

## Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 9 October 2019
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair  Councillors I Chilvers, R Packham, P Welch, K Ellis, D Mackay, M Jordan and J Mackman (Vice-Chair)
Officers Present:	Martin Grainger – Head of Planning, Ruth Hardingham - Planning Development Manager, Kelly Dawson – Senior Solicitor, Rachel Smith – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer, Jenny Tyreman – Senior Planning Officer, Irma Sinkeviciene – Planning Officer, Victoria Foreman – Democratic Services Officer
Press:	1
Public:	22

### **16 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor M Topping.

### **17 DISCLOSURES OF INTEREST**

Councillor K Ellis declared a pecuniary interest in agenda item 5.6 – 2019/0793/S73 - Old Forge Cottage, Main Street, Church Fenton as he was the applicant, and confirmed that he would leave the meeting during consideration thereof.

Councillor K Ellis also declared a personal interest in agenda items 5.8 – 2019/0110COU - Farm Farm, Mill Lane, Ryther and 5.9 – 2017/0736/REMM – Land South of Main Street, Church Fenton, Tadcaster. Councillor Ellis confirmed that he would remain in the meeting during consideration of these applications, but would not take part in the debates or votes.

## 18 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that an officer update note had been circulated, and that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application.

Members were also notified that application 2017/0736/REMM – Land South of Main Street, Church Fenton, Tadcaster would be considered first.

The Committee also noted that application 2019/0751/FUL – Unicorn Inn, Bondgate, Selby had been withdrawn from the agenda at the request of the applicant and as such would also not be considered at the meeting.

## 19 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 7 August 2019.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 7 August 2019 for signing by the Chairman.**

## 20 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications:

### **20.1 2017/0736/REMM - LAND SOUTH OF MAIN STREET, CHURCH FENTON, TADCASTER**

The Solicitor advised the Committee that further correspondence and representations had been received in relation to the application and as such, in order for the information to be properly considered, Officers were recommending that the application be deferred for consideration at a later date.

It was proposed and seconded that the application be deferred.

### **RESOLVED:**

**That consideration of application 2017/0736/REMM – Land South of Main Street, Church Fenton, Tadcaster be deferred to a later date in order for the additional information and representations received to be considered by Officers.**

*Councillor K Ellis did not take part in the debate or the vote on this item.*

## **20.2 2018/1074/DOV - LAND TO THE NORTH OF WEELAND ROAD, EGGBOROUGH**

**Application:** 2018/1074/DOV

**Location:** Land to the north of Weeland Road, Eggborough

**Proposal:** Request for a Deed of Variation to Section 106 agreement dated 27 September 2016 seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT

The Senior Planning Officer presented the application which had been brought to the Committee following consideration at the meeting on 24 April 2019, where Members had resolved to refuse the request and ask Officers to reconsider it with a view to the level of affordable housing being renegotiated with the applicant and the District Valuer.

The Committee noted that this was a request for a Deed of Variation to Section 106 agreement dated 27 September 2016, seeking a reduction in the proportion of affordable housing to be provided within the scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT.

Members asked for confirmation that the proposed affordable units would be so in perpetuity, i.e. that the 30% discount would remain in the future as the houses were resold, and that the Community Infrastructure Levy (CIL) contribution from the developers was also still to be paid; Officers confirmed that both points were the case.

Mr Colin White, objector, spoke in objection to the application.

Councillor John McCartney of Kellington Parish Council, spoke in objection to the application.

Councillor Mary McCartney, Ward Member, spoke in objection to the application.

Sophie Bagley, agent, spoke in support of the application.

Members considered the request in full and expressed their frustration at the level of affordable housing being offered, but acknowledged the effect that government policy and the historic lack of five year land supply had had on the application before them. Some Members felt that delivering three affordable units was a preferable option to refusing the request altogether and potentially delivering none.

Officers clarified that as the request was for a deed of variation there was no right to appeal on the decision taken by the Committee, and explained the three year time limit for the delivery of scheme was to incentivise developers to build out as much of the scheme as possible in that time period.

It was proposed and seconded that the request be APPROVED.

**RESOLVED:**

**To APPROVE the request for a Deed of Variation, and for delegation to be given to Officers to complete a Deed of Variation to the original Section 106 agreement for planning consent 2016/0124/OUT, to reduce the level of affordable housing from 40% affordable housing provision to provide 3 No. Discounted for Sale units each at 30% discount to market value. The variation would be time limited for a period of 3 years from the date of the decision.**

**20.3 2018/1387/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY**

**Application:** 2018/1387/FUL

**Location:** Birchwood Lodge, Market Weighton Road, Barlby, Selby

**Proposal:** Proposed forming of new workshop and use of runway for any day of the week

The Senior Planning Officer presented the application for the proposed forming of a new workshop and use of the runway for any day of the week, which had been considered by the Committee on 7 August 2019, at which Members had resolved to defer the application so that a site visit could be undertaken, and to allow Officers to consider amendments to conditions.

It was explained that the amendments requested by Planning Committee to the conditions were as follows:

- That the workshop, Building A, as shown on plan reference 18114\_P-004A should only be retained for a period of 2 years rather than 3.
- That the flight days should be restricted further to create a consistent weekly 'flight free' day.

It was considered that the request to amend the condition relating to the retention of the workshop building for 2 years rather than 3 was acceptable. Further discussions had been undertaken with the applicant and agent regarding restrictions on flights. The applicants had suggested the following:

- Limiting the use of the runway on a Sunday to a maximum of 10 days per calendar year, and a Saturday to 30 days per year, with restricted hours of 10.00 am to 4.00 pm subject to the applicant being able to use the runway for a maximum of 100 days, Monday to Friday, 7.30 am to 5.00 pm; which would virtually limit operations to the normal working week and standard working hours.

Following discussions with Planning Enforcement and Legal Services it was not considered that the suggested flight restrictions would be enforceable. Therefore, Officers had been unable to amend the conditions to restrict flights further.

However, Members acknowledged that should they be minded to restrict flights, it was considered a condition restricting flights to Monday to Saturday only would be enforceable, such as:

*'The use of the airstrip shall be limited to Monday to Saturday within the hours of 08:00 and 17:00; no take-off or landing manoeuvres shall take place outside the specified times.'*

*Reason:*

*To protect the residential amenity of the area.'*

In relation to the officer update note, Members noted that condition 12 had been amended to refer to 'Public Holidays' rather than 'Bank Holidays'. A copy of the flight log had also been provided, which included flights from March 2019 until 8 October 2019.

In response to a query, Officers justified the temporary permission for the workshop because the application was retrospective, required for business need and had been agreed by the applicants.

Michael McDonald, objector, spoke in objection to the application.

Councillor Karl Arthur, Ward Member, spoke in objection to the application.

Jonathan Forman, agent, spoke in support of the application.

Members considered the application in full and agreed that the site visit had been useful. It had been noted on the site visit that it had been tidy, and that most of the noise at the site had come from the nearby main road.

Some Members queried the safety of the access road and any ongoing planning enforcement in relation to the site, but Officers confirmed that these matters were not for consideration as part of the application.

The Committee agreed that further amendments to the days and times permitting flights should be made. It was proposed and seconded that condition 8 be amended as follows (**in bold**):

*'0.8 The use of the airstrip shall be limited to the hours of 08:00 and 17:00, no take-off or landing manoeuvres shall take place outside the specified times **Monday to Saturday and not at all on Sundays and Public Holidays.***

A vote was taken on the amendment and was carried.

It was proposed and seconded that the application be APPROVED with the amendment to condition 8 as set out above. A vote was taken on the amended proposal and was carried.

**RESOLVED:**

**To APPROVE the application, subject to the conditions set out at paragraph 6 of the report, including amended condition 8 as set out below and the officer update note:**

**Condition 08: The use of the airstrip**

shall be limited to the hours of 08:00 and 17:00, no take-off or landing manoeuvres shall take place outside the specified times Monday to Saturday and not at all on Sundays and Public Holidays.

**20.4 2019/0539/FUL - LAND ADJACENT TO 2 PROSPECT VILLAS, BARLOW COMMON ROAD, BARLOW**

**Application:** 2019/0539/FUL

**Location:** Land Adjacent to 2 Prospect Villas, Barlow Common Road, Barlow

**Proposal:** Proposed erection of a building to be used for storage/workshop facility on land adjacent

The Planning Officer presented the application which had been brought to the Committee as 10 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations.

The Committee noted that the application was for the proposed erection of a building to be used as a storage/workshop facility.

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

Some Members disagreed with the Officer's recommendation for refusal, emphasising the importance of supporting rural economic development and allowing the business in question to consolidate its storage and workshop facilities into one place for security.

However, other Members agreed with the Officer's recommendation and felt that the application should be refused, as it was an intrusion into the open countryside, and refusal had been recommended in line with the appropriate planning policies. Members were also reluctant to approve any application without first having seen detailed conditions.

An alternative recommendation was proposed and seconded that the Committee be MINDED TO APPROVE the application, subject to authority being delegated to Officers to draft conditions and bring these back to the next meeting of the Committee. A vote was taken on the alternative recommendation and was LOST.

It was proposed and seconded that the application be REFUSED.

**RESOLVED:**

**To REFUSE the application for the reasons set out at paragraph 7 of the report.**

**20.5 2019/0110/COU - FAR FARM, MILL LANE, RYTHER**

**Application:** 2019/0110/COU

**Location:** Far Farm, Mill Lane, Ryther

**Proposal:** Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lynchgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn

The Senior Planning Officer presented the application which had been brought back to the Committee following further discussions with the applicant to address concerns raised by legal.

The Committee noted that the application was for a proposed change of use of land and buildings to that of a wedding venue, including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lynchgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn.

In relation to the officer update note, it was noted that the applicant's acoustic consultant had undertaken further discussions with the Council's Environmental Health Officer regarding the installation of an acoustic barrier; further comments had been provided by the EHO and were set out in the Officer Update Note for Members' information. As a result of the additional comments, Officers had advised the applicant that further works and discussions would be required.

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

Members considered the application in full and acknowledged that the application had originally been



recommended for approval, but that there were still some issues that needed to be resolved, and as such, deferral rather than refusal would be more appropriate.

The Committee also suggested that a site visit would be helpful to Members.

It was proposed and seconded that the application be DEFERRED in order for further discussions to take place with the applicant, and for a site visit to be arranged.

**RESOLVED:**

**To DEFER the application in order to allow further discussions with the applicant to take place, and for a site visit to be arranged.**

*Councillor K Ellis did not take part in the debate or the vote on this item.*

**20.6 2018/0931/EIA - STAYNOR HALL, ABBOTS ROAD, SELBY**

**Application:** 2018/0931/EIA

**Location:** Staynor Hall, Abbots Road, Selby

**Proposal:** Section 73 application to vary condition 14 (drawings) of approval 2015/0580/EIA for reserved matters application for the erection of 44 dwellings, community facilities and retails units following outline approval 8/19/1011C/PA (CO/2002/1185)

The Principal Planning Officer presented the application which had been brought to the Committee because it was a subsequent application in terms of the EIA regulations.

The Committee noted that the application was a Section 73 application to vary condition 14 (drawings) of approval 2015/0580/EIA for reserved matters application for the erection of 44 dwellings, community facilities and retails units following outline approval.

In relation to the officer update note, the recommendation to approve the application had been revised in order that it was subject to a Deed of Variation to secure the affordable housing requirements under the existing Section 106. In addition, conditions 6, 11 and 23 had also been amended. The amended conditions related to opening hours of the retails units, noise insulation and hours of construction.

Members considered the application in full and acknowledged that comments from the Designing Out Crime Officer had been included in the previous application, and were pleased to see this application come forward.

The Committee were also pleased to note the electric car charging points in the application, and emphasised the importance of ensuring that sustainable elements such as electric car charging, solar panels and good broadband formed part of future developments in the district.

It was proposed and seconded that the application be APPROVED, subject to the revised recommendation and amended conditions.

**RESOLVED:**

**To APPROVE the application subject to a Deed of Variation to secure the affordable housing requirements under the existing Section 106, and subject to the conditions set out at paragraph 7 of the report and the officer update note.**

**20.7 2018/1139/FUL - JUBILEE COTTAGE, 13 MAIN STREET, THORGANBY**

**Application:** 2018/1139/FUL

**Location:** Jubilee Cottage, 13 Main Street, Thorganby

**Proposal:** Proposed construction of 1 No. dwelling on land to the rear of Jubilee Cottage

The Principal Planning Officer presented the application which had been brought to the Committee as Officers considered that although the proposal was contrary to the provisions of the Development Plan, there were material consideration which would justify approving the application.

The Committee noted that the application was for the construction of 1 dwelling on land to the rear of Jubilee Cottage.

In relation to the officer update note, there were a number of amendments to conditions as set out in the report, namely conditions 2, 4 and 11 relating to the position of the property from Main Street, drawings and slab levels.

Members considered the application in full and expressed concern regarding the proposed development in a secondary village and conservation area.

It was proposed and seconded that Members were MINDED TO REFUSE the application, and that further consideration of the application be deferred in order for reasons for refusal to be brought back to a future meeting of the Committee for consideration.

**RESOLVED:**

**That Members were MINDED TO REFUSE the application, and that further consideration of the application be deferred in order for reasons for refusal to be brought back to a future meeting of the Committee for consideration.**

Councillor K Ellis left the meeting at this point and did not return.

**20.8 2019/0793/S73 - OLD FORGE COTTAGE, MAIN STREET, CHURCH FENTON**

**Application:** 2019/0793/S73

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

**Proposal:** Section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL granted on 9 February 2017

The Senior Planning Officer presented the application which had been brought to the Committee as the previous application reference 2016/1384/FUL was considered by Planning Committee due to it being a departure from the Development Plan and the applicant being Councillor Keith Ellis.

The Committee noted that the application was for a Section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL granted on 9 February 2017.

In relation to the officer update note, Members noted that the Selby District Council Flood Risk Sequential Test Developer Guidance Note was due to be updated in October 2019, and would remove the bullet point in paragraph 5.21 of the report which says “do not increase the net footprint of the building(s)”. On the basis of the updated Selby District Council Flood Risk Sequential

Test Developer Guidance Note, Officers confirmed that the sequential test would not be required in this instance as the proposals would be exempt.

The Committee acknowledged that the Council was also awaiting confirmation from the Environment Agency that the Flood Risk Assessment was acceptable; therefore, no decision could be made until the Local Planning Authority had receipt of this. On this basis Members were advised that the recommendation in Section 7 of the report should be amended to be minded to approve, unless objections were raised by the Environment Agency as a result of the outstanding consultation on the Flood Risk Assessment. It was also suggested that agreement was given to the Head of Planning to add any necessary conditions recommended by the Environment Agency, and subject to the conditions set out in the rest of the officer update note. Conditions 7 and 8 had been deleted, and conditions 1, 3 and 15 had been amended.

Members considered the application in full and asked questions relating to the footprint of the building and the additional flooding information to be submitted by the Environment Agency.

It was proposed and seconded that Members were MINDED TO APPROVE the application.

**RESOLVED:**

**That Members were MINDED TO APPROVE the application, subject to no objections being raised by the Environment Agency as a result of the outstanding consultation on the Flood Risk Assessment, that authority be granted to the Head of Planning to add any necessary conditions recommended by the Environment Agency, and subject the conditions set out in paragraph 7 of the report, as amended by the officer update note.**

The meeting closed at 4.43 pm.