

# **Minutes**

# Planning Committee

Venue: Council Chamber

Date: Wednesday 11 January 2017

Time: 2.00 pm

Present: Councillors Cattanach (Chair), D Peart (Vice Chair),

I Chilvers, J Deans, B Marshall, D Mackay, C

Pearson, P Welch and D White (substitute for Mrs L

Casling)

Apologies for Absence: Councillor Mrs L Casling.

Officers Present: Kelly Dawson, Senior Solicitor, Jonathan Carr,

Lead Officer – Planning, Fiona Ellwood – Principal Planning Officer, Jill Low – Principal Planning Officer, Calum Rowley, Senior Planning Officer, Tom Webster, Principal Planning Officer, Yvonne Naylor – Principal Planning Officer, Diane Wilson, Planning Officer and Palbinder Mann, Democratic

Service Manager Officer.

Public: 30

Press: 1

## 44. DISCLOSURES OF INTEREST

All Councillors declared that they had received representations with regard to applications 2016/0926/FUL – Land to the Rear of Four Leaf Nurseries and 2016/0644/OUT – Main Street, North Duffield, Selby.

Councillor Deans declared that he had been present during a public discussion on application 2016/0644/OUT – Main Street, North Duffield, Selby.

## 45. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Planning Committee that the running order of the agenda would be amended so that planning applications with speakers would be considered first.

## 46. 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.

#### 47. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 7 December 2016 and the Planning Sub-Committee meeting held on the 14 December 2016.

#### **RESOLVED:**

To approve the minutes of the Planning Committee meeting held on 7 December 2016 and the Planning Sub-Committee meeting held on the 14 December 2016, as a correct record, and they be signed by the Chair.

## 48. PLANNING APPLICATIONS RECEIVED

48.1 Application: 2016/1176/FUL

Location: 25 Sand Lane

**South Milford** 

Proposal: Change of use from garage to fish and chip

shop to include external and internal

alterations.

The Planning Officer introduced the application that been brought before Planning Committee as there were than 10 representations received which were contrary to the officer recommendation. The Planning Officer referred the Committee to the additional information provided in the Update Note which outlined the locations from where letters of support for the application had been received.

The Committee were informed that although the alterations that would facilitate the change of use by virtue of a new shop front was considered to be acceptable in terms of design, the proposed change of use from a domestic garage to a fish and chip shop and the extraction unit would cause a significant adverse impact on the amenity of the surrounding residential properties and would be contrary to Policy ENV1(1) of the Selby District Local Plan.

Councillor David Hutchinson, Ward Councillor spoke in support of the application.

Richard Askham, the Agent spoke in support of the application.

The proposal to refuse the application as per the officer's recommendation was proposed and seconded.

## **RESOLVED:**

To REFUSE the application subject to conditions/reasons for refusal detailed in paragraph 3.0 of the Report.

48.2 Application: 2016/0644/OUT

Location: Main Street

**North Duffield** 

Proposal: Outline planning application for up to 57

dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York

Road.

The Principal Planning Officer introduced the application that had been brought before Planning Committee because the proposal was contrary to the development plan however there were material considerations which would justify approval of the application.

The Principal Planning Officer explained that the proposal would be contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. However it was explained that one such material consideration was the National Planning Policy Framework (NPPF). It was explained that when taking all considerations into account, the proposal was considered to be acceptable. The Committee were informed that that any harms arising from the development would not significantly and demonstrably outweigh the benefits in terms of housing delivery of the application. Therefore the proposal was considered acceptable when assessed against the policies in the Selby District Local Plan, the Core Strategy and the NPPF in particular paragraph 14, taken as a whole. The Principal Planning Officer explained that it was on this basis that permission is recommended to be granted subject to conditions and a Section 106 agreement.

The Principal Planning Officer referred the Committee to the additional information provided in the Update Note which outlined the following information:

- A correction of an error in paragraph 2.3.12 of the report.
- Clarification with regard the ownership on the frontage to the west of the football facilities.
- Additional representations received.
- Details of the withdrawal of the objection by the Royal Society for the Protection of Birds (RSPB).
- Comments received with regard to flood management from the SuDS and Development Control Officer.
- Comments from North Yorkshire County Council Highways on the Beech Grove Pedestrian Link requesting an additional condition.
- Comments received regarding recreation open space and the officer's response.

The Update Note also outlined an amendment to the officer's recommendation including additional conditions relating to flood risk and on the Beech Grove Pedestrian Link. Claire Walker, resident, spoke in objection to the application.

Councillor Bob Wells, Parish Councillor, spoke in objection to the application.

Councillor Karl Arthur, Ward Councillor spoke in objection to the application

Richard Morton, Agent spoke in support of the application.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded. The proposal was not supported.

A further proposal to refuse the application for the following reasons was proposed:

- The application having a harmful impact due to its size.
- The scale of the development being inappropriate to North Duffield
- The application being contrary to policies ENV1 (1) and (4) of the Local Plan and SP18 and SP19 of the Core Strategy.

It was proposed that delegated authority be given to officers to formulate the exact wording for refusal from the above reasons. This proposal was moved and seconded and voted upon.

## **RESOLVED:**

i) To REFUSE the application and to delegate authority to officers to formulate the exact wording for reasons for refusal from the areas mentioned above.

48.3 Application: 2016/0926/FUL

Location: Land to the Rear of Four Leaf Nurseries

Church Fenton Lane, Ulleskelf, Tadcaster

Proposal: Proposed residential development comprising 28

dwellings, areas of amenity space, landscaping and associated infrastructure following demolition of

existing nursery building.

The Principal Planning Officer introduced the application that had been brought before Planning Committee because the proposal was a departure from the Development Plan and more than 10 representations had been received raising material planning considerations.

The Planning Officer explained that having taken into account all considerations, there were no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The Committee were informed that the proposal was therefore considered acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy, apart from those policies relating to housing supply. The Principal Planning Officer that it was

on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

The Principal Planning Officer referred the Committee to the additional information provided in the Update Note which outlined the following information:

- A further four letters of objection had been received.
- Comments sent to the Chair of the Planning Committee by an individual on behalf of residents.
- Comments received from the Ainsty Internal Drainage Board, Lead Local Flood Authority, Yorkshire Water and WPA Consultants regarding the contaminated land.
- Amendments to the conditions proposed by the applicant and officers.

Tim Lee, representative for residents, spoke in objection of the application.

Stuart Natkus, Agent, spoke in support of the application.

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

## **RESOLVED:**

To APPROVE the planning application, subject to no objections being received from consultees regarding drainage, flood risk and contamination, and delegation being given to Officers to complete the Section 106 Agreement to secure 21% on-site affordable housing provision, and a waste and recycling contribution and subject to conditions detailed in paragraph 2.21 of the report, the amended conditions in the Officer Update Note and any additional conditions requested regarding drainage, flood risk and contamination.

48.4 Application: 2015/1220/FUL

Location: 1 Fern Cottages, Nanny Lane, Church Fenton,

**Tadcaster** 

Proposal: Proposed erection of a detached dwelling on land

adjacent to

The Principal Planning Officer introduced the application that had been brought before Planning Committee because the proposal in the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case and with the application having five letters of objection.

The Principal Planning Officer explained that it was considered that there were no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. It was stated that the proposal was therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

Mr Ostcliffe, resident, spoke in objection to the application.

Adrian Moore, on behalf of the applicant, spoke in support of the application.

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

## **RESOLVED:**

To APPROVE the application subject to the conditions detailed in section 2.19 of the report.

48.5 Application: 2016/1207/HPA

Location: 38 Low Garth Road Sherburn in Elmet
Proposal: Proposed single storey side extension and
proposed single storey side and rear extension

proposed single storey side and rear extension following demolition of an existing garage.

The Planning Officer introduced the application that had been brought before Planning Committee at the request of the Councillor Buckle due to concerns that the proposed extension would be close to the neighbouring property and out of proportion with the rest of the properties in the surrounding area.

The Planning Officer explained that the changes proposed were considered to be acceptable in design and amenity terms and therefore, it was considered that the overall proposal would still retain the character of the property. The Committee were informed that the proposed extensions would be of an appropriate design and appearance which would preserve the character, appearance of Low Garth Road in accordance with the noted Local Plan policies, the Core Strategy and the NPPF.

Councillor David Buckle, Ward Councillor, spoke in objection to the application

Tony Parascaneolo, Agent, spoke in support of the application.

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

#### **RESOLVED:**

To APPROVE the planning application, subject to the conditions at Section 4 of the report.

In line with rule 9 of the Council procedure rules, the Committee voted to continue the meeting beyond the three hour duration.

#### **RESOLVED:**

To continue the meeting beyond the three hour duration.

48.6 Application: 2016/1094/OUT

Location: Larth Close, Whitley, Goole, East Yorkshire Proposal: Outline application for erection of 4 detached

bungalows (resubmission of 2014/1135/OUT

dismissed on Appeal 24th Sept 2015) on land to the

west of

Planning Committee 11 January 2017 The Senior Planning Officer introduced the application that had been brought before Planning Committee as Officers considered that although the proposal was contrary to the provisions of the Development Plan there were material considerations which would justify approving the application.

The Senior Planning Officer explained that the principle of the proposed development was not considered to be acceptable having regard to Policy SP2A(d), SP3 and SP5 of the Core Strategy Local Plan and paragraph 89 of the NPPF which outlined that limited infilling was appropriate development within the Green Belt provided the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including the land within the existing development. The Senior Planning Officer explained that it was considered on balance, that the proposed development would be acceptable in respect of its impacts on openness and on the purpose on including land within the Green Belt.

The Senior Planning Officer explained that proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. The Committee were informed that in assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

The Planning Officer explained that the application was acceptable without a contribution for affordable housing and that other 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.

John White, resident spoke in objection to the application

Rachel Bartlett, agent, spoke in support of the application.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded. An amendment to refuse the application due it being inappropriate development in the green belt was proposed and seconded. Upon being put to the vote, the motion was lost. The Senior Planning Officer's recommendation was then put to the vote.

#### **RESOLVED:**

To APPROVE the planning application, subject to the conditions as detailed in Paragraph 3.0 of the report.

At this point the Committee adjourned for a 10 minute break.

48.7 Application: 2016/0831/FUL

Location: Land off East Acres, Byram

Proposal: Development on scrub land to provide 29 dwellings

accommodating 1, 2, 3 & 4 bedrooms in a mix of

semi-detached and terraced houses

The Principal Planning Officer introduced the application that had been brought before the Committee as the scheme was contrary to Policy BRY/1 of the Selby District Local Plan, but was considered acceptable and therefore Officer recommendation was to approve the application.

The Principal Planning Officer explained that on balance when taking all factors into consideration, the proposal was considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. The Committee were informed that the proposal accorded with the overarching aims and objectives of the NPPF and it was on this basis that permission should be granted subject to conditions.

The Principal Planning Officer referred the Committee to the additional information provided in the Update Note which outlined a consultation response from Yorkshire Water and additional comments from the officer relating to paragraph 2.11.8 of the report.

Mr W Draper, resident, spoke in objection to the application

Lindsay Rich, representative for the applicant, spoke in support of the application.

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

#### **RESOLVED:**

To APPROVE the planning application, subject to a S106 Agreement to secure the scheme as 100% Affordable in perpetuity, provision and maintenance of the proposed Recreational Open Space, and a Waste and Recycling Contribution, and subject to the conditions at Section 3 of this Report.

48.8 Application: 2015/0967/FUL

Location: Redmoor Farm, Skipwith Common Road, North

Duffield

Proposal: Solar farm and associated development on land at

The Principal Planning Officer introduced the application and explained that the Committee had previously determined this application on 11 November 2015, which was then subjected to a Judicial Review challenge by Harworth Estates Ltd and the decision was then quashed by Court Order. The Principal Planning Officer explained that therefore, the matter needed to be re-considered by Committee in the context of any changed circumstances or new material considerations since the original consent was issued and a new decision issued by the Authority accordingly on the application.

The Principal Planning Officer explained that the new proposal was an improvement compared to the previous scheme and therefore was recommended to be approved.

Councillor Bob Wells, Parish Councillor, spoke in support of the application.

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

## **RESOLVED:**

To APPROVE the application subject to the conditions detailed in paragraph 4.0 of the report.

48.9 Application: 2016/1329/FUL

Location: Selby District Council, Civic Centre, Doncaster

Road, Selby, YO8 9FT

Proposal: Proposed two-storey extension to provide locker

room and storage to ground floor and office space to first floor with associated additional parking

The Senior Planning Officer introduced the application that had been brought to Planning Committee in the interests of transparency as the proposals involved the extension of the Civic Centre which was a Selby District Council asset.

The Senior Planning Officer explained that having assessed the proposals against the relevant policies, it was considered the proposals were acceptable in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk, drainage and climate change and nature conservation.

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

## **RESOLVED:**

To APPROVE the application subject to the conditions detailed in section 3.0 of the report.

48.10 Application: 2016/1196/REM

Location: Field House, School Lane, Bolton Percy, Tadcaster,

North Yorkshire, YO23 7BF

Proposal: Reserved matters application relating to access,

appearance, landscaping, layout and scale of

approval 2015/0163/OUT Proposed outline application

with all matters reserved for the erection of two dwellings including demolition of existing buildings

on land adjacent to to

The Senior Planning Officer introduced the application that had been brought before Planning Committee as one of the applicants was Councillor Richard Musgrave and the Council's scheme of delegation requires for the application to be determined by Planning Committee.

The Senior Planning Officer explained that principle of development for residential development at this site was established under the outline planning permission granted on 22 October 2015. The Committee were informed that the application was therefore to consider the reserved matters with respect to appearance, landscaping, layout, scale and access to the development. It was explained that having assessed the proposals against the relevant policies, the proposals were considered to be acceptable.

The Senior Planning Officer referred the Committee to the additional information provided in the Update Note which outlined a correction to paragraph 2.7.6 of the report.

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

#### **RESOLVED:**

To APPROVE the application subject to the conditions detailed in paragraph 3.0 of the report.

The Chair closed the meeting at 5.42 pm.