

## Officer Update Note

9<sup>th</sup> November 2016

### Agenda Item 6.1

APPLICATION NUMBER:	2016/0783/FUL	PARISH:	Saxton Cum Scarthingwell
APPLICANT:	Mr John Fryer	VALID DATE:	20 July 2016
		EXPIRY DATE:	14 September 2016
PROPOSAL:	Proposed erection of a dwelling		
LOCATION:	Saxon Holme, Coldhill Lane, Saxton, Tadcaster, LS24 9TA		

Two further letters of representation have been received. The first repeats previous comments made. The second states;

*The recent multiple changes of plans regarding access to the property are confusing. It now appears that the access to the proposed building site is via the current Saxton Cricket Club entrance without the modifications to the entrance previously detailed on superceded plans. Given that this impacts directly on Saxton CC, I'm yet again disappointed that no contact has been made to discuss the amended plans. This lack of contact is a clear attempt to bully the Cricket Club into accepting a potential done deal.*

Amendments to the report;

A further condition relating to the access which was imposed by the Inspector on the Modification Order has been missed off the report. The exact wording of the conditions also requires some amendment to reflect the wording in the Inspectors decision. An extra condition is added for protective fencing to be installed around the trees which are to be retained during development.

Therefore the following revised conditions for the development should substitute those in the report;

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

*Reason: In order to comply with the provisions of section 51 of the Planning and Compulsory Purchase Act 2004.*

2. 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 dwelling 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 and Policies SP2 and SP4 of the Selby District Core Strategy.*

3. The stable hereby approved shall not be used for commercial horse breeding, riding or boarding activities. The stables shall only be used for private use by the owners of the dwelling hereby permitted.

*Reason: In the interest of protecting residential amenity in accordance with Policies ENV1 the Selby District Local Plan.*

4. No development shall commence until a scheme detailing the external appearance of the stables has been submitted to and approved in writing by the Local Planning Authority. The stables shall be constructed in accordance with the approved scheme.

*Reason: In the interest of protecting the visual amenity in the Green Belt in accordance with Policies ENV1, ENV25 and RT9 of the Selby District Local Plan and Policies SP2 and SP4 of the Selby District Core Strategy.*

5. No development shall commence until a scheme detailing improvements to the access to serve the dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority. The improvements shall include a scheme to prevent drawing loose material onto the public highway. Before the dwelling is occupied the works comprising the approved scheme shall be completed.

*Reason: In order to provide a safe access to the dwelling in accordance with Policy ENV1 of the Selby District Local Plan.*

6. The development hereby permitted shall be carried out in accordance with the following approved plans: (To be inserted).

*Reason: For the avoidance of doubt, and in the interests of proper planning.*

7. No development shall commence on site until the trees on the site which are indicated on the plans to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction (or any subsequent update to this standard). Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

*Reason: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.*

## **Agenda Item 6.5**

APPLICATION NUMBER:	2016/0989/COU 8/78/71Z/PA	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr Simon Spinks	VALID DATE:	23 August 2016
		EXPIRY DATE:	18 October 2016

PROPOSAL:	Proposed change of use of agricultural land to self catered holiday accommodation comprising of 8No. mobile shepherds' huts.
LOCATION:	Hornington Manor, Oxtan Lane, Bolton Percy, York, North Yorkshire, YO23 7AS

## 1.4 Consultations

**SDC Environmental Health** – I can confirm I have no objections to the proposals so far as this department's interests are concerned.

### *Informative*

The applicant has indicated that foul drainage is to be disposed of via a package treatment plant. I would advise the applicant that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency. You may wish to consult the Environment Agency to ensure that the necessary consent will be granted.

## 1.5 Publicity

One letter of objection (Cunnane) has been received to the scheme since the compilation of the report. Objections have been raised in respect of:

### **Principle**

- The overriding theme for such uses is of restricting the growth of main town centre uses in locations which are considered to be outside the main shopping frontages of identified centre. This is achieved through the adoption of a sequential approach to site selection;
- This sequential approach requires that development be directed to alternative locations to the application site, where they can be demonstrated to be within or better related to the primary shopping frontage in question;
- The application has completed n such assessment and to therefore falls to the Council to determine if the applicant has provided sufficient evidence to demonstrate that the proposal meets this policy test;
- It is clear that the application site is located in an 'out of centre' position, and that consideration needs to be given to locating the proposal on a site either 'within' or 'on the edge of' a defined retail centre so that customers can benefit from the focus of facilities available in these areas including public transport, car parking and supporting services without the need to use private modes of transportation;
- There are a number of sites that which could be 'available, suitable and viable' for the development of such uses, which would be better related to the core of surrounding retail centres particularly in the market towns and main centre of Selby;
- There are insufficient details with regard to the sequential approach and on the basis of insufficient information to assess against Policy SP14 of the Core Strategy, the application should be refused.

## **Application Method**

- Application does not make it explicitly clear whether the proposed shepherd's huts are 'buildings' for the purposes of the TCPA 1990 or whether they are classified as chattels and therefore represent a change of use of the land. It is therefore necessary to consider their size, permanence and physical attachment;
- Size: the proposed shepherd's huts would be 6.1m by 3.1m which is less than the size indicated within the statutory definition of a caravan. It is likely that it will arrive at site pre-constructed;
- Permanence: the shepherd's huts are located on wheels and could in theory be brought on and off the site with relative ease. However, the huts would be located on site 365 days a year which suggests that the huts will be permanently stationed on site. They are also located on permanent pads which will not presumably be moved, but will be permanent features of the site;
- Physical attachment: each shepherd's hut is shown to have a toilet, shower and kitchen which would be connected to a septic tank. There is therefore likely to be physical attachment to the ground where these utilities are connected;
- The application is therefore considered to comprise operational development, as well as the change of use of the land from agricultural to holiday day let use. The proposed holiday lets are located outside of any identified housing development boundaries and is therefore in the open countryside;
- The development plan states that new dwellings in the countryside will not be permitted unless they are essential for agricultural or forestry workers.

## **Visual Impact**

- The development will provide a prominent, urbanising and incongruous addition to the area;
- The site lies within a visually open agricultural field that sits between existing properties to the north and south;
- The proposal would result in the significant erosion of the open countryside and agricultural outlook;
- The additional effects of introducing a residential use into this location associated with internal and external lighting, car parking and activities such as drying clothes, play equipment or even the planting of trees and hedges associated with defining the curtilage will erode the essential rural, agricultural character of the surrounding area;
- It is clear that the introduction of this development, the associated activities and resulting ancillary development and equipment with a residential use will have a significant negative impact upon the character and appearance of the surrounding area in conflict with the Core Strategy.

## **Agricultural Land**

- The development will permanently remove the application site from the supply of available resources as the site lies within an agricultural pasture;

- No assessment has been submitted of the agricultural land quality of the application site, nor the lower quality alternatives to the development proposal;
- The policy (SP18) does not qualify the level of harm which is acceptable when applying this policy but merely provides for a blanket requirement that all development will be steered away from these areas.

The Planning Officer, having considered the contents of the letter, has reviewed the report and can confirm there are no changes to the report as the points raised have already been considered and the recommendation remains as per paragraph 2.15 on page 114.

## **MEMBERS' BRIEFING NOTE**

### **KELLINGLEY COLLIERY REDEVELOPMENT**

Please note that the following amendments have been made to the briefing note. For the ease of reference, the amendments are in *italic* font.

- 1.3 The total floorspace of the proposed development will be *up to 135,500sqm*. It will comprise the following uses:
- Office space (B1 Use)
  - General industrial (B2 Use)
  - Storage and Distribution (B8 Use)
  - *Up to 371sqm* of Retail space (A1 Use) to accommodate a food store.
- 1.4 *Landscaping will be reserved for future consideration. The indicative masterplan does, however, highlight areas which could incorporate areas of further landscaping.*
- 1.6 The application will *not* be accompanied by an Environmental Impact Assessment (EIA). *Although* the site is larger than the 5ha threshold for indicative screening criteria, set out in Schedule 2, 10 (a) of the EIA Regulation, *an EIA Screening opinion (issued on 29<sup>th</sup> June 2016) confirms that the Local Planning Authority does consider the proposal to comprise an EIA development.*
- 4.4 As mentioned in paragraph 2.6, an application for the Southmoor Energy Centre (LPA Ref: NY/2013/0128/ENV) was approved in February 2015. It comprises an 'energy from waste' facility that is capable of producing 26MW of electricity and heat, and could potentially be connected to the future businesses of this proposed mixed-use, employment led development. *Please be advised that a*

s.73 application is being prepared to make minor changes to the Southmoor Energy Centre scheme to ensure the two developments are coordinated in an optimal manner.

Latest layout

