

## Planning Committee

Venue: Microsoft Teams - Remote  
Date: Wednesday, 11 November 2020  
Time: 2.00 pm

Present remotely via Teams: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, P Welch, D Mackay and S Shaw-Wright

Officers Present remotely via Teams: Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer, Chris Fairchild – Senior Planning Officer, Irma Sinkeviciene – Planning Officer, Victoria Foreman – Democratic Services Officer

### **41 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Packham.

### **42 DISCLOSURES OF INTEREST**

Councillors J Cattanach, J Mackman, K Ellis, I Chilvers, M Topping, S Shaw-Wright and P Welch all declared a non-pecuniary interest in agenda items 5.1 - 2019/0639/COU - Holmewood, York Road, North Duffield, Selby and 5.5 - Fields Garden Centre, Tadcaster Road, Sherburn In Elmet, Leeds as they had all received additional representations in relation to these applications.

### **43 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Committee noted that an Officer Update Note had been circulated and that the order of business on the agenda had been amended by the Chair so that agenda item 5.1 – 2019/0639/COU – Holmewood, York Road, North Duffield would be considered last.

Members also noted that details of any further representations received on the applications would be given by the Officers in their presentations.

Members were informed that a date had been set for a Public Inquiry for to the reserved matters application relating to appearance, landscaping, layout and

scale for erection of 50 dwellings at land to the south of Main Street, Church Fenton. This was scheduled for 9 February 2021, for 4 sitting days. Members resolved to refuse this application at Planning Committee on 4 March 2020.

Lastly the Chair announced to the Committee that on 30 October 2020 the Planning Department had received the Planning Inspectors decision for Viners Station, which was for the respective permission of four biomass boilers in the open countryside. The appeal was a joint planning and enforcement appeal, which the Inspector dismissed, and upheld the enforcement notice.

#### **44 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 28 October 2020.

#### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 28 October 2020 for signing by the Chairman.**

#### **45 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications:

##### **45.1 2019/0945/FUL - GROVE FARM, SWEEMING LANE, LITTLE FENTON, LEEDS**

**Application:** 2019/0945/FUL

**Location:** Grove Farm, Sweeming Lane, Little Fenton, Leeds

**Proposal:** Proposed conversion of single storey barn/stable block to use as a single storey dwelling

The Senior Planning Officer presented the application which had been brought before Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it was considered that there were material considerations which would justify approval of the application.

*Councillor D Mackay joined the meeting at this point; as he had missed part of the Officer's presentation, he would not be able to take part in the debate or decision on the application.*

The Committee noted that the application was for the proposed conversion of a single storey barn/stable block to use as a single storey dwelling.

An Officer Update Note had been circulated to the Committee which set out details of an additional

representation that had been received, clarification of the proposed version of block plan for approval, and an amended version of the block plan and an update to Condition 14.

The Committee discussed the application and asked questions about the siting of car parking and the former agricultural use and ownership of the buildings on the site. Members agreed that this was a relatively minor application that had been appropriately assessed by the Officer and should subsequently be agreed.

It was proposed and seconded that the application be APPROVED subject to conditions set out in the report and the Officer Update Note; a vote was taken on the proposal and was carried.

**RESOLVED:**

**To APPROVE the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.**

**45.2 2019/1216/COU - LAND OFF WESTFIELD LANE, THORGANBY**

**Application:** 2019/1216/COU

**Location:** Land off Westfield Lane, Thorganby

**Proposal:** Change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works

The Senior Planning Officer presented the application which had been brought before Planning Committee on 28 October 2020, where Members had resolved to defer consideration of the application to allow Thorganby Parish Council the opportunity to speak. It should be noted that this application was originally brought before Planning Committee as directed by the Head of Planning due to the sensitive consideration of the level of objection.

The Committee noted that the application was for the change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works.

Members asked the Officer a number of question relating to tree surveys and protection orders on the site, the retention of and types of hedgerows and trees, the bus service in the village and the status of the village pub.

Mrs Betty Garnham, a representative for Thorganby Parish Council, was invited remotely into the meeting and spoke against the application.

The Committee discussed the application, with some Members explaining that whilst they supported the proposals, a tree survey could have been undertaken and the scheme should have been landscape led.

Other Members expressed concerns around the width of the lane to the site, whether it was appropriate for caravans and the potential for accidents; the Committee noted that the site was already operating as a five-pitch caravan park, and had been doing so for some time.

Some Members felt that the application was acceptable, the positioning of the access was satisfactory, and that the proposals would not result in any negative effects on the amenity of surrounding properties.

The Committee suggested that an additional condition be attached to the scheme relating to landscaping, specifying that any existing hedging and trees should be retained for the lifetime of the development.

It was proposed and seconded that the application be GRANTED subject to the conditions set out in the report and delegation to the Planning Development Manager to draft the wording of the additional condition, in consultation and with agreement from Councillors M Topping and J Mackman .

A vote was taken on the proposal with an equal number of Members in favour and against; as such the Chair used his casting vote, and the proposal was carried.

**RESOLVED:**

**To GRANT the application subject to:**

- i. the conditions set out at paragraph 7 of the report; and**
- ii. delegation to the Planning Development Manager, in consultation with Councillors M Topping and J Mackman, to draft an additional condition relating to the retention of existing trees and hedgerows for the lifetime of the**

development.

**45.3 2020/0773/FUL - 15 COCHRANE STREET, SELBY**

**Application:** 2020/0773/FUL

**Location:** 15 Cochrane Street, Selby

**Proposal:** Change of use of a C3 dwelling house to a mixed use for a Class C3 dwelling house and Class E(f) childminding business

The Senior Planning Officer presented the application which had been brought before Planning Committee as Selby District Council was the owner of the residential dwelling.

The Committee noted that the application was for the change of use of a C3 dwelling house to a mixed use for a Class C3 dwelling house and Class E(f) childminding business.

An Officer Update Note had been circulated to the Committee which included details of an amendment to the report that removed paragraph 5.4, which related to Policy SP13 but was not relevant to the application. The amendment did not alter the assessment made.

The Committee discussed the application and noted that the area in which the house was situated was often busy in terms of on-street car parking, but were satisfied that the scheme should be approved.

It was proposed and seconded that the application be GRANTED subject to conditions set out in the report; a vote was taken on the proposal and was carried.

**RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 7 of the report.**

**45.4 2020/0549/S73 - FIELDS GARDEN CENTRE, TADCASTER ROAD, SHERBURN IN ELMET, LEEDS**

*Councillor M Topping left the meeting at this point.*

**Application:** 2020/0549/S73

**Location:** Fields Garden Centre, Tadcaster Road, Sherburn in Elmet, Leeds

**Proposal:** Section 73 application to vary condition 02 (opening hours) of approval 2019/0663/FUL Conversion

of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of children's play area granted on 16 April 2020

The Principal Planning Officer presented the application which had been brought before Planning Committee due to the significant number of representations both in support and opposition to the application, which raised material planning considerations; Officers would have otherwise determined the application contrary to some of these representations.

The Committee noted that the application was a Section 73 application to vary condition 02 (opening hours) of approval 2019/0663/FUL - Conversion of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of children's play area, granted on 16 April 2020.

An Officer Update Note had been circulated to the Committee which set out the details of additional representations that had been received in relation to the application.

Members asked questions on various matters including the potential for any additional employment opportunities as a result of the application, the proposed extended hours of operation for the café and the effect on nearby properties and the site's inclusion in the Green Belt and Locally Important Landscape Area (LILA). The Officer explained that the application did not constitute inappropriate development in the Green Belt due to the use of the existing buildings and its incremental expansion. In response to a further query from the Committee, the Officer confirmed that there was an application under consideration by the Local Planning Authority for its further expansion with the erection of covered plant sales structures.

Mr Peter Rawnsley, objector, was invited remotely into the meeting and spoke in against the application.

Councillor David Buckle, Ward Member, was invited remotely into the meeting and spoke in support of the

application.

The Committee continued to discuss the application in detail. Members acknowledged the mixed use of the site and that it was first and foremost a garden centre with a secondary café facility. However, the proposed opening hours until 9.00pm had caused concern amongst the Committee, with earlier times such as 7.00pm being proposed. The Officer confirmed that earlier closing times had been suggested to the applicant, but they had stated that they wished to continue with a proposal for 9.00pm. Members felt that they could not support the scheme due to the intensification of use of the site, which was in the Green Belt and would affect its character and openness, and the later opening time of 9.00pm which had the potential for a harmful effect on the living conditions of the adjacent residential dwellings.

*Councillor M Topping re-joined the meeting at this point. As he had missed the Officer's presentation he was unable to take part in the debate or decision on the application.*

It was proposed and seconded that the application be REFUSED for the reasons set out above.

A vote was taken on the proposal and was carried.

**RESOLVED:**

**To REFUSE the application for the following reasons:**

Green Belt

- i. The proposal lies within the Green Belt, where one of the fundamental aims is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposed extension to the opening hours will significantly intensify the use, resulting in increased vehicular and pedestrian activity visiting the site, cars parked in the car park for longer periods, illumination of the premises for longer periods all of which will increase the activity at the site. This is regarded to have a harmful impact on the character and openness of

the Green Belt, as such is contrary to Policy SP 3 of the Core Strategy and section 13 of the NPPF.

### Living Conditions

- ii. The site lies immediately adjacent to a cluster of residential dwellings. The permitted operating hours provide relief for the adjacent residents from the garden centre/café use, in terms of restricting the café use to daytime trading hours with 5pm closing. The proposed extension of the hours, in particular until 9pm, 3 days a week, is a significant intensification of this use, which will result in increased vehicular and pedestrian activity visiting the site and increase the potential for the building and outside space to generate noise and disturbance from the café late into the evening. This is regarded to have a harmful impact on the living conditions (or amenities) of adjoining occupiers, contrary to Selby District Local Plan Policy ENV 1 and advice contained within Paragraph 180 of the NPPF.

#### **45.5 2019/0639/COU - HOLMEWOOD, YORK ROAD, NORTH DUFFIELD, SELBY**

**Application:** 2019/0639/COU

**Location:** Holmewood, York, North Duffield, Selby

**Proposal:** Retrospective change of use of land from agricultural to garden for land adjoining the rear

The Planning Officer presented the application which had been brought before Planning Committee as 14 letters of representation had been received which raised material planning considerations, and Officers would otherwise have determined the application contrary to these representations.

The Committee noted that the application was for the retrospective change of use of land from agricultural to garden for land adjoining the rear.

An Officer Update Note had been circulated to the Committee which set out the detail of an additional representation that had been received, and an amendment to the Officer's report at point 1.10 relating to application 2019/1272/COU where it was stated that the application was refused on 2 April 2020; the application was in fact currently pending consideration. Paragraph 5.14 should also be removed.

The Committee asked questions in relation to the red line boundary, an appropriate fencing height and hedgerows.

The representation submitted by the agent, Jennifer Hubbard, was read out in full by Democratic Services to the meeting, as she had been unable to remotely join the meeting.

The Committee discussed the application and agreed that the extension to the land in principle was acceptable, but that the issues were with the boundary treatments. As such, it was suggested that the application could be approved if an additional condition were added to ensure that the fencing on the site be submitted to Officers for approval.

It was proposed and seconded that the application be APPROVED, subject to the additional condition relating to the approval of fencing by Officers. A vote was taken on the proposal with an equal number of Members in favour and against; as such the Chair used his casting vote, and the proposal was lost.

It was proposed and seconded that the application be REFUSED for the reasons set out in the report. A vote was taken on the proposal and was carried.

**RESOLVED:**

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

The meeting closed at 4.47 pm.