

Officer Update Note

8 March 2017

Item 6.1

APPLICATION NUMBER:	2016/1482/COU (8/58/112G/PA)	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Mr Shaun Best	VALID DATE:	11 January 2017
		EXPIRY DATE:	8 March 2017
PROPOSAL:	Proposed change of use to fish and chip shop (A5)		
LOCATION:	3 Low Street, Sherburn In Elmet, North Yorkshire, LS25 6BG		

Since the compilation of the Officer report, five further letters of objection (two of which have been by previous objectors to the scheme) have been received. It is considered that these letters of objection do not raise any further concerns to those stated within the committee report.

Cllr Buckle has also sent an email regarding a NYCC campaign to tackle obesity in the Selby area under the Healthier Choices campaign and the North Yorkshire Joint Strategic Needs Assessment Annual Update 2016.

The “healthier choices” campaign promotes a free gold, silver and bronze certification scheme from NYCC Trading Standards Team. The certificates will be awarded to food preparation businesses that pro-actively introduce a range of healthier food choices for their customers, such as different portion sizes, reduction of sugars and salts in the ingredients, and promoting water and low-sugar drinks over high-sugar alternatives.

The North Yorkshire Joint Strategic Needs Assessment Annual Update 2016 identifies that “Excess weight in adults is significantly higher in the district (69.9%), compared to the national average (64.6%). The district is also among the 25% of local authorities with the highest proportion of adults with excess weight nationally. However, the proportion of physically active adults is statistically similar to that observed nationally (60.1% locally compared to 57.0% nationally). More positively, the proportion of children in Reception and Year 6 who are overweight or obese has fallen between 2013/14 and 2014/15 and is statistically similar to the national average (locally 19.8% in Reception and 31.4% in Year 6 compared to 21.9% and 33.2% respectively across England).”

The Athelstan Community Primary School is located 0.7 miles from the application site (approx. 13 minute walk) and Sherburn High School is located 0.8 miles from the application site (approx. 15 min walk).

It should be noted that these campaigns/documents hold no weight in the determination of the planning application and the proposal should be assessed against local and national planning policies as identified within the report.

Item 6.2

APPLICATION NUMBER:	2016/1258/COU 8/15/303B/PA	PARISH:	Riccall Parish Council
APPLICANT:	Claire Northern	VALID DATE:	9th November 2016
		EXPIRY DATE:	4th January 2017
PROPOSAL:	Demolition of outbuildings on site, change of use to allow the siting of 6 no. holiday use only units		
LOCATION:	Land To Rear Of, The Lodge, 23 Selby Road, Riccall, York, North Yorkshire		

1.4 Consultations

1.4.1 Subsequent to amended plans being received indicating additional planting, objection remains.

1.5 Publicity

1.5.1 Subsequent to an amended description and plans being received and letters sent to neighbours dated 10th February, neighbour comments received object. No new issues have been raised that haven't already been addressed in the committee report.

1.5.2 The neighbour's dispute on the accuracy of plans showing access to the site and land around nos. 19, 21 and 23 Selby Road has been clarified by the agent by a title deed plan and subsequent update to the red edge plan. Any further dispute on the title deed plan/location plan would be considered a civil matter.

3.0 Recommendation

It is considered reasonable and necessary to add another condition to ensure no permanent occupation of the lodges. The suggested condition is:

There shall be no permanent occupation of the lodges hereby permitted for any use other than for holiday use only. Holiday use means for occupation as an extended period of recreation away from the sole permanent place of residence.

Reason:

To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation in the interests of sustainable development and reducing the pressure on local services.

Condition 17 to be updated to reflect amended plans received:

002
003 REV C
LOCO1 REV C
001 REV C
004 REV B
005 REV C
006 BIN STORE

Item 6.3

APPLICATION NUMBER:	2016/0644/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	KCS Development	VALID DATE: EXPIRY DATE:	1st June 2016 31st August 2016
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 and		
LOCATION:	Street Record Main Street North Duffield Selby North Yorkshire		

Publicity

Since writing the report email correspondence to Councillors and to the Planning Officer have been received. Issues not previously covered are set out below;

- (i) Confusion whether this is coming back to committee for committee to vote on the reasons for refusal or if it's a complete new hearing.
- (ii) The applicants should not keep applying. The land is agricultural, houses are not wanted or needed and this should be an end to the matter.
- (iii) Comments made that if this committee does anything other than to address the strengths of the refusal reasons then all previous objections should be taken into account.
- (iv) The error at the previous committee by the officer in which one of the photographs was described as being the entrance to Beech Grove but was in fact Championsgate, should be pointed out. This was misleading as the Championsgate does have a dropped kerb and pavement making it easier for pedestrians, whereas Beech Grove does not.
- (v) Football pitch – was presented as a fait accompli- no approach from developer to the PC. Lack of facilities for youths in village and improvements to village hall would be more benefit to whole community.
- (vi) One resident - points out that the gardens of the planned houses would be only 1.6m from his house. Direct views could be afforded in to windows unless he puts up a 3 metre fence. This would give privacy but result in loss of light.

Previous scheme with buffer strip, gave privacy but not security. Landowner previously said he would give a 6 metre strip to the residents affected but there is no guarantee this would be honoured.

(vii) Detailed comments made from about the visibility of the proposed access.

(viii) Other comments made with regards to the road safety issues:

1. The dangerous entrance/exit to the proposed development and football facility car park (bad bend).
2. Pedestrian crossing between proposed football facilities and existing playing fields where excited children will be crossing
3. Pedestrians using a private road with no footpath (access to the school and village shop).

NY Highways Response

Following the above new discussion took place directly with the Highways Authority

NY Highways have responded in full detail to the concerned parties giving a full explanation on the visibility issues and the crossing explaining why the application can't be refused in these grounds.

Agreed, if a revised scheme was submitted to consider whether any extra safety measures.

Further discussion - highways say it would be 'desirable' to add extra wording to the condition to

With regards to visibility, I recommended that the visibility splays were conditioned at 45m. This is achievable in both directions. However on reflection it may have been desirable to add extra wording to this condition to condition the forward visibility as well. Concerns were not raised regarding forward visibility given that the splay runs over highway land. However part of the highway within the splay is verge. The County Council has recently changed its grass cutting policy and whilst we no longer cut the verges adjacent to the site, they are maintained by the Parish Council. Whilst grass cutting is being carried out by the Parish Council, after further consideration it may have been beneficial for the verge to have been replaced with a footway. This would ensure that the splay did not need maintaining above and beyond what already takes place and will provide a link from the village to the playing field.

Therefore Highway Engineer suggests an amendment to the wording of the suggested conditions to reflect this.

The Applicants have been approached and would be will to accept the condition provided the land in question is in highway ownership. Highways confirm this to be the case and provide a map to prove it.

Item 6.5

APPLICATION NUMBER:	2016/0141/COU	PARISH:	Cliffe Parish Council
APPLICANT:	Condor Projects Ltd	VALID DATE:	11 th February 2016
		EXPIRY DATE:	8th March 2017
PROPOSAL:	Proposed change of use to form grass runway		
LOCATION:	Birchwood Lodge Market Weighton Road Barlby Selby North Yorkshire YO8 6LE		

Condition requiring the applicants/owner to keep a log of flights

Following a request from the chair of planning committee, the following condition has been added:

1. The grass runway, hereby approved, shall not be used for more than a maximum of 100 days in any one calendar year as an airstrip, and the owners/occupiers shall maintain an up-to-date register of the names of all the users of the airstrip, and the dates, times and number of taking off and landing manoeuvres per calendar year. The owners/occupiers shall make this information available at all reasonable times to the Local Planning Authority.

There shall be no use of the airstrip or customers/members of the public on the site outside the hours of (17:00pm in the evening) and (08:00am in the morning) from Mondays to Fridays, nor at any time on Saturday, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Approved Plans Condition

Additionally, a condition requiring the scheme to be in accordance with approved plans has also been added:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Landing/Taking off P-104 Rev AB
- Landing/Taking off P-104 Rev AC

- Location Plan P-104 Rev A

Item 6.6

APPLICATION NUMBER:	TPO 3/2016	PARISH:	Brotherton / Byram Cum Sutton
TPO SERVED:	Signed 22 nd September 2016 and Served 23 rd September 2016	DEADLINE FOR CONFIRMATION:	22 nd March 2017
LOCATION:	Land at East Acres Byram		

Comments have been received on the proposed confirmation of the TPO from ECUS Arboricultural consultants acting on behalf of one of the site landowners. These comments were received on the 7th March 2017, so outside the formal period for comments on the TPO, however as they were received prior to consideration of the matter by Members and the anticipated formal confirmation of the TPO these comments are being reported to Committee.

The comments can be summarised as follows:

- No objection to the confirmation of the TPO as relates to T1
- Object to the inclusion of the W1 and W2 elements within the TPO as in both groups cases trees have been confirmed for removal as part of the consent for the site
- Group W2 should be removed and instead specific trees be noted on the Confirmed TPO, namely T8 and T9 on ECUS Drawing L7633/01
- Group W1 remaining is not at risk of development, set in a woodland context and not visible from any public right of way as such the group does not need to be protected.

Officers have sought input from Landscape Advisors on the submission, and in the context of the adjacent site / site having consent for development under 2016/0831/FUL, Members are advised that the TPO should still be confirmed with the following changes being made:

- Confirm protection of T1 as part of the TPO
- Group W1 should be retained within the TPO as it has amenity value and being covered by the TPO will give the Council control over any pruning works arising from pressure from future occupiers of the adjacent development and ensure that the areas value within the local landscape context is retained.
- Group W2 does have value as a group, however in the context of the consent for the development of the site this group should be removed from

the TPO and T8 and T9 and T11 on ECUS Drawing L7633/01 added to the TPO upon confirmation.