



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 16 JANUARY 2019**  
Time: **2.00 PM**  
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillor J Cattanach (Chair), Councillor D Peart (Vice-Chair), Councillor L Casling, Councillor I Chilvers, Councillor J Deans, Councillor R Musgrave, Councillor R Packham, Councillor P Welch and Councillor D White**

## Supplementary Agenda

### 6. Planning Applications Received (Pages 1 - 14)

Officer Update Note – 16 January 2019

*Janet Waggott*

**Janet Waggott, Chief Executive**

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk).

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# Agenda Item 6

## Officer Update Note Planning Committee 16 January 2019

### Item 6.1

APPLICATION NUMBER:	2017/0701/OUT	PARISH:	Kelfield Parish Council
APPLICANT:	Mr R Atkinson	VALID DATE: EXPIRY DATE:	22nd June 2017 17th August 2017
PROPOSAL:	Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved)		
LOCATION:	Yew Tree House Main Street Kelfield York North Yorkshire YO19 6RG		
RECOMMENDATION:	GRANT		

- Condition 12 on page 24 of the agenda should be amended (as highlighted) to read:

*“Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority, if required following the investigation and risk assessment undertaken in relation to **Condition 11**. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*

*Reason:*

*To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.”*

- All pre-commencement conditions recommended to be attached have the prior written agreement of the applicant.
- All other parts of the recommendation and the proposed conditions are unchanged.

## Item 6.5

**Request for a Deed of Variation to Section 106 agreement dated 2<sup>nd</sup> December 2015 seeking the removal of the affordable housing requirement associated with a scheme for residential development with all matters reserved approved under reference 2015/0433/OUT on land to the west of Mill Hill Cottage, Hull Road, Osgodby**

- Since the Officers Report was written the Parish Council have commented on the application as follows:

*“There should be no additions to this site if the affordable housing requirement is removed.”*

As set out in Section 3.2 of the Officers Report, no further reserved matters applications can now be submitted pursuant to outline planning permission reference 2015/0433/OUT, as Condition 2 attached to outline planning permission reference 2015/0433/OUT required applications for the approval of reserved matters to be made within a period of three years from 2nd December 2015, that being before 2nd December 2018. The current application proposes 9No. dwellings and Officers would not accept any amendments to the current application which would result in an increase in the number of dwellings over the threshold of 10.

- All other parts of the recommendation and the proposed conditions are unchanged.

## Item 6.7

APPLICATION NUMBER:	2018/0742/FULM	PARISH:	Womersley Parish Council
APPLICANT:	Network Rail (Infrastructure) Ltd	VALID DATE: EXPIRY DATE:	16th July 2018 15th October 2018
PROPOSAL:	Proposed new access road to serve existing agricultural fields on the north-eastern side of the railway line together with the formation of a turning head adjacent to Cow Lane to allow the removal of vehicular crossing rights over Post Office Lane Level Crossing		
LOCATION:	Level Crossing On Cow Lane Cow Lane Womersley Doncaster South Yorkshire		
RECOMMENDATION:	APPROVAL		

1.0 The superseded location plan has been appended to the committee report in error and still shows the pedestrian bridge. It is confirmed that the pedestrian bridge no longer forms part of the application. The correct plans will be shown at the meeting.

2.0 The pre-commencement conditions included in the recommended conditions have been agreed by the applicant.

3.0 The recommendation is one of approval subject to no objection being received from the Highway Authority. However The Highway Authority has advised that whilst they require an amendment to the turning area, this can be achieved within the land ownership of the applicant and the details can be secured by condition.

It is recommended that the following minor changes to condition 2 (approved plans) and condition 3 (turning) be made to reflect:

2. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

60543757-AEC-STR-DR-1700-152 REV 1 A PO3 Proposed track/road general arrangement.

60543757-AEC-STR-DR-1700-155 Rev 1 A PO4 Proposed Turning head

60543757-AEC-STR-DR-1700-147 PO3 Rev 1 A New track/road site location block plan

0543757-AEC-STR-DR-1700-148 Rev 1A PO3 New track/road block plan – north

Reason: For the avoidance of doubt.

3. Prior to the closure of the level crossing to vehicular traffic, precise large details of the turning head (to demonstrate the appropriate dimensions), together with details of the provision for pedestrian and wheelchair access together with the barrier to vehicles shall be submitted to, and approved in writing by the Local Planning Authority to . Thereafter the development shall be carried out in accordance with the approved works.

Reason: In the interests of highway and pedestrian safety, appropriate access for pedestrians and wheelchair users and the visual amenity of the area.

It is therefore recommended that the Recommendation be revised as follows:

Recommendation: Approval subject to the listed conditions.

**Item 6.8**

APPLICATION NUMBER:	2017/0872/FUL	PARISH:	Tadcaster Town Council
APPLICANT:	North Yorkshire County Council	VALID DATE: EXPIRY DATE:	29 <sup>th</sup> August 2017 24 <sup>th</sup> October 2017
PROPOSAL:	Proposed installation of a recreational raised seating area over the existing temporary bridge foundation		
LOCATION:	Land At Wharfe Bank Tadcaster		
RECOMMENDATION:	GRANT		

- All pre-commencement conditions recommended to be attached have the prior written agreement of the applicant.

**Item 6.9**

APPLICATION NUMBER:	2018/0743/FUL	PARISH:	Hambleton Parish Council
APPLICANT:	York House Leisure	VALID DATE: EXPIRY DATE:	2 August 2018 1 November 2018 E of T agreed until ~18 January 2019
PROPOSAL:	Demolition of buildings and removal of concrete hard standing and redevelopment of site to create a retirement village comprising a change of use of land to site 168 residential park home caravans, temporary reception lodge, shop and sales office, community centre with meeting hall, kitchen, toilets, office, shop, outdoor terrace, village green, and provision of lakes, ponds, public and private amenity spaces, estate roads, car parking, bus laybys, refuse stores, maintenance building and yard		
LOCATION:	Former Mushroom Farm Gateforth New Road Brayton Selby		
RECOMMENDATION	Minded to APPROVE It is recommended that an obligation is no longer necessary		

## **Update on representations**

The Council's Contaminated Land Consultant has now replied in full and concludes that the submitted Phase 1 report and the proposals for site investigation are acceptable. However given the number of pollution incidents, fly tipping and arson it is recommended that the extent of contamination is more fully investigated and including gas monitoring. The existing recommended condition at Condition 18 in the Officer report may be updated and with an Informative to reflect this.

The County Highway Authority's response has been received this morning and has confirmed that the recommended conditions to date are appropriate to secure all the matters concerned. There are additional proposals for conditions to deal specifically with the access and visibility splay onto Gateforth New Road, agreement that the link to the north can be dealt with by negative condition and a proposal that, since the principal aim of any travel plan had been to secure the proposed shuttle bus, that this may also be dealt with by condition on any approval.

This has therefore removed the previous highway authority view that a planning obligation could be necessary, since all matters may now reasonably be controlled by condition. The detail of the recommended condition(s) is set out with discussion under the Updated Conditions heading below following the necessary negotiation with the applicant.

## **Planning obligation**

The need or otherwise for a planning obligation has been the subject of ongoing discussion and was awaiting the views of the highway authority. Since the highway authority view now is that the principal matter is that of the offered shuttle bus and that this may be controlled by condition, this will be worked up as a condition in association with the highway authority post any Committee decision.

Whilst it may be that the discharge of any 'shuttle-bus' condition may need to be addressed ultimately through a planning obligation, the highway authority is content that the specific wording of conditions is agreed following any Committee confirmation.

The suggested Grampian condition which removes the need for the access to the north to be addressed in any obligation is set out in the updated Conditions below as number 21, together with drafts of the additional highway authority proposals.

## **Updated Conditions**

There are minor changes to existing Condition 2 to remove reference to the plans of the Park Homes since these are purely indicative at this stage and external materials have been defined by the applicants as drawn from a mix of standard rendered finish and Canoxel cladding. The roofing is called Metrolite™ which are sheets of pressed steel that undergo a coating process; the colours of these will be charcoal or terracotta. The design of caravans can change from year to year so by the time some of the units are installed in phase 3 they could be different to those in phase 1.

Condition 3:

3. The park home caravans hereby permitted shall not be occupied other than by persons who have attained the age of 50 years or the spouse or partner of such persons including a widow or widower with the exception of the park warden and their family.

Reason: In accordance with the details of the application and to ensure that the proposal is providing accommodation for a specific need group as identified in the Council's Draft SHMA (2015), paragraphs 59 and 61 of the NPPF and in order to comply with Plan Policy SP13.

Condition 5 is recommended to be deleted since it duplicates recommended Condition 12.

Condition 18 has been reworded and to reflect the Contaminated Land Consultant's comments:

18. Prior to the commencement of development in any particular phase a site investigation, risk assessment and remediation strategy (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and result in a remediation strategy to deal with the risks associated with contamination of the site which shall be submitted to and approved by the Local Planning Authority. No development shall take place other than in accordance with the approved remediation strategy.

Reason: This is a pre-commencement condition since it is necessary to have this information before substantial works commence in order to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in order to comply with Local Plan Policy ENV1.

plus Informative: The investigation and risk assessment should be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

In respect of the formalisation of the link across Highway England land a new condition (21) s proposed:

21. No park home caravan in Phase 2 (as defined on the Masterplan Dwg No 1353/1 Rev C) shall be first occupied until the 'Proposed footpath link to the official pedestrian crossing' as shown on the Masterplan Dwg No 1353/1 Rev C has been laid out and provided in accordance with details that have previously been submitted to and approved by the local planning authority.



Reason: In accordance with the details of the application and to ensure the provision of sustainable and safe pedestrian linkages to existing community facilities and services in the vicinity in order to comply with Local Plan Policies SP2 and SP13.'

As a result of the Highway Authority comments:

Existing Condition 9 may be varied to read:

9. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey drawing shall have been submitted to and approved by the local planning authority before the first use of the first home on the site showing:
  - The details of the access and highway layout
  - The access to be formed with 8.0 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 15 metres into the site shall be constructed in accordance with the published Specification of the Local Highway Authority.
  - Provision to prevent surface water from the site discharging onto the existing highway
  - Details of a timescale for implementation in accordance with the to-be-approved Development Strategy and Phasing Plan under Condition 4

Reason: as existing

Additional highways conditions:

- a. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access and preparation works) until splays are provided giving clear visibility of 160 metres measured along both channel lines of the major road Gateforth New Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: Reason: In accordance with policies ENV1, T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- b: There shall be no occupation of the development after the first phase until the shuttle bus service between the site and the Fox Inn bus stop is operational in accordance with details that have previously been submitted to and approved by the local planning authority in consultation with the highway authority and which shall include details of the mechanism and funding for its provision, timetabling and frequency, ongoing monitoring and targets as the development proceeds.

Reason: In accordance with the details of the application and to promote sustainable means of travel in accordance with Local Plan Policies SP2, T1, T2 and ENV1.

### Revised Recommendation

In the light of the receipt of the Highway Authority comments and that an obligation is not now considered necessary; the recommendation at Part 7 of the Report (page 165) is amended to read:

**A:** Committee resolves that it is Minded to Approve the application ~~subject to the satisfactory completion of a planning obligation under s.106 of the Act in accordance with the Heads of Terms set out in this report, and~~

**B:** authority is delegated to the Planning Development Manager to approve this application ~~upon the conclusion of the planning obligation and~~ subject to the imposition of the conditions below **and in the officer update note**. That delegation to include the alteration, addition or removal of conditions from those set out if amendment becomes necessary as a result of continuing negotiations **and with the Highway Authority** and advice and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of Committee.

### Item 6.13

APPLICATION NUMBER:	2018/0941/OUT	PARISH:	Cawood Parish Council
APPLICANT:	Stonebridge Homes Ltd And Mr David Pulley	VALID DATE: EXPIRY DATE:	10th August 2018 9th November 2018
PROPOSAL:	Section 73 Variation of condition 21 (plans) of approval 2015/0518/OUT Proposed outline application for the residential development (access and layout to be approved all other matters reserved) for 17 dwellings with garages, creation of access road and associated public open space following demolition of existing garages at land to the north west		
LOCATION:	Street Record Castle Close Cawood Selby North Yorkshire		
RECOMMENDATION:	APPROVE SUBJECT TO DEED OF VARIATION		

1.0 The application is recommended for approval subject to clarification in relation to newt mitigation and a deed of variation in respect of the Section 106 associated with application 2015/0518/OUT.

2.0 The assessment of the application has taken account of the Conservation of Habitats and Species Regulations 2017/1012 and the Standing Advice of Natural England. An updated ecological report has been submitted by the applicant, which contains specific mitigation which will enable a more precise condition to be added.

3.0 The County Ecologist has been re-consulted on the updated report and has confirmed that it is not considered that the development will pose a significant risk to the viability of local Great Crested Newt populations due to the low quality of terrestrial habitat within the application site and its distance from the nearest ponds. It is their view, however, that there may, however, be a risk to small numbers of individual newts, but it is not expected, in the view of the County Ecologist, that further surveys will change this assessment. They further advise that the approach proposed in the revised ecology report is reasonable, i.e. that further surveys will be undertaken within the specific survey season mid-March – mid June to determine the most appropriate approach to mitigation, if further mitigation is required. Dependent on the outcome of these surveys, this may involve a precautionary method statement approach on the lines previously approved in relation to application 2015/0518/OUT, or a more intensive mitigation under a Natural England license.

4.0 It has been confirmed by the County Ecologist, having regard to the Standing Advice of Natural England that the development will not be detrimental to the maintenance of the Great Crested Newt population due to the low quality of the habitat and distance from the nearest ponds and the benefits of the delivery of housing, including affordable housing and employment are of overriding public interest. It is therefore recommended that condition 12 is revised to state;

12. The Development must be carried out in accordance with the recommendations and guidance contained in sections 7.4 and 7.5 of the revised ecology report (Wold Ecology Ltd., 'Land adjacent to Wolsey Avenue, Cawood: extended Phase 1 habitat survey', December 2018).

Reason : In the interests of ensuring that the development avoids potential impacts on nesting birds, Great Crested Nests and to ensure the enhancement of the site for wildlife purposes.

It is also recommended that condition 21, the approved plans condition, be revised to make specific reference to the Habitat survey:

21. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed below:

Proposed site layout DWG PA-WA-02 REV E

Location Plan DWG PA-WA-01  
1576/001 Topographical Survey.

Land adjacent to Wolsey Avenue, Cawood: Extended Phase 1 Habitat Survey',  
December 2018.

Reason: For the avoidance of doubt.

The applicant has confirmed agreement with the pre-commencement conditions  
identified.

**Officer Update Note  
Planning Committee 16 January 2019**

**Item 6.6**

**Report Reference Number: 2018/1402/DOV**

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<b>To:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>16 January 2019</b>
<b>Author:</b>	<b>Yvonne Naylor Principal Planning Officer</b>
<b>Lead Officer:</b>	<b>Ruth Hardingham, Planning Development Manager</b>

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**Request for a Deed of Variation to Section 106 agreement seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 60 dwellings approved under references 2016/1256/OUTM (outline) at Pinfold Garth Sherburn in Elmet**

**Summary**

The scheme will deliver 25% provision via 15 units, not 20% as stated in the Summary.

**Plan Reference and Mix**

Plan reference is PA-HL-18 Revision C as attached.

The plots offered for are still

- Shared Ownership – 33 / 34 / 35 / 36 / 12 / 13 / 14 / 15
- Social Rent – 38 / 39 / 40 / 43 / 44 / 45 and 46.

As noted in the "Summary" and "Assessment"

**Case for Changes to extent of Provision**

The applicants have provided an Executive Summary of the Viability Assessment in line with the approach of the 2018 version of the NPPF. A full copy of this is attached. In summary the basis of their case is that having applied a average achievable revenue of £225 per sq ft, taken account of construction costs at £96 per sq ft, considered abnormal costs and associated contingency and consideration of the benchmark land value and costs results in a financial pot to fund affordable housing equating to the offer of 25% (15 units) alongside other S106 monies and the CIL contribution.

## **Viability Assessment – Proposed Development off Hodgson Lane, Sherburn-in-Elmet**

**Executive Summary** – Cushman & Wakefield (C&W) were instructed by Stonebridge Projects Limited (Stonebridge) to undertake an Economic Viability Assessment (EVA) in respect of the proposed development at Hodgson Lane, Sherburn-in-Elmet.

The EVA was reviewed by the District Valuer Service (DV) on behalf of the Council. Below is a summary of the revised inputs and the portion agreed with the Council.

**Proposed Development** – A residential development of 60 dwellings offering 2, 3, 4 & 5 bedroom accommodation. Application Number 2018/0385/REM.

**GDV** – Following a review of revenues, we consider our position to be a robust indication of achievable revenues. We consider an average of achievable revenue of £225 per sq ft across the whole development is appropriate.

**Construction Costs** – On the basis that all parties are looking to reach agreement, we have reduced our anticipated build cost figure in line with the DV's assumption, and adopted a revised build cost of £96 per sq ft.

**Abnormal Costs** – Following further due diligence on site, there has been a significant increase in abnormal development costs from our initial appraisal in May. The revised abnormal costs are confirmed as £1,091,651 (inclusive of contingency).

**Abnormal Contingency** – Following the significant increase in abnormal development costs, we have reviewed our contingency in line with the increased risk and have revised our contingency from 3% to 5% on abnormal development costs. We consider this figure to be more robust based given the significant increase in abnormal development costs.

**Benchmark Land Value** – For the purposes of reaching agreement, we have adopted the BLV provided by the DV which equates to £1,182,557, or £176,178 per gross acre. Whilst we do not accept this to be a robust or realistic figure, it has been adopted in this instance in order to calculate a revised proposal.

**Viability Analysis** – We have re-run our appraisal adopting the previously agreed assumptions, with the exception of those listed above. This provides a revised land value of £2,648,025. If we deduct from this the DV's BLV of £1,182,557, this provides a 'pot' of £1,465,468 which the scheme can viably afford for planning gain and affordable housing provision. Following deduction of known S.106 and CIL costs (£249,893), a remaining 'pot' of £1,215,575 is available for affordable housing provision.

To determine the level of affordable housing this can viably deliver, we have run a series of appraisals based on different levels of contributions.



To deliver an affordable housing contribution of 25%, together with the required S.106/CIL contributions, a resultant land value of £1,233,133 is produced, which is marginally greater than the BLV adopted by the DV.

We confirm that a revised offer in respect of planning gain of 15 affordable units (25%), plus £249,893 contribution towards CIL and other S.106 items is considered viable based on the above assumptions.



KEY

 SHARED OWNERSHIP LOCATIONS  
 SOCIAL RENT LOCATIONS

 SPRUCE  
 2 BED, 2 STOREY  
 9 NO  
 PINE  
 3 BED, 2 STOREY  
 6 NO

REV C  
 REV B  
 REV A



PROJECT  
 DWG NO  
 SCALE @ A3  
 DRAWING  
 DATE

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