

## Planning Committee

Venue:	Council Chamber
Date:	Wednesday 9 November 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), D Peart, I Chilvers, J Deans, Mrs S Duckett (substitute for B Marshall) D White (substitute for C Pearson), and D Mackay.
Apologies for Absence:	Councillors B Marshall and C Pearson.
Officers Present:	Kelly Dawson, Senior Solicitor, Jonathan Carr, Lead Officer – Planning, Fiona Ellwood, Principal Planning Officer, Keith Thompson, Senior Planning Officer, Calum Rowley, Senior Planning Officer and Janine Jenkinson, Democratic Services Officer.
Public:	18
Press:	1

### **32. DISCLOSURES OF INTEREST**

All councillors declared that they had received correspondence in relation to the following applications:

- 2015/1217/FUL – Staynor Hall Development, Bawtry Road, Selby.
- 2015/1272/FUL – Staynor Hall Development, Bawtry Road, Selby.
- 2016/0491/MLA – The Laurels, York Road, Barlby, Selby.

### **33. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair informed the Committee that agenda Items 6.2 – 2015/1217/FUL – Staynor Hall Development and 6.3 – 2015/1272/FUL – Staynor Hall Development had been

withdrawn from the agenda due to representations being received which referred to matters that required further consideration.

#### **34. 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.**

#### **35. MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 12 October 2016 and the Planning Sub-Committee meeting held on 24 October 2016.

**RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 12 October 2016 and the Planning Sub-Committee meeting held on 24 October 2016, as correct records, and they be signed by the Chair.**

#### **36. PLANNING APPLICATIONS RECEIVED**

**36.1            Application: 2016/0783/FUL  
                  Location: Saxon, Holme  
   Coldhill Lane  
   Saxton, Tadcaster  
                  Proposal: Proposed erection of a new  
   dwelling.**

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined two further letters of representation that had been received and amendments to the report, including revised conditions.

Members were advised that the application had been brought before the Planning Committee due to the number of representations received, contrary to the Principal Planning Officer's recommendation. The application had also been brought before the Committee in the context of the Court of Appeal judgement in relation to the West Berkshire case. Prior to the 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 ten residential units. The Committee was informed that following the Court judgement, the proposal was now contrary to the provisions of the Development Plan.

The Committee was advised that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.



**36.4**            **Application:**        **2016/0491/MLA**  
                  **Location:**            **The Laurels, York Road, Barlby, Selby**  
                  **Proposal:**            **Application to modify a section 106 planning obligation under section 106BA following approval of 2015/0586/OUT for outline planning approval with all matters reserved for the erection of a residential development.**

The Senior Planning Officer introduced the application.

The application had been brought before the Planning Committee due to the applicant seeking a lower affordable housing contribution than had been agreed at Planning Committee on the original outline consent planning reference 2015/0586/OUT which was a 40% on-site affordable housing contribution.

The Senior Planning Officer advised the Committee that the application should be determined on the basis of the amount of affordable housing that could be accommodated without making the scheme unviable. The District Valuer had reported that 17% (6 units) on-site affordable housing could be provided with a viability review mechanism which allowed the affordable housing units to be increased or decreased in-line with market conditions at the time. However, the applicant had not agreed to this approach and had stated that their original offer of 6% (2 units) was affordable. Members were informed that the applicant had not agreed to the Council's revised figure of 17% (6 units) on-site affordable housing provision which included a viability review mechanism.

Melissa Madge, the applicant's agent spoke in support of the application.

Councillors discussed the affordable housing contribution and the recommendation of the District Valuer. It was suggested that a further meeting involving the District Valuer, Senior Planning Officer and the agent be arranged to allow further negotiations to take place.

It was proposed and seconded that the application be refused, in-line with the Senior Planning Officer's recommendation. An amendment to defer a decision on the application to allow further negotiations to take place was proposed. The proposal was seconded and put to the vote. The proposal was not supported by the Committee and fell accordingly.

The proposal to refuse the application in-line with the Senior Planning Officer's recommendation was put to the vote.

**RESOLVED:**

**To REFUSE the application for the reasons set out in section 5.0 of the report.**

**36.5**            **Application:**        **2016/0989/COU**  
                  **Location:**            **Hornington Manor, Oxton Lane, Bolton Percy**  
                  **Proposal:**            **Proposed change of use of agricultural land to self-catered holiday accommodation comprising of 8 No. mobile shepherds' huts.**

The Senior Planning Officer introduced the application and referred the Committee to the information provided in the Update Note. The Update Note outlined a consultation response from the Council's Environmental Health Officer, and one further letter of objection. The Senior Planning Officer confirmed that having considered the contents of the letter, the points raised had already been considered and there were no changes to the report and the Officer's recommendation remained.

Members were informed that the application had been brought before the Planning Committee as the Senior Planning Officer considered that although the proposal was contrary to Policy RT11 of the Local Plan, little weight should be given to Policy RT11 because of the clear conflict of Policy RT11 with Policy SP13 of the Core Strategy and the core planning principles set with the National Planning Policy Framework (NPPF), all of which were more up to date than Policy RT11 of the Selby District Local Plan and which acknowledged tourism development, was appropriate, in principle within the open countryside. Members were advised that these considerations outweighed the conflict with RT11 of the Local Plan.

The Senior Planning Officer informed the Committee that the proposed scheme was not considered to cause a significant detrimental impact on the character of the open countryside and all matters of acknowledged importance were considered acceptable subject to appropriate conditions being attached to any approval.

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

**RESOLVED:**

**To APPROVE the application, subject to the conditions set out in section 2.15 of the report.**

### **37. KELLINGLEY COLLIERY REDEVELOPMENT**

The Committee was provided with a presentation by Barton Wilmore that outlined a forthcoming application which sought to re-develop the site of the former Kellingley Colliery. Members were informed that amendments to the briefing note had been made and were set out in the Officer Update Note.

Councillors were invited to ask questions in relation to the proposed re-development.

Questions in relation to the following issues were raised:

- The approach to slurry ponds.
- Recruitment / training opportunities for local residents.

- How methane would be managed.
- Details of how the consultation had been undertaken with neighbouring local authorities, including Wakefield Council and North Yorkshire County Council.
- Section 106 / Community Infrastructure Levy (CIL) contributions.
- Pedestrian, cycle and public transport access arrangements.
- Provision of retail units and other facilities.
- Traffic / Highway impact.

**RESOLVED: To note the presentation provided.**

The Chair closed the meeting at 3.15 p.m.