



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 8 DECEMBER 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
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 C Richardson**

Supplementary Agenda

5. Planning Applications Received (Pages 1 - 12)

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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Agenda Item 5

Officer Update Note - Planning Committee – 8 December 2021

Item 5.1

APPLICATION NUMBER:	2020/0014/FULM	PARISH:	Burn Parish Council
APPLICANT:	Selby District Council	VALID DATE: EXPIRY DATE:	8th January 2020 8th April 2020
PROPOSAL:	Proposed construction of 10 affordable homes, to include a two-storey block of six two-bedroom apartments and four single storey two bedroom semi-detached properties		
LOCATION:	Land Off Barff View Burn Selby North Yorkshire		
RECOMMENDATION:	GRANT		

Para 2.7 and 5.53 of the report refers to the objection from the LLFA. Further information was received from the applicant at the time of writing this report and the LLFA were re-consulted. Comments have now been received. In summary these still require further information and for the applicant to provide the following;

- A review of the design and calculations for the highway and surface water drainage systems for the developments to reduce the discharge rate as close as possible to greenfield run off rates, whilst acknowledging the size restriction of 75mm orifice size/control.
- Determine the requirements of Highway Authority for adopting the new section of highway.
- Confirm the impact of the ground water in terms of the cellular storage area and whether mitigation should be incorporated into the design.

Officer response

It is therefore recommended that the application be deferred and authority to approve the application be deferred to the Head of Planning Services subject to receipt of the above additional information and subject to that information satisfying the requirements of the LLFA and subject to any additional relevant appropriate conditions arising from this consultee.

Item 5.2

APPLICATION NUMBER:	2021/0789/FULM	PARISH:	Fairburn Parish Council
APPLICANT:	UKPA EnergyMF Ltd	VALID DATE: EXPIRY DATE:	23rd June 2021 22nd September 2021
PROPOSAL:	Construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping		
LOCATION:	Land South Of Electricity Substation Rawfield Lane Fairburn Selby North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO REFERAL TO THE SECRETARY OF STATE		

Zero carbon letter with key details

Members will have received a letter from Zero Carbon outlining what they consider to be key details and benefits of the scheme. Officers have also received and seen this.

NYCC-LLFA- Comments received

No objections- the submitted documents demonstrate a reasonable approach to the management of surface water.

NYCC Ecologist comments received

The updated comments were referred to in the report at para 5.56 but in error not included in the consultation summaries.

For completeness these are summarised as follows;

Based on the information provided, non-licensed mitigation measures seem a reasonable and proportionate approach to minimising risks to Great Crested Newts. We are happy that such measures would maintain the conservation status of the species in the locality, in line with the requirements of the Conservation of Habitats & Species Regulations 2017. We would be happy for a condition to submit a Great Crested Newt Method Statement for approval prior to commencement.

Landscape and Ecology Mitigation Plan/Offsite Landscape Enhancement Plan – these should incorporate our advice as per our previous comments. It's up to the applicant to research suitable mixtures but they should choose one that is in keeping with the flora of the local area and soil type. Simple mixtures containing fewer species are usually more appropriate to sites in the farmed countryside. Reputable

seed merchants such as Emorsgate are usually happy to make-up bespoke mixes if asked.

SSSI impacts – based on the information provided, we are happy that there would be no significant impacts on Fairburn and Newton Ings Site of Special Scientific Interest, and we note that Natural England have raised no concerns.

Officer response

The above requirements are covered by condition 19.

Hillam Parish Council

Hillam PC have not submitted any formal observations regarding these applications and although the PC agreed last night it had none to submit on behalf of the Hillam residents, it did wish to stress that the Planning Committee must seriously consider any concerns of other local Parish Councils and not leave them overlooked, which often feels like the case when the applicant is a large organisation.

Applicant makes the following additional comments

The applicants have a signed contract with National Grid for a 320MW grid connection within the existing substation, thus the required amount of wattage is secure.

Item 5.3

APPLICATION NUMBER:	2021/0633/FUL M	PARISH:	Fairburn Parish Council
APPLICANT:	HD777FRY Ltd	VALID DATE: EXPIRY DATE:	19th May 2021 18th August 2021
PROPOSAL:	Installation and operation of a battery storage facility and ancillary development on land off Rawfield Lane, Monk Fryston		
LOCATION:	Land South Of Electricity Substation Rawfield Lane Fairburn Selby North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO REFERAL TO THE SECRETARY OF STATE		

Hillam Parish Council

Hillam PC have not submitted any formal observations regarding these applications and although the PC agreed last night it had none to submit on behalf of the Hillam residents, it did wish to stress that the Planning Committee must seriously consider any concerns of other local Parish Councils and not leave them overlooked, which often feels like the case when the applicant is a large organisation.

Applicant makes the following additional points:

- Confirms that the proposed development will connect directly to existing tertiary equipment at the National Grid substation and the applicant has secured a 57MW grid connection offer that guarantees this capacity with a connection dates of 31st October 2023, subject to planning permission being secured.
- A temporary construction compound will be located immediately adjacent to the site on the north side.

Officer Response

An additional condition required to secure the containment and restoration of the construction compound site before the facility is brought into use.

Item 5.4

APPLICATION NUMBER:	2020/1391/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mr David Simpson	VALID DATE: EXPIRY DATE:	17th December 2020 11th February 2021
PROPOSAL:	Change of use of land from agriculture to domestic curtilage and formation of new field boundary (retrospective)		
LOCATION:	Land Off York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT		

Correction

Condition 05 should read as follows:

*'Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no garages, outbuildings or **any** other structures shall be erected within the extended garden areas hereby approved without the prior written consent of the Local Planning Authority.*

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in order to protect the character and appearance of the surrounding open countryside, having had regard to Policies ENV1 and H15 of the Selby District Local Plan.'

Item 5.6

APPLICATION NUMBER:	2021/1295/REM	PARISH:	Kelfield Parish Council
APPLICANT:	Mr Richard Atkinson	VALID DATE: EXPIRY DATE:	18th October 2021 13th December 2021
PROPOSAL:	Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings		
LOCATION:	Yew Tree House Main Street Kelfield Selby North Yorkshire YO19 6RG		
RECOMMENDATION	GRANT		

Consultation response from the Parish Council

Kelfield District Council supported the original application to demolish Yew Tree House and erect 6 new dwellings on the site. However, it does not support the 'new' retention of Yew Tree House on this revised application.

Consultation response from the Conservation officer – Objection

This application is a reserved matters application, the outline application was approved in 2017 which showed the retention of the farmhouse, a row of single storey garages to the left (north-west), semi detached house to the right (east) and a long range to the rear (north). The scheme was supported from a conservation perspective due to the layout having an agricultural influence. The current scheme differs dramatically from the approved outline illustrative layout, it now shows a domestic arrangement with three large detached properties surrounding the existing farmhouse and three detached plots to the rear (north). This is disappointing to see as it shows little consideration to the historic development or local distinctiveness of the village.

Kelfield is an historic settlement and is mentioned in the Domesday Survey of 1086 as Chelchefelt. Its current layout is thought to have existed since this period with a main street and long plots to either side. To the north of the application site is Kelfield Moated site and fishpond which dates from the 13th Century. The architecture within the village is influenced by agriculture and this theme should be retained in any future developments.

The application site contained the 19th Century farmhouse and farm buildings which date to the 20th Century to the rear. Yew Tree House has been identified as a non-designated heritage asset. A non-designated heritage asset can be a building, monument, site, place, area or landscape identified as having a degree of significance. It is considered that this building has architectural value in terms of its aesthetic value, it has a positive external appearance which contributes to the street scene and adds to the character of Kelfield. A Heritage Statement should have been submitted with this application as a requirement within the NPPF paragraph 203: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The retention of the farmhouse in this scheme is completely supported as it will retain the local distinctiveness of Kelfield. However, this new layout and the design, bulk and positioning of the proposed new dwelling is not supported and will have a harmful impact upon the local distinctiveness of Kelfield as well as upon the non-designated heritage asset of Yew Tree Farmhouse.

The development fails to meet the requirements of the NPPF paragraph 203 relating to non-designated heritage assets. It fails to meet the requirements of paragraphs 199 and 194 as the significance of the site has not been assessed. The proposed scheme does not comply with Core Strategy policy SP18 or SP19. These policies specifically relate to design and context.

SP19 states that: Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside...Both residential and non-residential development should meet the following key requirements:

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.
- b) Positively contribute to an area's identity and heritage in terms of scale, density and layout.

This scheme does not positively contribute to the local distinctiveness of Kelfield and would erode the historic character of this agricultural site. Substantial amendments are required for this proposal to improve the layout, building types and their design.

The planning agent has responded to the concerns in a separate email to members dated: 4.12.21.

5 letters of support, from 3 addresses:

- The proposed dwellings will be beneficial to our village, boosting population and helping to attract a better bus service.

- It will attract young families to the village and join the village community.
- The site is an ideal location for new housing, higher and away from the river, and on a much larger plot so not to intrude on nearby housing.
- The scheme will enhance this part of the village and remove the farm. Sites opposite have been developed for similar developments on lower land.

Additional Letter of objection:

The design has too many accesses will create parking and blockages for the Main Street in Kelfield as the increase in home working has resulted in more on street parking at a pinch point before a sharp bend in the road. It would be much better for a small residential development to have one driveway to serve all the properties.

Additional Conditions:

14. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason:

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

15. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of each dwelling.

Reason:

In the interests of providing a sustainable form of development and economic growth and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.

Item 5.7

APPLICATION NUMBER:	2020/0718/FUL	PARISH:	Carlton Parish Council
APPLICANT:	Mr David Leek	VALID DATE: EXPIRY DATE:	14th September 2020 9th November 2020
PROPOSAL:	Creation of a bund/bank to protect properties from flooding (retrospective)		
LOCATION:	New Coates Farm Hirst Road Carlton Goole East Yorkshire DN14 9PX		
RECOMMENDATION:	GRANT		

Since the publication of the report the applicant has submitted a further representation and has highlighted that the Officer report does not provide a summary of the applicant's counter arguments to all the specific objections submitted on the application. This response can be found on the Planning File available on Public Access. The response highlights that the EA objections have been withdrawn and that they have raised no objections.

The further representation highlights that it is stated in the objections that trees were removed to make way for the bund. The applicant has stressed that this is not the case and brambles, nettles, weeds were significantly hacked back on an old hawthorn tree.

The applicant highlights that there is a statement saying the bund will be built above the damp proof course of a neighbour's outbuilding. The applicant has confirmed that, again this is just not true and was clearly stated in the applicant's response to the objections. The bund will actually stop short of that building. Should the need arise, the bund will be extended by means of sandbags laid on visqueen (on the ground and up the outbuilding wall).

In response to one of the objections that the *two homeowners that have put in the planning permission never flooded in 2020*" is commented.... the applicant argues that this statement needs to be qualified or is irrelevant without context.

The applicant has also questioned other comments made by objectors and confirmed that the bund was not in existence when previous flooding occurred.

It is not considered that this representation changes the Officer recommendation as it is in line with the Environment Agency's view that the bund will not have a negative impact in regard to flooding in the local area. The EA are aware of all the objections that have been submitted.

Item 5.8

APPLICATION NUMBER:	2020/0719/FUL	PARISH:	Carlton Parish Council
APPLICANT:	Mr Peter Hutchings	VALID DATE: EXPIRY DATE:	19th August 2020 14th October 2020
PROPOSAL:	Creation of a bund/bank for flood protection (retrospective)		
LOCATION:	New Coates Lodge Hirst Road Carlton Goole East Yorkshire DN14 9PX		
RECOMMENDATION:	GRANT		

Since the publication of the report the applicant has submitted a further representation and has highlighted that the Officer report does not provide a summary of the applicant's counter arguments to all the specific objections submitted on the application. This response can be found on the Planning File available on Public Access. The response highlights that the EA objections have been withdrawn and that they have raised no objections.

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