

## Minutes

### Planning Committee

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Venue:	Council Chamber
Date:	Wednesday 6 September 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), E Casling, I Chilvers, R Packham, C Pearson, D Peart, I Reynolds, P Welch and Mrs D White (for J Deans).
Officers present:	Kelly Dawson, Senior Lawyer; Ruth Hardingham, Planning Development Manager; Keith Thompson, Senior Planning Officer (for minute items 22.1, 22.2 and 22.6); Fiona Ellwood, Principal Planning Officer (for minute items 22.5, 22.7 and 22.12); Thomas Webster, Principal Planning Officer (for minute items 22.4, 22.8 and 22.9); Yvonne Naylor, Principal Planning Officer (for minute item 22.10); Jenny Tyreman, Planning Officer (for minute item 22.11); Tim Coyne, North Yorkshire County Council Highways (for minute items 22.1 and 22.2) and Palbinder, Democratic Services Manager.
Public:	25
Press:	1

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#### **17. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Deans.

#### **18. DISCLOSURES OF INTEREST**

With regard to applications 6.1 – 2015/12/17/FUL – Staynor Hall Development, Bawtry Road, Selby and 6.2 – 2015/1272/FUL - Staynor Hall Development, Bawtry Road, Selby, Councillor I Reynolds declared a pecuniary interest as he was acting as the agent for the landowners. He stated he would be leaving the room during the consideration of these items.

With regard to application 6.11 – 2017/0663/FUL – West Newlands Farm, Selby Road, Riccall, Councillor I Reynolds declared that he had called in the application to be heard at the Committee however had an open mind on the application.

With regard to application 6.12 – 2017/0230/FUL – Dyon Head, Dyon Lane, South Duffield, Selby, Councillor I Reynolds declared that his employer had been involved in the application. He explained that although he had no financial interest in the application, he would be leaving the room during the consideration of this item.

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

The Chair informed the Committee that Calum Rowley and Tom Webster would be leaving the Planning Team at Selby District Council and on behalf of the Committee thanked them for their work.

## **20. 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.**

## **21. MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 9 August 2017.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 9 August 2017.**

## **22. PLANNING APPLICATIONS RECEIVED**

The Committee considered the following planning applications:

*As per his interest, Councillor Reynolds left the meeting during the consideration of the following two applications.*

### **22.1 Application: 2015/1217/FUL**

**Location: Staynor Hall Development, Bawtry Road, Selby**

**Proposal: Erection of a food retail store (Use Class A1) and construction of a roundabout and access road, parking areas and associated infrastructure.**

The Senior Planning Officer presented the application that had been brought before the Committee due to more than 10 objections contrary to the Officer recommendation to approve the application and because the application was a Departure from the Development Plan.

The Committee was informed that the application was for the erection of a retail food store and construction of a roundabout at the Oakney Wood Road junction and the proposed access, parking areas and associated infrastructure on land to the south of Staynor Hall housing development and to the east of Bawtry Road in Selby. The Committee was advised that the provision of the roundabout was not material to the planning decision as the scheme was considered to be acceptable without the provision.

In reference to the Officer Update Note, the Senior Planning Officer explained that one additional letter of objection had been received however the points raised had already been covered in the report.

The Senior Planning Officer highlighted the following amendments to the report:

- Under condition 14, the word “persons” should be replaced with the word “employees”.
- Under condition 34, references to mobility scooters should be removed.

Emma Thomas representing the objectors spoke in objection to the application.

Melissa Madge, agent, spoke in support of the application.

The Committee discussed the application and clarified the definition of class B usage with the Senior Planning Officer.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To APPROVE the application subject to:**

- i) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration;**
- ii) Subject to the conditions detailed in Paragraph 3.0 of the report and the amended conditions above attached to any permission granted.**

**22.2 Application: 2015/1272/FUL**

**Location: Staynor Hall Development, Bawtry Road, Selby**

**Proposal: Proposed erection of a public house with restaurant (Use Classes A3 and A4) and manager's**

**accommodation, roundabout with access, parking area and associated infrastructure.**

The Senior Planning Officer presented the application that had been brought before the Committee due to more than 10 objections contrary to the officer recommendation to approve the application and because the application was a Departure from the Development Plan.

The Committee was informed that the application was for the for the erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation, a roundabout with ancillary access, parking area and associated infrastructure on land to the south of Staynor Hall housing development and to the east of Bawtry Road in Selby. The Committee was advised that the provision of the roundabout was not material to the planning decision as the scheme was considered to be acceptable without the provision.

In reference to the Officer Update Note, the Senior Planning Officer explained that one additional letter of objection had been received however the points raised had already been covered in the report.

The Senior Planning Officer highlighted the following amendments to the report:

- Under condition 14, the word “persons” should be replaced with the word “employees”.
- Under condition 31, references to mobility scooters should be removed.

Emma Thomas representing the objectors spoke in objection to the application.

Melissa Madge, agent, spoke in support of the application.

In response to a query concerning the sequential test, the Senior Planning Officer explained that the Council was at liberty to decide the distance for the test.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To APPROVE the application subject to:**

- i) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration;**
- ii) Subject to the conditions detailed in Paragraph 3.0 of the report and the amended conditions above attached to any permission granted.**

*Councillor Reynolds returned to the meeting at this point.*

**22.3 Application: 2016/1254/FUL**

**Location: The Bungalow, 31 Lumby Hill, Monk Fryston**

**Proposal: Partial demolition of existing bungalow and erection of 4 No 3 bedroom semi-detached and 1 No 4 bedroom detached houses.**

It was noted that this application would not be considered as the application had been withdrawn by the applicant.

**22.4 Application: 2017/0427/FULM**

**Location: Barff Lane, Brayton, Selby**

**Proposal: Revised Proposals for Phase 2 Element of Approved Residential Development 2015/0367/FUL - Full Planning Application by Linden Homes for the Erection of 111 no. dwellings.**

The Principal Planning Officer presented the application that had been brought before the Committee due to the proposal being a departure to the Development Plan.

The Committee was informed that there was extant planning permission for 125 dwellings (2015/0367/FUL), which had been implemented through the construction of four dwellings. This scheme was considered to have a fall-back position and the additional units being proposed are considered to be a boost to an area already established as being suitable for residential development.

In response to a query concerning the affordable housing figure, the Principal Planning officer explained that the application would supply 40% affordable housing across both sites of the development.

In reference to the Officer Update Note, the Principal Planning Officer recommended an amendment to the way the affordable housing was delivered for the application. In response to the proposed amendment, the Committee stated that the wording should be altered so that the words 'completed and occupied' were removed and replaced with 'completed and delivered',

Mark Eagland, agent, spoke in support of the application.

The Solicitor to the Council advised that the recommendation would be amended to amend the affordable housing contribution to 45%, remove the reference to a zebra crossing and include the Travel Plan monitoring fee figure of £5,000 and waste and recycling contributions.

It was proposed and seconded that the application be approved.

**RESOLVED:**

To **APPROVE** the application subject to subject to the conditions at section 6 of the report and a new S106 Agreement that covers the provision of 45% on-site affordable housing, a Waste and Re-Cycling contribution and a Travel Plan monitoring fee of £5000 and a Deed of Variation as required to vary the extant S106 Agreement in order for it to work for 30 dwellings.

**22.5 Application: 2017/0494/FUL**

**Location: Barff Lane, Brayton, Selby**

**Proposal: Section 73 to vary condition number 17 (energy supply of the development) from planning application 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond on land at Barff Lane.**

The Principal Planning Officer presented the report that had been brought before the Committee due to the proposal being contrary to Policy SP16 (Improving Resource Efficiency) of the Selby District Core Strategy (2013).

The Committee was informed that the application sought to vary condition number 17 from planning application 2015/0367/FUL as outlined in the report.

In reference to the Officer Update Note, the Principal Planning Officer outlined an amendment to paragraph 4.11 of the report and explained that the appeal related to a requirement for 10% of predicted energy requirements to be produced on or near the site from renewable energy resources.

It was proposed and seconded that the application be approved.

**RESOLVED:**

To **APPROVE** the application subject to delegation being given to officers to complete the Deed of Variation to the original Section 106 agreement and the conditions as set out in section 6 of the report.

**22.6 Application: 2017/0527/FUL**

**Location: Old Forge Cottage, Main Street, Church Fenton**

**Proposal: Proposed erection of 6 no. dwellings**

The Senior Planning Officer presented the application that had been brought before the Committee as the applicant was a District Councillor. It was also noted that the application was a departure from the development plan.

The Committee was informed that the application sought planning permission for six dwellings which would be a mixture of two and four bedroom units.

Joanne Folland, agent, spoke in support of the application.

It was noted that the application was in the Strategic Countryside Gap between the east and west side of Church Fenton. The Committee discussed the application and the implications of the application being in the Strategic Countryside Gap.

It was proposed and seconded that the application be refused in line with the officer recommendation. An amendment to the officer recommendation was proposed and seconded to approve the application. The reasons stated were that it was felt the development would round off the development area of Church Fenton and would not impact on the Strategic Countryside Gap. Upon being put to the vote, this motion was lost. The original proposal to refuse the application was then put to the vote.

**RESOLVED:**

**To REFUSE the application for the reasons set out in section 6 of the report.**

**22.7 Application: 2017/0177/FULM**

**Location: 23 Ryther Road, Cawood**

**Proposal: Proposed residential development of 0.78 Ha to provide 23 no. dwellings with ancillary infrastructure, access road, parking spaces and garages**

The Principal Planning Officer presented the application that had been brought before the Committee due to the proposal being a departure to the Development Plan.

The Committee was informed that the application sought planning permission for 23 dwellings with ancillary infrastructure, access road, parking spaces and garages.

In reference to the Officer Update Note, the Principal Planning Officer outlined amendments to paragraphs 4.8 and 4.56 of the report and outlined an additional condition from the North Yorkshire County Council (NYCC) Sustainable Drainage Systems (SuDS) officer concerning the drainage of surface water from the site.

A query was raised regarding why there were only six affordable houses in the application. The Principal Planning Officer explained that this was due to the viability appraisal by the District Valuer and that 40% wasn't required due to abnormal development costs.

Luke Herring, agent, spoke in support of the application.

It was proposed and seconded that the application be approved. An amendment to the officer recommendation was proposed and seconded to refuse the application. The reasons stated were that it was felt the application would have a detrimental impact on the character and form of the settlement

and that there was a harsh urban edge. Upon being put to the vote, this motion was lost. The original proposal to approve the application was then put to the vote.

**RESOLVED:**

**To APPROVE the application subject to any changes arising from the updates referred to above and subject to the completion of a section 106 agreement to secure 6 affordable housing units, and a waste and re-cycling contribution and subject to the conditions and reasons as outlined in section 6 of the report.**

**22.8 Application: 2017/0049/FUL**

**Location: Wheatlands, Gateforth New Road, Brayton**

**Proposal: Proposed conversion of former stables to create a single dwelling house**

The Principal Planning Officer presented the application that had been brought before the Committee because the application was being recommended for approval contrary to Policy H12 of the Selby District Local Plan.

The Committee was informed that the application sought planning permission for the conversion of the former stables to create a single dwelling house.

Richard Borrows, agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To APPROVE the application subject to the conditions as outlined in section 6 of the report.**

**22.9 Application: 2017/1314/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 presented the application that had been brought back to the Planning Committee following consideration of the application at the 14 June 2017 Committee meeting where the Committee had granted planning permission subject to the signing of a section 106 agreement.

It was explained that the application had to be reconsidered in light of the Council announcing the housing land supply figure of 5.4 years after the application was previously considered and therefore consent could not be issued without further consideration by the Committee.



Vicky Sykes, agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To RECONFIRM the resolution to grant subject to:**

- i) A Deed of Variation to the original S106, reducing the waste and re-cycling contribution to £5,185.47, the health contribution down to £11,1731.84, and reducing the affordable housing requirement to 9 units.**
- ii) The preparation of a new Section 106 Agreement requiring 11.27% on site affordable housing on the re-planned area (equating to 15 affordable units) and contributions to waste and re-cycling.**
- iii) The conditions outlined at section 3.0 of Appendix A to the report.**

**22.10 Application: 2016/0892/FUL**

**Location: Church Fenton Lane, Ulleskelf**

**Proposal: Proposed erection of residential development of 30 units**

The Principal Planning Officer presented the application that had been brought back to the Planning Committee following consideration of the application at the 12 July 2017 Committee meeting where the Committee had granted planning permission subject to the signing of a section 106 agreement.

It was explained that the application had to be reconsidered to the Council announcing the housing land supply figure of 5.4 years after the application was previously considered and therefore consent could not be issued without further consideration by the Committee.

Helen Colling, resident, spoke in objection to the application.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To RECONFIRM the resolution to grant subject to a section 106 agreement relating to the provision of 40% of units for Affordable Housing in accordance with Plan 1620.02 Revision J, a Waste and Recycling and Provision and Management of On-Site Recreational Open Space in accordance with Plan 1620.02 Revision J and the Conditions at Section 2.22 of Appendix A to the report.**

**22.11 Application: 2017/0663/FUL**

**Location: West Newlands Farm, Selby Road, Riccall**

**Proposal: Proposed erection of an agricultural building for the storage of tractors and machinery**

The Planning Officer presented the application that had been before the Committee due it being called in by the Ward Councillor for the reasons as outlined in the report.

The Committee was informed that the application sought planning permission for the erection of an agricultural building for the storage of tractors and machinery. The Planning Officer explained that the application was contrary to policy EMP13 of the Selby District Local Plan due to the applicant stating that they would be storing vintage non-operational machinery in the new building.

Mark Newby, agent, spoke in support of the application.

The Committee felt that as the new building would be storing agricultural equipment, it would not be contrary to policy EMP13 of the Selby District Local Plan. They felt however that the building should be linked to West Newlands Farm using appropriate conditions. It was proposed that delegated authority be given to officers to agree the appropriate conditions.

It was proposed and seconded that the application be approved in line with the above reasons.

**RESOLVED:**

**To APPROVE the application for the reasons outlined above and delegated authority be given to officers to agree the appropriate conditions for the application.**

*Councillor Reynolds left the meeting at this point and did not return.*

In line with rule 9 of part 4 of the Constitution, the Democratic Services Officer explained that the Committee need to agree to continue the meeting due it approaching a duration of three hours.

**RESOLVED:**

**To agree to continue the meeting.**

**22.12 Application: 2017/0230/FUL**

**Location: Dyon Head, Dyon Lane, South Duffield**

**Proposal: Section 73 application to remove condition 4 (Agricultural occupancy) of approval 8/17/62/PA  
Outline application for the erection of a farm bungalow at Dyon House Farm South Duffield**

The Principal Planning Officer presented the application that had been before the Committee due to there being 20 letters of support received contrary to the officer recommendation for refusal.

The Committee was informed that the application sought planning permission to remove Condition 4 on Planning Approval 8/17/62/PA relating to the requirement for the property (Dyon Head Bungalow) to be occupied by a person employed in agriculture.

In reference to the Officer Update Note, the Principal Planning Officer outlined additional comments that had been received concerning the application.

Jennifer Hubbard, agent, spoke in support of the application.

The Committee felt that the applicant had demonstrated that the property had been marked effectively and therefore had demonstrated that condition four should be removed. For these reasons it was proposed and seconded that the application be approved in line with the above reasons.

**RESOLVED:**

**To APPROVE the application for the reasons outlined above and delegated authority be given to officers to agree the appropriate conditions for the application.**

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The meeting closed at 5.02pm.