

Minutes

Extraordinary Planning Committee

Venue:	Council Chamber
Date:	Wednesday 29 March 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), I Reynolds, Mrs D White (substitute for Mrs E Casling) I Chilvers, J Deans, B Marshall, C Pearson and P Welch.
Apologies:	Councillor Mrs E Casling.
Officers present:	Kelly Dawson, Senior Solicitor; Jonathan Carr, Interim Lead Officer (Planning); Calum Rowley, Senior Planning Officer; Thomas Webster, Principal Planning Officer; Louise Milnes, Principal Planning Officer; Tim Coyne, Transport and Development Engineer, Highways -North Yorkshire County Council, and Janine Jenkinson, Democratic Services Officer.
Public:	22
Press:	1

59. DISCLOSURES OF INTEREST

All councillors reported that they had received communications in relation to the following applications on the agenda:

- 2016/0515/OUT – Land adjacent to Southlands, Broach Lane, Kellington
- 2016/1059/FULM – Roebuck Barracks, Green Lane, Appleton Roebuck.

60. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair advised the Committee that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. Application 2016/0515/OUT – Land adjacent to Southlands, Broach Lane, Kellington would be considered as the first item.

In addition, members were reminded that the following training sessions had been arranged for Planning Committee members:

- Planning Best Practice - Friday 7 April 2017, 1- 4.30 pm at Community House, Selby.

61. 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.

62. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

62.1 Application: 2016/0515/OUT

Location: Land adjacent to Southlands, Broach Lane, Kellington

Proposal: Outline planning permission (all matters reserved) for the erection of a residential development.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note reported that the applicant's agent had circulated an email to members, contradicting the conclusions of the report; the Update Note set out a response to each of the points raised. In addition, the Update Note detailed a number of amendments to the report.

The Principal Planning Officer explained that the application had been brought before the Planning Committee as more than 10 representations had been received, contrary to the officer recommendation.

Members were advised that the proposed development would be contrary to national and local planning policies because the amount of development would result in poor quality living arrangements for the future occupants, by virtue of unacceptable noise and odour levels from the 24 hour use of the carrot and parsnip factory buildings on the adjoining M.H.Poskitt Ltd farm site.

The Committee was informed that the application would be contrary to national and local planning policy, as the proposal would result in the permanent loss of vital open countryside and the creeping coalescence of adjoining settlements, as well as serving as a potential barrier to economic growth.

The Principal Planning Officer reported that the harm of the proposal could not be justified, as its non-compliance with national and local planning policies was not outweighed by housing delivery considerations. In addition, the proposal was contrary to the saved policies of the Local Plan, Core Strategy and the principles of the National Planning Policy Framework (NPPF). Members were therefore recommended to refuse the application.

J McCartney, Parish Councillor, spoke in objection to the application.

Mrs M McCartney, Ward Councillor, spoke in objection to the application.

R Bartlett, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To REFUSE the application, for the reasons set out in section 2.20 of the report.

62.2 Application: 2016/1409/OUTM

Location: Hodgsons Lane, Sherburn in Elmet

Proposal: Outline application for residential development with all matters reserved.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined a consultation response from North Yorkshire County Council (NYCC) Education. In addition, the Update Note set out a number of conditions to be attached to any approval granted.

Members were informed that the application had been brought before the Committee due to it being a departure from the Development Plan and a request from Councillor Buckle that the application be considered by the Planning Committee, for the reasons outlined in the report.

The Committee was advised that whilst the proposed scheme failed to comply with Policy SP2A(c) of the Core Strategy and Policy SL1, these policies were out of date in so far as they related to housing supply, due to the fact the council did not have a five year housing land supply. As such, members were advised that applications for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. The Principal Planning Officer reported that in assessing the proposal against the three dimensions

of sustainable development set out within the NPPF, it was considered that the development would provide significant benefits and was in-line with the Government's planning and general policy objective of boosting housing land supply in sustainable locations.

Members were advised that the proposal was considered to be acceptable in respect of impact on residential amenity, highways, drainage, climate change, protected species, archaeology and contamination and was in accordance with policy. The Principal Planning Officer reported that on balance, having had regard to the significant benefits of the scheme, it was considered that these would outweigh the harms; the Committee was therefore recommended to approve the application.

In response to a question regarding highway access, the Transport and Development Engineer, (NYCC- Highways) advised the Committee that work would be undertaken to ensure access met the appropriate standards.

Councillor D Buckle, spoke in objection to the application.

Councillor M Hobson, Ward Councillor, spoke in objection to the application.

C Carroll, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the planning application, subject to delegation being given to officers to complete the Section 106 Agreement to secure 40% on-site provision for affordable housing, on-site recreational open space provision and maintenance, a £13,400 contribution towards the works required to link the pedestrian crossing on Low Street with the traffic signals at the Low Street/Kirkgate/Moor Lane/Finke Hill junction, a Travel Plan and £5,000 monitoring fee and a waste and recycling contribution and subject to the conditions detailed in paragraph 3.0 of the report and the additional conditions detailed in the Update Note.

62.3 Application: 2017/0119/COU

Location: 10 Low Street, Sherburn in Elmet

Proposal: Proposed change of use of a vacant bank (Class A2) to a hot food takeaway (Class A5) with associated external alterations, including the installation of extraction and ventilation equipment.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note reported that Councillor Packham had sent an email to the

Planning Officer, requesting that it be reported to Committee members. The email raised concerns about the conditions the officer had recommended, and requested that the recommendations of North Yorkshire Police in relation to measures to minimise crime and disorder be attached to any approval granted.

The Committee was informed that the application had been brought before the Planning Committee due to there being more than 10 representations being received, contrary to the officer's recommendation and a request from Councillor D Buckle, to consider the proposal at Committee, for the reasons set out in the report.

The Senior Planning Officer advised the Committee that having had regard to the Development Plan and all other relevant local and national policy, consultation responses and all other material planning considerations, the application was considered to be in accordance with Policies SP1, SP2, SP13, SP14, SP15 and SP19 of the Core Strategy, Policies ENV1, T1 and SHB/5 of the Local Plan and the policies contained within the NPPF and should therefore be approved.

Councillor D Buckle, spoke in objection to the application.

Councillor M Hobson, Ward Councillor, spoke in objection to the application.

N Waller, the applicant's agent, spoke in support of the application.

Some members felt the application was acceptable and the proposed site location was appropriate, given it was a commercial zone of Sherburn in Elmet and there were a variety of uses within the surrounding area.

Some members raised concern that the application was inappropriate and would exert a detrimental impact on the amenity of nearby residents.

It was proposed and seconded to approval the application, in-line with the Senior Planning Officer's recommendation.

An amendment to refuse the application was proposed and seconded, on the grounds it was contrary to Policies SP13, SP19, and the application would have an adverse impact on the amenity of nearby residents and the character and appearance of the surrounding area. The amendment was not supported by the Committee and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE planning permission, subject to the conditions set out in section 2.13 of the report and an advisory note in relation to measures to mitigate crime and disorder being sent to the applicant.

62.4 Application: 2016/1059/FULM
Location: Roebuck Barracks, Green Lane, Appleton Roebuck
Proposal: Proposed conversion and extension of existing buildings to form twenty three dwellings and demolition of existing buildings.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note clarified a number of issues that had been raised by the agent in an email circulated to Committee members.

The Committee was informed that the application had been brought before the Planning Committee due to more than 10 representations being received, contrary to the officer's recommendation.

Members were informed that the site was within an unsustainable location, and whilst the proposal may re-use some of the buildings on the site, the application would result in an additional 23 dwellings within an isolated location, with a consequent reliance on private car travel. The application was therefore considered to be contrary to paragraph 55 of the NPPF. In addition, the Committee was informed that whilst it had been identified that the application would have some merit in terms of the economic dimension of sustainable development, this was considered to be outweighed by the harm of the application in relation to the social and environmental dimensions of sustainable development. The Senior Planning Officer advised the Committee that having had regard to the NPPF paragraphs 14 and 49, it was considered that the housing need did not outweigh the harm, by reason of inappropriateness.

The Senior Planning Officer reported that an independent assessment of the structural survey submitted by the applicant had been carried out, and it had concluded that a number of buildings on the site were not capable of conversion and as such the application would not meet any of the exceptions identified within paragraphs 89 or 90 of the NPPF. The proposal therefore constituted inappropriate development in the Green Belt which by definition was harmful to the Green Belt. Members were advised that a case for 'Very Special Circumstances' had been submitted by the applicant, however having assessed these, the Senior Planning Officer reported that the circumstances, constituted normal planning considerations and as such did not amount to 'Very Special Circumstances' that would outweigh the harm of the application.

Members were informed that the application would lead to an increased traffic growth in an unsustainable location, which could not be served by public transport or other modes of sustainable transport, resulting in reliance on the use of a private vehicle for each dwelling. The proposed scheme also failed to provide provision for recreational open space within the site and a case for viability had not been presented for affordable housing provision. The Senior Planning Officer reported that the application was considered to be contrary to Policies ENV1 and RT2 of the Local Plan, Policies SP1, SP2, SP3, SP9,

SP12, SP15, SP18 and SP19 of the Core Strategy and the NPPF and therefore recommended that the application be refused.

Mrs Shah-Evans, the applicant spoke in support of the application.

It was proposed and seconded that the application be refused, for the reasons set out in section 3.0 of the report.

RESOLVED:

To REFUSE the planning application, for the reasons set out in section 3.0 of the report.

62.5 Application: 2017/0119/COU

Location: Field House, School Lane, Bolton Percy.

Proposal: Proposed erection of two detached dwellings with garages and associated access road following demolition of existing buildings.

The Senior Planning Officer introduced the application and explained that the application had been brought before the Planning Committee as one of the applicants was Councillor Richard Musgrave, and the council's Scheme of Delegation required the application to be determined by the Planning Committee.

The Senior Planning Officer reported that the site was located in an area of open countryside immediately adjacent to the defined development limits of Bolton Percy. Members were informed that Policy SP2A (c) of the Core Strategy was out of date in so far as it related to housing supply, due to the fact the council did not have a five year housing land supply. As such the proposal for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF.

The Senior Planning Officer advised members that having assessed the proposal against the three dimensions of sustainable development set out within the NPPF, it was considered the development would bring economic, social and environmental benefits which weighed in favour of the application. In addition, there was an extant planning permission for a similar scheme within the site which had been approved under applications 2016/0163/OUT and 2016/1196/REM, which was a material consideration.

The Committee was informed that the West Berkshire Court of Appeal decision was considered to be a material consideration of substantial weight, which outweighed the policy requirement to secure a commuted sum. The Senior Planning Officer recommended, on balance the application be approved, without a contribution for affordable housing.

RESOLVED:

To APPROVE planning permission, subject to the conditions detailed in section 3.0 of the report.

The meeting closed at 3.50 pm.