

## Minutes

### Planning Committee

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Venue:	Council Chamber
Date:	Wednesday 10 May 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), D Buckle (acting as substitute for I Reynolds), Mrs E Casling, I Chilvers, Mrs D White (acting as substitute for J Deans), B Marshall, C Pearson and P Welch.
Apologies:	Councillors J Deans and I Reynolds.
Officers present:	Kelly Dawson, Senior Solicitor; Jonathan Carr, Interim Lead Officer Planning; Yvonne Naylor, Principal Planning Officer; Diane Wilson, Planning Officer; Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	21
Press:	1

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#### **68. DISCLOSURES OF INTEREST**

Councillors J Cattnach and B Marshall declared that they had received representations in relation to application 2016/1081/COU – Land off Pasture Way, Wistow.

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

The Chair reported that on the 6 April 2017 the Council had received the Inspectors decision for the application relating to the proposed change of use of land to create a holiday park consisting of the siting of 10 log cabins and use of an existing cabin as manager's accommodation at Brickyard Farm, Camblesforth. The Chair explained that on 1st March 2016 the applicant had lodged an appeal for non-determination of the application and at the Planning Committee meeting on 11th May 2016 members had been asked for a

mindful decision, to which members resolved that the proposal would result in a material increase in the use of the existing field access onto the fast flowing and heavily trafficked A1041 which was subject to the national maximum speed limit and would be to the detriment of highway safety contrary to Policy T1 (1) of the Selby District Local Plan.

The Chair explained that the Planning Inspector had dismissed the appeal on the fact that the level of traffic generated and the intensification of use of the access and egress from the appeal site could be achieved without an unacceptable impact on highway safety. As a consequence, the proposals would not accord with saved Policy T2 (1) of the Selby District Local Plan 2005.

## **70. 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.**

## **71. MINUTES**

The Committee considered the minutes of the Planning Sub-Committee meetings held on 20 March 2017 and 20 April 2017, the Extraordinary Planning Committee held on 29 March 2017 and the Planning Committee held on 12 April 2017.

### **RESOLVED:**

**To approve the minutes of the Planning Sub-Committee meetings held on 20 March 2017 and 20 April 2017, the Extraordinary Planning Committee held on 29 March 2017 and the Planning Committee held on 12 April 2017, for signature by the Chair.**

## **72. PLANNING APPLICATIONS RECEIVED**

The Senior Solicitor reported that the Supreme Court judgement in the cases of Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council had been handed down on 10 May 2017. The Senior Solicitor explained that the decision was an important judgement which had implications regarding the application of the policies in the National Planning Policy Framework (NPPF) and the absence of a five year land supply. The Senior Solicitor informed the Committee that legal were considering the implications of the judgment and pending this consideration were recommending that the following items be deferred: 6.2 – 2016/1514/OUT – Land North of York Road, North Duffield, 6.5 – 2016/1314/FUL – Turnhead Farm, York Road, Barlby, 6.6 –

2016/1345/OUT – Land at Field Lane, Thorpe Willoughby, and 6.7  
2017/0118/FUL – Low Farm, Low farm Road, Bolton Percy.

It was proposed and seconded that the applications set out above be deferred.

**RESOLVED:**

**To defer agenda items 6.2, 6.5, 6.6 and 6.7 to allow the applications to be re-considered in light of the Supreme Court judgement.**

The Committee considered the following planning applications:

**72.1 Application: 2016/1424/COU**  
**Location: Tythe House, Rawfield Lane, Fairburn**  
**Proposal: Proposed change of use from C3 dwelling to C2 residential care home**

The Senior Planning Officer introduced the application and explained that the application had been brought before the Planning Committee due to the application having received more than 10 objections contrary to the Senior Planning Officer's recommendation to approve the proposal.

The Senior Planning Officer advised the Committee that the proposed site was located within the defined Development Limits of Fairburn and given the nature of the application, it was considered that there was nothing within the NPPF to identify this type of development as being unsuitable or anything to preclude development of this type within the location.

Mr Rhodes, a local resident, spoke in objection to the application.

Mr G Binns, the applicant, spoke in support of the application.

Some concerns were raised regarding provision of adequate car parking spaces, lack of suitable highway access, noise, and detrimental impact on neighbouring residents.

It was proposed and seconded that the application be approved.

An amendment to refuse the application on the grounds of noise, additional traffic generation and detrimental impact on neighbouring residents was moved and seconded.

Following advice from the Senior Solicitor it was proposed that the application be deferred for members to consider reasons for refusal. The proposal was not supported and fell accordingly.

A proposal to defer the application in order to undertake a site visit was moved and seconded. The proposal was not supported by the Committee and fell accordingly.

The amendment to refuse the application was put to the vote. The amendment was not supported by the Committee and fell accordingly.

The Senior Planning Officer's recommendation to approve the application was put to the vote.

**RESOLVED:**

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

**72.2 Application: 2016/1081/COU**

**Location: Land off Pasture Way, Wistow**

**Proposal: Proposed change of use of land from reserved sports field to a village cemetery**

The Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined a late representation made by a neighbour, in objection to the application.

Members were informed that the application had been brought before the Planning Committee due to more than 11 representations contrary to the officer's recommendation having been received.

The Planning Officer reported that the proposal would be located within the defined development limits of a Secondary Village and the principle of the proposed development was considered to be acceptable having had regard to SP1 of the Core Strategy Local Plan. Members were advised that proposals for the change of use on the site should be considered in the context of the presumption in favour of sustainable development and paragraph 74 of the NPPF.

The Committee was informed that having assessed the proposal against the relevant policies, and taken into account the comments and objections received, it was considered that the proposed change of use was acceptable and therefore the scheme was recommended for approval, subject to suitable conditions being applied.

Mary Ratcliffe, Vice Chair of Wistow Parish Council, spoke in support of the application.

It was proposed and seconded that the application be approved.

**RESOLVED:**

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

- 72.3 Application: 2016/0481/MLA**  
**Location: Field Lane Thorpe Willoughby**  
**Proposal: Application to modify a section 106 planning obligation under section 106BA following approval of 2013/1041/OUT for outline application with all matters reserved for a residential development following the demolition of the existing buildings within the site.**

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note stated that the application lay in the Hambleton Parish Council area and not Thorpe Willoughby as listed in the report.

Members were informed that the application had been brought before the Planning Committee for consideration, due to the applicant seeking a lower affordable housing contribution than that which had been secured via an appeal decision on the original outline consent planning reference: 2013/1041/OUT which was a 40% on-site affordable housing contribution.

The Principal Planning Officer reported that under Section 106BA of the Planning Act 1990 developers may seek to modify their obligations that had been agreed with local planning authorities. Members were informed that the applicant sought to modify the agreement so that they could provide less affordable housing on site. The applicant had now offered a contribution of 22% on-site affordable housing in light of negotiations with the Council; members were advised that this was in-line with the position supported by the District Valuer.

Members were informed that in light of the advice received from the District Valuer, and with the utilising of 20% developer profit on both the private units and the affordable units a contribution of 22% on-site affordable housing was considered to be appropriate and would ensure the development was delivered.

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

**RESOLVED:**

**To APPROVE the planning application, subject to delegation being given to officers to complete a Deed of Variation to the original Section 106 Agreement to reduce the on-site affordable housing contribution to 22% and make an associated variation to the S106 to remove any reference to unit numbers (page 4 – definition of Development) given the consent was an Outline Permission. The variation shall be time limited for a period of 3 years from the date of the decision.**

The meeting closed at 2.50 pm.