

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 14 June 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), I Reynolds, M Jordan, I Chilvers, J Deans, B Packham, C Pearson and P Welch.
Apologies:	Councillors Mrs E Casling.
Officers present:	Kelly Dawson, Senior Solicitor; Ruth Hardingham, Planning Development Manager; Tom Webster, Principal Planning Officer; Louise Milnes, Principal Planning Officer; Jill Low, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer; Calum Rowley, Senior Planning Officer; Diane Wilson, Planning Officer; Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	29
Press:	1

1. DISCLOSURES OF INTEREST

Councillor B Packham declared that he had previously considered the following applications when they had been considered by Sherburn in Elmet Parish Council, and therefore to ensure openness and transparency he would take no part in the discussion or vote relating to these applications:-

- 2016/1256/OUTM – Land at Hodgsons Lane, Sherburn In Elmet.
- 2016/1409/OUTM – Land at Hodgsons Lane, Sherburn In Elmet
- 2016/1456/EIA – Kingspan Insulation Ltd, Enterprise Way, Sherburn In Elmet.

2. TIME OF MEETINGS

It was proposed and seconded that meetings of the Planning Committee for 2017/18 Municipal Year commence at 2pm.

RESOLVED:

That Planning Committee meetings commence at 2 pm for 2017/18 Municipal Year.

3. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed Councillor B Packham to his first meeting as member of the Planning Committee.

The Chair advised the Committee that the Democratic Services Officer would be leaving the authority shortly and wished to express his thanks and best wishes to her for the future.

The Chair announced that application 2015/0969/OUT – Manor Garth, Kellington had been withdrawn from the agenda, due to outstanding consultation responses which required consideration by officers, therefore the application and would not be considered at the meeting.

The Committee was informed that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. The Chair explained that application 2016/1256/OUTM – Land at Hodgsons Lane, Sherburn in Elmet would be considered as the first item.

In addition, the Committee was informed that part of the meeting in relation to application 2016/1337/OUTM – School Road, Hemingbrough, Selby was being filmed by a member of the public.

4. 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.

5. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 10 May 2017.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 10 May 2017, for signature by the Chair.

6. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

Note – Further to his declaration, Councillor B Packham did not take part in the discussion or vote for the following application. He remained in the Chamber.

6.1 Application: 2016/1256/OUTM

Location: Land at Hodgsons Lane, Sherburn In Elmet

Proposal: Outline application for residential development comprising up to 60 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note detailed comments received from the Council's Policy Team.

The Committee was informed that at a previous Committee meeting it had been resolved to approve the application, subject to completion of a Section 106 Agreement. However, The Principal Planning Officer reported that following the resolution, there had been further material consideration which members needed to consider. This being the Supreme Court Ruling in relation to the Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council, where a judgement had been passed on what comprised a policy for the supply of housing, and the approach to be taken in assessing applications against Paragraphs 14 and 49 of the NPPF. Members were advised that the application remained unchanged in all other respects.

The Principal Planning Officer reported that on balance having had regard to the significant benefits of the scheme, it was considered that these benefits would outweigh the harm; members were therefore recommended to approve the application.

There was some discussion regarding Condition 29 in relation to construction working hours. The Principal Planning Officer confirmed that the working hours would be 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank and Public Holidays.

Parish Councillor P Doherty spoke in objection to the application.

Stuart Natkus, the applicant's agent spoke in support of the application. It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the planning application, subject to delegation being given to officers to complete a Section 106 Agreement to secure 40% on-site provision for affordable housing, on-site recreational open space provision and maintenance, a contribution of £20,000 towards traffic lights in the village centre, a Travel Plan and a £5,000 monitoring fee, and a waste and recycling contribution and subject to the conditions set out in section 3.0 of the report, the amendments set out in the Update Note and an amended Condition 29 relating to construction hours.

Note – Further to his declaration, Councillor B Packham did not take part in the discussion or vote for the following application. He remained in the Chamber.

6.2 Application: 2016/1409/OUTM

Location: Land at 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 detailed comments received from the Council's Policy Team.

The Committee was informed that at a previous Committee meeting it had been resolved to approve the application, subject to completion of a Section 106 Agreement. However following the resolution, there had been further material consideration which members needed to consider. This being the Supreme Court Ruling relation to the Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council, where a judgement had been passed on what comprises a policy for the supply of housing, and the approach to be taken in assessing applications against paragraphs 14 and 49 of the NPPF. Members were advised that the application remained unchanged in all other respects.

The Principal Planning Officer reported that on balance having had regard to the significant benefits of the scheme, it was considered that these benefits would outweigh the harm; members were therefore recommended to approve the application.

Councillor D Buckle spoke in objection to the application.

Robert Walker, the applicant's agent spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the planning application, subject to delegation being given to officers to complete a Section 106

Agreement to secure 40% on-site provision for affordable housing, on-site recreational open space provision and maintenance, contributions towards highway improvements, a Travel Plan and a waste and recycling contribution and subject to the conditions detailed in section 3.0 of the report.

- 6.3 Application: 2016/1314/FULM**
Location: Turnhead Farm, York Road, Barlby
Proposal: Proposed residential development (partial re-plan of approval 2013/0478/FUL), associated infrastructure, play areas and incidental open space.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out comments received from Barlby Town Council, North Yorkshire County Council Highways, and the Ouse and Derwent Internal Drainage Board.

Members were informed that the application had been brought before the Planning Committee due to the changes proposed to the originally approved scheme which involved a re-plan of a significant portion of the site, and a rise to an increase of 54 dwellings over the original scheme, originally 179 dwellings, now increased to 233. The scheme had been granted permission subject to a complex section 106 Agreement covering contributions towards education, waste and re-cycling, and health care, with non-financial clauses covering the on-site provision of recreational amenity space and its maintenance, provision of allotments and on-site affordable housing. The Principal Planning Officer explained that since permission had been granted, requirements in respect of Section 106 payments had changed, with the introduction of the Community Infrastructure Levy (CIL). As CIL needed to be collected for the new scheme, this meant the original Section 106 Agreement needed to be amended to avoid 'double counting'

The Principal Planning Officer advised that it was considered that there were no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. Therefore the proposed scheme was considered to be acceptable and members were recommended to approve the application.

Councillor B Marshall, as a parish councillor, spoke in objection to the application.

Councillor S Duckett, as Ward Councillor, spoke in objection to the application.

John Birkin, the applicant, spoke in support of the application.

Concerns were raised in relation to highways issues, including inadequate access arrangements.

The officer's recommendation to approve the application was proposed and seconded

An amendment was proposed and seconded to defer the application in order to request a Highways Officer attend the next meeting to provide clarification on the concerns raised. Members voted on the amendment which was carried.

Deferral of the application was put to the vote.

RESOLVED:

To DEFER a decision, to allow further information to be sought from North Yorkshire County Council Highways and to invite the Highways Officer to attend the next Planning Committee meeting to clarify the Highways position.

6.4 Application: 2016/1456/EIA

Location: Kingspan Insulation Ltd, Enterprise Way, Sherburn In Elmet

Proposal: Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m² Factory Extension and Associated Infrastructure.

Note – Further to his declaration, Councillor B Packham did not take part in the discussion or vote for the following application. He remained in the Chamber.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out comments received from Sherburn in Elmet Parish Council, UK Without Incineration Network (UK Without Incineration Network) and a member of the public. In addition, the Update Note advised that additional consultation with the NYCC SuDs Officer had been sought, but comments had not yet been received, therefore it was recommended that delegated authority be granted to officers to approve the application, subject to no insurmountable issues being raised by the SuDs officer.

The Principal Planning Officer introduced the application and explained that the application had been brought before the Planning Committee because the application was accompanied by an Environmental Impact Assessment (EIA) Statement. The proposed development of the CHP Plant had been considered as having the potential to create harmful emissions of both noise and air pollution. Furthermore, there was an identified risk that the heat plume generated by the development could affect the operation of the adjacent airfield. In addition, there had been a number of similar waste incinerations projects within the vicinity and the cumulative impact of these projects to air quality were unknown. Accordingly it had been assessed that

an Environmental Impact Assessment was required with the submission of the planning application under the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and April 2015 Amendment to evaluate these impacts.

In assessing the proposal, the development would be consistent with the aims of both the Core Strategy and the Local Plan and would bring economic and environmental benefits to the District. Given the established use of the site, the works were considered to be acceptable in principle. The key issues in the determination of the planning application were in relation to: the principle of the development, impact on the character and appearance of the locality, highway safety, impact on residential and local amenity, flood risk, drainage and climate change, nature conservation, heritage assets, contamination, the safe operation of the nearby Sherburn airfield and any other material considerations.

Members were advised that the development was acceptable, having had regards to all relevant policies of the Development Plan, subject to the conditions set out in section 3 of the report and any additional conditions recommended by NYCC SuDs officer.

Kay Davies, on behalf of the applicant, spoke in support of the application.

It was proposed and seconded that the application be approved.

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

RESOLVED:

To grant delegated authority to officers to APPROVE the planning application, subject to the comments from SuDs not raising any insurmountable issues, and subject to any appropriate conditions they recommend, the conditions detailed in section 3.0 of the report, and the additional condition set out in the Update Note.

- 6.5 Application: 2016/1337/OUTM**
Location: School Road, Hemingbrough, Selby
Proposal: Outline application for residential development of up to 21 dwellings (with all matters reserved).

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out comments received from the Council's Policy Team.

Members were advised that the application had been brought before the Planning Committee due to the application being recommended for approval contrary to the provisions of the Development Plan.

The Senior Planning Officer reported that the application would provide significant benefits, in-line with the Government's planning and general policy objective of boosting housing land supply in sustainable locations. The proposal would achieve an appropriate layout, appearance, landscaping, scale and access, so as to respect the character of the area. The Planning Officer reported that having had regard to all relevant considerations, there would be no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was considered acceptable when assessed against the policies in the NPPF, in particular paragraph 14, the Selby District Local Plan, and the Core Strategy. In this case the 'tilted balance' in paragraph 14 applied, it was on this basis that permission was recommended to be granted, subject to the conditions and Section 106 Agreement.

Mr Jan Strelczenie, Chairman of Hemingbrough Parish Council, spoke in objection to the application.

Craig Stockley, the applicant's agent, spoke in support of the application.

Some concern was raised in relation to highways safety.

It was proposed and seconded that the application be approved.

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

RESOLVED:

To APPROVE the planning application, subject to delegation being given to officers complete a Section 106 Agreement to secure 40% on-site provision for affordable housing, on-site recreation open space provision and maintenance and a waste and recycling contribution and the conditions detailed in section 2.21 of the report..

Note – Councillor M Jordan left the Chamber at this point in the meeting and did not return.

**6.6 Application: 2016/1514/OUT
Location: Land North of York Road, North Duffield, Selby
Proposal: Outline application for erection of 1 No dwelling (all matters reserved).**

The Planning Officer introduced the application and explained that the application had been brought before the Planning Committee due to the application being contrary to the requirements of the Development Plan.

The proposal was considered to be acceptable in principle and would have no adverse impact that would significantly and demonstrably outweigh the benefits. The proposal was considered to be acceptable when assessed against the policies in the NPPF, in particular paragraph 14, the Selby District

Local Plan and the Core Strategy. In this case the 'tilted balance' in Paragraph 14 applied. It was on this basis that permission was recommended to be granted subject to the conditions detailed in the report and a Section 106 Agreement.

Jennifer Hubbard, the applicant's agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

The 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.

6.7 Application: 2016/1339/FULM

Location: Bottle Decoration Solutions Ltd, Riccall Airfield, Market Weighton Road, Barlby.

Proposal: Three phase extension to an existing warehouse facility with eventual demolition of the existing warehouse.

The Senior Planning Officer introduced the application and explained that the application had been brought before the Planning Committee due to the application being a departure from the Development Plan, as the application site was within the Former Airfield at Riccall Common which was designated as RIC/1 in the Selby District Local Plan. RIC/1 referred to land being allocated for storage and distribution uses and must be related to the expansion requirements of existing agriculture related businesses; members were advised that the application did not fall under this requirement.

Members were informed that the material considerations detailed in the report, significantly reduced the weight that should now be given to the specific policy requirement of reserving the Airfield for storage and distribution use in connection with agriculturally-related businesses. Consequently, it was considered that the development of the site for general storage purposes would be acceptable and members were therefore recommended to approve the application.

Graham Binnington, the applicant's agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

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, and there

being no objections received from the NYCC Flood Risk Officer.

- 6.8 Application: 2016/1345/OUTM**
Location: Land at Field Lane, Thorpe Willoughby, Selby.
Proposal: Outline application for residential development including access (all other 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 reported that Hambleton and Gateforth Parish Councils had both been notified of the application but no comments had been received.

The Principal Planning Officer explained that the application had been brought before the Planning Committee due to the application being contrary to Policy SP2 of the Core Strategy; however planning officers considered that although the proposal was contrary to the provisions of the Development Plan there were material considerations which would justify approval of the application. The Committee was informed that there had also been more than 10 representations received which had raised material planning considerations.

The Principal Planning Officer reported that the report had originally been scheduled to be considered at the 10 May 2017 Planning Committee, however the application had been deferred to allow consideration of the Supreme Court Judgement regarding Suffolk Coastal Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council which had been made on 10 May 2017. Following the Judgement, the Council had reviewed its approach to decision making on planning applications. The Principal Planning Officer explained the Council's position, as set out in the Committee report.

Having had regard to relevant policies, it was considered that there was no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. 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. In this case, the 'tilted balance' in paragraph 14 applied. It was on this basis that permission was recommended to be granted, subject to the conditions and Section 106 Agreement.

Mr Walker, the applicant's agent spoke in support of the application.

concerns were raised in relation to the lack of suitable infrastructure to support additional residential dwellings, detrimental impact on a heritage asset - Brayton Barff, noise, inadequate highways arrangements and detrimental impact on the sandstone aquifer.

Note – at this point a vote was taken in line with the Council's constitution to proceed beyond 3 hours

It was proposed and seconded that the application be refused on the grounds:

1. Adverse impact upon the setting of a heritage asset – Brayton Barff which is a local landmark and Site of Interest for Nature Conservation
2. Adversely impact upon the Triassic Sherwood Sandstone Aquifer which crosses the site
3. unwarranted intrusion into open countryside outside the development limits of Thorpe Willoughby

And delegation be given to officers to agree the final wording of the reasons for refusal in consultation with the Planning Committee Chairman – Cllr Cattnach and Councillors Reynolds and Pearson.

RESOLVED:

To REFUSE the planning application, in line with the reasons outlined above, subject to suitable wording being agreed by officers and councillors.

The meeting closed at 5.12 pm.