



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 10 MARCH 2021**
Time: **2.00 PM**
Venue: **MICROSOFT TEAMS - REMOTE**
To: **Councillor J Cattanach (Chair), Councillor J Mackman (Vice-Chair), Councillor M Topping, Councillor K Ellis, Councillor I Chilvers, Councillor R Packham, Councillor P Welch, Councillor D Mackay and Councillor S Shaw-Wright**

Officer Update Note – 10 March 2021

5. Planning Applications Received (Pages 1 - 10)

Janet Waggott

Janet Waggott, Chief Executive

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

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Item 5.1

APPLICATION NUMBER:	2020/1265/FUL	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Wheatley Developments	VALID DATE: EXPIRY DATE:	23rd November 2020 18th January 2021
PROPOSAL:	Proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity		
LOCATION:	Land Adjacent 27 Low Street Sherburn In Elmet North Yorkshire		
RECOMMENDATION:	Minded to APPROVE subject to a S106 Agreement on Recreational Open Space and Waste/ Recycling Contributions		

Change of Recommendation.

Since publication of the Officer's report, a revised scheme has been submitted on Tuesday 9th March 2021. The revised scheme now proposes to access all five properties from Low Street and the parking layout has been amended accordingly. The proposed vehicular access off Orchard Cottage has been omitted. Therefore, it is recommended that this application is deferred to enable the Officer to assess the revised scheme and to seek feedback on the changes from the North Yorkshire County Council Highway Officer.

Correction to a Planning Condition

Condition 13 as detailed in the officer's report has a drafting error. Should members be minded to approve planning consent, Condition 13 is proposed to be altered to:

A noise survey to confirm external noise levels and recommend any required mitigation to protect residents from noise from road traffic and the public house opposite shall be submitted to and approved in writing before commencing construction of the dwellings hereby approved. The development shall be completed in accordance with the approved details prior to the occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.

Reason

To safeguard the amenity of the proposed dwellings from the predicted noise levels which exist on the site.

Request to Speak

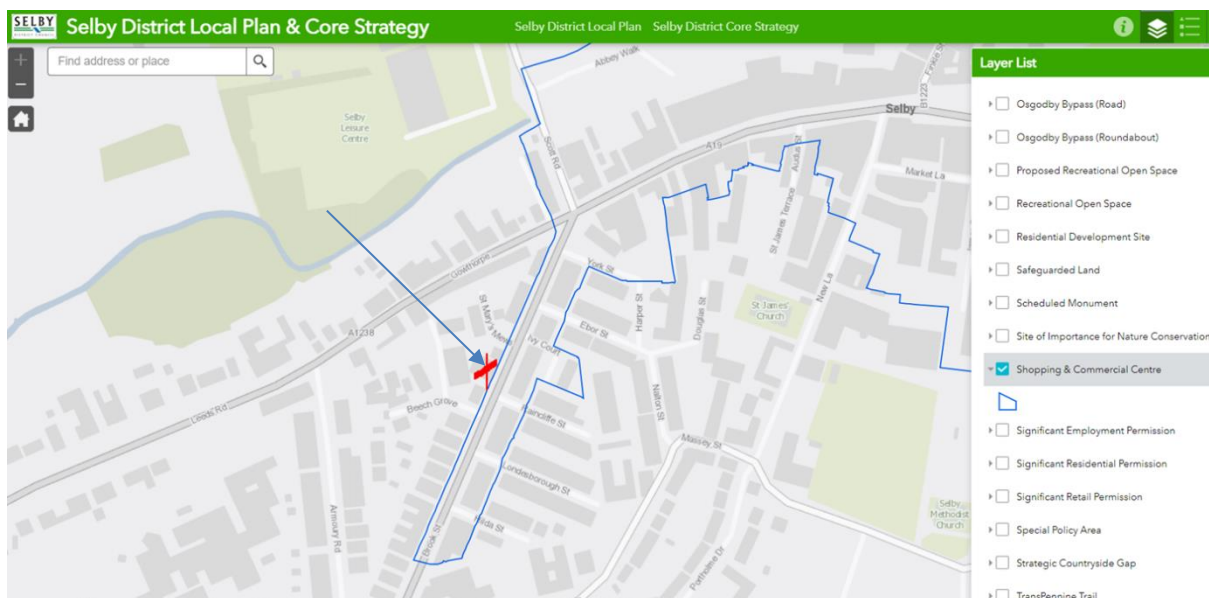
Beth Haywood – In opposition to the scheme

Item 5.2

APPLICATION NUMBER:	2020/1263/FUL	PARISH:	Selby Town Council
APPLICANT:	Mr Timothy Baldwin	VALID DATE:	25th November 2020
		EXPIRY DATE:	20th January 2021
PROPOSAL:	Continued use of ground and first floor cafe (being a variation to the opening hours)		
LOCATION:	The New Little Coffee Shop 8 Brook Street Selby YO8 4AR		
RECOMMENDATION:	Grant		

Report Correction

The report refers to the site being 'within' the shopping and commercial centre, when in fact the boundary is the pavement outside the premises as shown below:



This means the site lies immediately adjacent the shopping and commercial designated area, however, has no formal designation other than being within development limits and the Conservation Area. This changes the emphasis in paragraphs 1.3, 3.1, 4.7, 5.2, 5.3, 5.8, 5.10, 5.19, 6.2 of the report and means Policy SEL/10 is not directly relevant.

Additional letter of objection

Received from the adjacent occupier, who has already commented on the application as detailed within the 3rd party representations of the report. This is in response to the revised application type and the suggested temporary permission. The main content of the objection is similar to that contained within the committee report, however the main concerns are highlighted again and new concern detailed below:

Impact on Residential Amenity

When the premises were first granted a change of use from retail to café / restaurant in 2013 the Officers report at the time stated that Policy ENV (1) and SEL/8 should be given significant weight. Policy ENV (1) requires the Council to take into consideration 'The effect upon the character of the area or the amenity of adjoining occupiers'.

The Officer report relating to the original application for change of use from A1 (shops) to A3 (restaurants and cafes) included a condition that the opening hours be restricted to 09.00 to 17.00 Monday to Saturday and closed on Sunday. The reason for this was 'In the interests of residential amenity having regard to Policy ENV1 of the Selby District Local Plan.

With specific regard to the first floor room which is directly adjacent to my living room, the Officers report relating to the conditions imposed here states '... one of the core principles of the NPPF is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings is achieved. The proposed opening hours to the upstairs café room are a reduction of the opening hours for the current downstairs premises and this can be conditioned in order to protect the amenity of the neighbouring residents.' The permitted opening hours for the first floor space are currently 11am to 3pm Monday to Saturday excluding bank holidays. In no way can removing the condition requiring the premises to close on a Sunday be seen to be protecting the amenity of the neighbouring residents. Allowing the premises to trade seven days a week gives no respite to neighbouring properties.

In additional, an alcohol licence was granted in 2019 which was not in place when the restriction on opening hours was put in place. There are no hospitality / service premises in this area of Brook Street with extended opening hours. Brook Street is a quiet residential street on an evening and on a Sunday. The additional noise and disturbance from the proposed extended hours would be amplified and have a significant negative impact on the residential amenity of the area.

There are four flats and one house directly adjoining the premise. The flat at 8a Brook Street shares the same front entrance as the Little Coffee House and its living areas are directly above the kitchen / serving area. Any additional opening hours would have a significant impact on this property as well as those adjoining and in the surrounding area.

Additional Information

They have confirmed in their application that the evening opening is required for themed nights once a month for a trial basis of 12 months and whilst I appreciate the reduction in previously requested hours, in effect these additional hours have already been trialled as the applicant has held a number of events and theme nights outside of their permitted opening hours and in breach of the planning condition. I don't see what could be gained by allowing a further trial period as the Council is already well aware of the negative impact this has had on me and my property.

There is a vast different between customers having coffee during the day and attending a themed event with alcohol on an evening. This is changing the whole feel of the premises from a coffee shop to a bar and I believe this is completely inappropriate in a residential area. At one point in 2019 the applicant was advertising Christmas Party nights for parties of 10 or more with a fully stocked bar. Their own flyer for the events advertised themselves as 'The Little Coffee House' by day and 'The Place to B' by night.

Whilst these events did not take place as the previous planning application was withdrawn, this type of highly charged event for large groups of people is guaranteed to create excessive noise and would have a significant negative impact on neighbouring properties. This is not simply an extension of their existing day time business operations or offering 'Sunday lunch to the elderly'.

Environmental Health Officer revised response:

I have considered the additional information provided by the applicant and would make the following comments.

It was previously recommended that the applicant provide further information regarding the provision of amplified music and extraction/ventilation arrangements. I am unable to locate this within the additional information and would make the same recommendation irrespective of the amendments.

In relation to raised voices, previous concerns were raised regarding speech transmission between adjoining walls, and at neighbouring properties as customers leave the premises. The proposal to extend opening hours to 2200hrs once per calendar month for a 12-month temporary period is considered a satisfactory response to this.

Item 5.3

APPLICATION NUMBER:	2020/0514/S73	PARISH:	Heck Parish Council
APPLICANT:	Brocklesby Building Products Limited	VALID DATE: EXPIRY DATE:	4th June 2020 3rd September 2020
PROPOSAL:	Section 73 application to remove condition 06 (HGV Traffic Routes) of approval 2019/1340/FULM Proposed change of use of existing maintenance and vehicle processing building to include block cutting and processing, erection of 6m high cctv pole, erection of replacement dry dust silo, erect new gates, change existing fencing to concrete fencing and improve HGV parking on site by increasing the areas in which they can park on the existing site granted on 16 April 2020		
LOCATION:	Brocklesby Building Products Ltd Unit 1 Long Lane Great Heck Goole East Yorkshire DN14 0BT		
RECOMMENDATION:	Approve		

An additional representation from Cunnane Town Planning on behalf of a local resident is attached in full to this Officer Update Note.

There have also been four further letters from local residents.

Concern that the cumulative affect of the area has not been fully taken into account. The control over the use of Main Street is not achieved and could not be controlled in the future. The 18-month HGC movement restriction of the rial bridge has now concluded, therefore noise is once again unrestricted. The issue of expansion of the businesses versus consolidation of the business have not been analysed full in the report to prove its accuracy. In summary the highway safety and amenity concerns remain. The letter suggests a solution via an amended condition which reflects the applicants aims and objectives, whilst ensuring that the council are able to maintain control over the proposed use.

Within 3 months of the date of this decision details of the routes to be used by HCV traffic associated with the proposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with the proposal.

Reason

In accordance with policies ENV1(2), EMP9 (1), T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity.

The above would allow the applicant to propose any route that they saw fit for vehicles associated with the proposal and the times at which HGV could use those routes, whilst providing the council with controls over highway safety and amenity

originally sought. The additional letters from local residents reiterate the concerns detailed within the report.

Item 5.5

APPLICATION NUMBER:	2020/0976/FUL	PARISH:	Brayton Parish Council
APPLICANT:	Brookfield Property (Holdings) Ltd and B & B Roper Ltd	VALID DATE: EXPIRY DATE:	15th September 2020 10th November 2020
PROPOSAL:	Erection of petrol filling station (sui generis) with ancillary retail Kiosk (Use Class E) and erection of Drive-Thru Coffee Shop (Use Class E) with associated hard and soft landscaping and access arrangements.		
LOCATION:	Land Adjacent to A63 And Bawtry Road Selby		
RECOMMENDATION:	GRANT		

Planning Conditions

Condition 24 should be re-worded slightly to provide clarity that the recharging units referred to are for electric vehicles;

24. Two free-standing, weatherproof, outdoor electric vehicle recharging units shall be provided in the shared parking provision on the site. The recharging points shall comply with the latest British Standards or alternative appropriate standards to ensure reliability and safety.

Your Ref: 2020/0514/S73

Our Ref: SV/MCR/

Northern Region, P.O. Box 305
Manchester M21 3BQ Tel: 0161 861 0410
www.cunnanetownplanning.co.uk

Cllr. J Cattanach
Chair of Planning Committee
Selby District Council,
Civic Centre,
Doncaster Road,
Selby,
North Yorkshire,
YO8 9FT

BY EMAIL AND POST
9th March 2021

Dear Cllr. Cattanach

**APPLICATION NUMBER: 2020/0514/S73 - BROCKLESBY BUILDING PRODUCTS LIMITED , UNIT 1,
LONG LANE, GREAT HECK , GOOLE, EAST YORKSHIRE, DN14 0BT**

I write with regard the above-mentioned application which is being presented to Planning Committee on the 10th of March 2021. I have reviewed the planning officers report alongside my previous work in relation to the planning application, and subsequent additional information supplied by the applicant.

I am familiar with the planning history that has led to this application and the progress of these proposals through the development control process. You will have seen previous representations by myself on behalf of my client Mr Charles Watkinson, a resident of Great Heck.

The following is pertinent to the determination of the application and remedying deficiencies in the Officers report presented to members. I suggest consideration of a replacement condition which would maintain the reasonable control by the Council without unduly restricting the applicant's commercial enterprise.

Officer Report

In relation to paragraph 1.1 – 2, it is clear that the officer recognises that the original proposal adds to the level of activity in the surrounding area associated concrete block manufacturing, and that such activities have created a 'hotspot' given the ready supply of pulverised ash from nearby power stations. My concern here is that this cumulative effect of these proposals (one now a commitment) has not been taken into account in the officers report as their advice develops.

At paragraph 2.2, the officer also notes that the original condition 6 attached to planning application 2019/1340/FULM for the change of use of the maintenance and vehicle processing building was requested by North Yorkshire County Council Highways Department. The paragraph also recognises that the main concern centres around the use of Main Street, Great Heck, rather than Long Lane. As such it is clear that the applicants stated intention to proceed along Heck and Pollington Lane to H+H Cellcon have satisfied the authority that no safety concern arises. However, the result of the officer's recommendation is that the control sought over the use of Main Street is not achieved.

In summary, the original concern in relation to highway safety on Main Street, Great Heck remains, and the recommendation of the officer would remove any ability to control this in the future.

In relation to noise control I note that paragraph 2.10 of the officer report confirms that the initial 18 month period of HCV vehicle movement restrictions over the railway bridge at Great Heck has now concluded. The situation with regard noise amenity is therefore once again unrestricted in this location.

Paragraph 5.31 confirms that the issue with regard amenity in the surrounding area similarly remains.

In essence, the original proposal sought the expansion of activities on the site, which was granted planning permission and controlled via the imposition of planning conditions. Conditions 6 sought to restrict traffic movement in order to protect against road safety and residential amenity. These reasons remain justified in both regards.

Paragraph 5.4 of the officers report provides a summary of the elements of the proposal which increase capacity at the site, and the client's representation that these are '*more of a consolidation of the business*'. There is no further analysis as to the accuracy of this statement within the report, having regard to the lengthy forensic history of activities on this site. The paragraph also confirms that the books have been undertaken and were required to enable more space for workers due to COVID 19.

Paragraph 5.15 confirms that the capacity of the building has seen an increase as a result of the original proposal, and that the area surrounding the site is already the subject of problems/issues.

It is also worthy of note at paragraph 5.17 that the officer considers the poor wording used in the original drafting of condition 6, however I consider that this current application is an opportunity to ensure that a replacement condition is able to fully reflect the requirements the six tests of planning conditions in NPPF.

In summary, the reason for the condition remains (highway safety and amenity), the applicants claims that the original proposal would not increase capacity have not been tested, and the acknowledged deficiencies in the original wording of condition 6 remain.

Solution

In summary, I suggest that given the situation with regard the expiration of HCV movements over the Great Heck bridge that the application to amend the planning condition currently before members is an opportunity to reflect the applicants request, whilst also ensuring that the issues of road safety and amenity which provided the reason for the original planning condition, are more accurately reflected in a revised wording to replace condition 6.

In this regard, I suggest that a condition worded as follows would reflect the applicants aims and objectives, whilst also ensuring that the Council are able to maintain adequate control over the proposed use. My suggested wording is as follows:

Within 3 months of the date of this decision details of the routes to be used by HCV traffic associated with the proposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with the proposal.

Reason

In accordance with policies ENV1(2), EMP9 (1), T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity.

The above would meet the six tests of planning conditions set out in NPPF, would allow the applicant to propose any route that they saw fit for the vehicles associated with the proposal and the times at which HCV could use those routes, whilst providing the Council with the controls over highway safety and amenity that they originally sought.

Having regard to the above it is clear that this alternative to the officer advice provides a reasonable and ongoing level of control to the Council in seeking to resolve an acknowledged 'hotspot' of commercial activity which is clearly causing significant harm the amenity of nearby residents.

I trust that the above is clear however please do not hesitate to contact me if you have any queries.

Yours sincerely

Signature redacted

Stuart Vendy
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Cc: G. Stent, Planning SDC
V. Foreman, Committee Services SDC

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