informed that the application had been brought before the Planning Committee because it was recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

The application site was part located outside the defined development limits of Hambleton with the estate road access partly within the development limits. It was explained that given the house would be constructed outside the development limits, the proposal was therefore contrary to Policy SP2A (c) of the Core Strategy. However, Members were advised that the previously approved planning applications were considered to be significant material considerations that would weigh in favour of supporting the application, in addition to maintaining housing supply and the sustainability of the site.

The Senior Planning Officer reported that on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

The Committee was recommended to approve the application.

The Senior Planning Officer's recommendation was moved and seconded

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 3 of the report.

**21.8 Application: 2016/0895/OUT
Location: Woodland House, School Road, Hemingbrough, Selby.
Proposal: Outline application for residential development with all matters reserved at land adjacent.**

The Senior Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined consultation responses from the Parish Council, Yorkshire Water and the Council Land Contamination Consultants. The Note also recommended the removal of condition six as a result of the advice from the Contamination Consultants and that an additional condition should be imposed relating to maximum combined floor space.

Members were informed that the application had been brought before the Planning Committee because it was recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

The application site was located outside the defined development limits of Hemingbrough and therefore contrary to Policy SP2A (c) of the Core Strategy. It was explained that development limits were currently under review as part of the PLAN Selby sites and allocations document in-line with commentary detailed in the Core Strategy. The Senior Planning Officer reported that the relationship of the proposal to the edge of the settlement and defined development limit was considered, on balance, to be acceptable.

Members were advised that on balance, the proposal was acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

Mr M Mortonson, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the application, subject to conditions set out in section 3 of the report, with the exception of Condition 6 which should be deleted, and the inclusion of an additional condition as detailed in the Update Note.

21.9 Application: Tree Preservation Order No. 1/2016
Location: Land adjacent to New Bungalow, Main Street, South Duffield
Proposal: Tree Preservation Order - 1/2016

The Principal Planning Officer introduced the application and explained that the report sought Members permission to confirm, with modification, Tree Preservation Order (TPO) No. 1/2016.

The Committee was advised that there had been an error in the printing of the map included in the agenda and the group of trees indicated on the map as 'G1' were in fact 'A1'.

Members were informed that the Council had been made aware that works to remove trees from land located west of Main Street, South Duffield was being carried out. An enforcement visit had been undertaken on 10 March 2016, which confirmed that trees had been removed; the remaining trees were considered to have a high amenity value and be prominent features within South Duffield. As a result an Interim Order had been made.

The Principal Planning Officer recommendation that TPO No. 1/2016 be confirmed, subject to the modifications set out in the report.

Rachel Bartlet spoke in objection to the Principal Planning Officer's recommendation.

The Principal Planning Officer's recommended to confirm the TPO was moved and seconded.

An amendment not to confirm the TPO was proposed and seconded.

The amendment was supported by the Committee and subsequently put to the vote.

RESOLVED:

To not confirm TPO No. 1/2016, on the grounds that the trees were of insufficient amenity value to warrant an application of a TPO.

The meeting closed at 4.35 pm.