



Record of Decisions

CEO Urgent Decision Session - Planning

Venue: Chief Executive's Office
Date: Wednesday, 1 April 2020
Time: 9.30 am

Officers Present remotely via Teams: Janet Waggott - Chief Executive, Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Glenn Sharpe - Solicitor, Victoria Foreman – Democratic Services Officer, Yvonne Naylor – Principal Planning Officer, Gareth Stent – Principal Planning Officer, Jenny Tyreman – Senior Planning Officer, Irma Sinkeviciene - Planning Officer

1 PLANNING APPLICATIONS RECEIVED

1.1 2019/0311/FUL: THE BYRE, SWEEMING LANE, LITTLE FENTON

Location: 2019/0311/FUL – The Byre, Sweeming Lane, Little Fenton

Proposal: Proposed conversion of and extension to a stable/garage block to create a residential property, erection of a detached garage, erection of stables and creation of manege

The application had been brought before the Chief Executive for consideration under urgency 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 there were material considerations which would justify approval of the application. Furthermore, more than 10 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations.

The Chief Executive was informed that this was

recommended as a 'minded to' decision as the application had needed to be advertised again due to some issues with the red edges of the site plan; as such, a decision notice could not be issued until the re-consultation period had passed on 8 April 2020.

With regards to the Officer Update Note, Officers explained that the Environment Agency had reviewed the submitted Flood Risk Information against the Standing Advice Note and had advised that there were no objections to the proposals in terms of flood risk, subject to an additional condition to ensure that finished floor levels were 300mm above ground level and 300mm of flood resilience measures were incorporated into the proposed development.

As part of the decision-making process the Planning Committee, including the Chair and Vice Chair, were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

Comments had been received from some Members of the Planning Committee, relating to a number of issues, such as the application being in the open countryside, a need for the proper monitoring of conditions 8 and 9 regarding the impact on neighbouring properties, and compliance with the condition on private use.

Some Members were of the opinion that the application should be refused due to environmental impacts as reasoned by the Environmental Health Officer, (i.e. odours, noise and light pollution associated with equestrian activity), the detrimental impact on the amenity of future and current users of the proposed dwelling from the proximity of the different aspects of equestrian use, the quality of design relating to inadequate separation distances between the proposed dwelling house, related stable and manege, and lastly, overdevelopment of the site, which some Members felt was a crowded mix between proposed dwelling house, large garage, stable block and relocated manege.

Members' comments had acknowledged that in order to address the matters highlighted above, Officers had introduced Condition 7; however, it was not considered by some Members that this solved the issues and was not enforceable. The size of the proposed garage and stable block were still disproportionately large and no evidence had been provided to demonstrate that the

existing building could not be used for employment in the first instance, as required by policy.

In comparison, Some Members had expressed their agreement with the Officer recommendation as set out in the report.

The Officer provided responses to the issues raised by Members and explained that there was no requirement for the applicant to demonstrate that the building, or its location, was unsuited to business use given the different approach taken in Policy SP2A (c), which was consistent with the NPPF. This approach had been supported by the Planning Inspectorate at appeal. The design and impact of the proposed development on the character and appearance of the area was considered to be acceptable for the reasons set out in the report.

Officers also explained that the proposals were considered to be acceptable in terms of their relationship to neighbouring residential properties and in terms of the relationship of the proposed dwelling to the proposed horse related development, as detailed in the report. It was further demonstrated that relevant conditions had been attached to protect residential amenity, in line with recommendations from the Environmental Health Officer. These conditions were considered to meet the five tests set out in paragraph 55 of the NPPF, those being that they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

The Planning Solicitor confirmed that the conditions as set out in the report and the Officer Update note were enforceable.

The Chief Executive queried when the application had been received and if a decision on the scheme was overdue; Officers confirmed that several matters had required clarification from the applicant, and as such, had taken time to resolve.

The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation of MindeD to Grant.

RESOLVED:

MINDED TO GRANT, following the expiry of the

consultation period on 8 April 2020 and subject to:

- i. no new issues being raised;**
- ii. the conditions set out in the Officer Report;
and**
- iii. the additional condition as set out in the
Officer Update Note.**

**1.2 2019/0513/FUL: HILAGARTH, MAIN STREET, CHURCH
FENTON**

Location: 2019/0513/FUL – Hilahgarth, Church Fenton

Proposal: Proposed erection of three detached dwellings following demolition of existing dwelling

The application had been brought before the Chief Executive for consideration under urgency as it had received more than 10 letters of objection as a result of consultations which raised material considerations; as such it was considered locally controversial.

The application was initially considered at the meeting of the Planning Committee on 5 February 2020, with Members agreeing to defer a decision for a site visit, which was held on 3 March 2020.

The application was then brought back to the Committee on 4 March 2020 with a recommendation for approval from Officers subject to a Deed of Variation to the Section 106 and subject to conditions.

At the meeting on 4 March 2020 Members were minded to refuse the application, and resolved to defer the application to allow Officers to consider the indicative reasons suggested at the meeting and to bring back to Committee detailed reasons for refusal.

The Chief Executive noted that on the Officer Update Note were the two reasons for refusal, to which minor amendments had been made by Officers as a result of comments from some Planning Committee Members.

As part of the decision-making process the Planning Committee, including the Chair and Vice Chair, were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

Those Members that had commented on the application had again expressed clearly their support for refusal of the application.

The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed her support for refusal of the application.

RESOLVED:

To REFUSE the application for the following reasons, as set out in the report and as amended in the Officer Update Note:

- 01. The proposed development of the site for 3 (no.) dwellings is not considered to be acceptable on highways grounds on the basis that the proposed introduction of three access points onto Main Street Church Fenton from the site would result in highway safety issues given the character of the road, surrounding uses, on road parking, and the speed of traffic using the road. As such the development is considered to be contrary to Policy ENV1 of the Selby District Local Plan (2005), Policy T1 and T2 of the Selby District Local Plan (2005) and the NPPF.**
- 02. The proposed development of the site for 3 (no.) dwellings represents overdevelopment of the site and will result in unacceptable long terms impacts on the trees subject of TPO 08/2019. Therefore, the development is considered to be to be contrary to Policy ENV1 of the Selby District Local Plan (2005), Policy SP4 of the Core Strategy and the NPPF.**

1.3 2019/0883/FUL: CRANTON, CHURCH CRESCENT, STUTTON

Location: 2019/0883/FUL – Cranton, Church Crescent, Stutton

Proposal: Proposed demolition of existing bungalow and construction of 3no. new-build dwellings

The application had been brought before the Chief Executive for consideration under urgency directed by the Head of Planning due to the sensitive consideration of infill policy matters in secondary villages.

Officers explained that the scheme had previously been refused in 2019 for five reasons, as set out in the report. The resubmitted scheme now before the Chief Executive for consideration had dealt with some of the previous reasons for refusal, but some matters remained problematic.

Objections and comments on the application had been received from the Parish Council, a local resident and also from Samuel Smiths Old Brewery; as such, counsel's advice had been sought.

As part of the decision-making process the Planning Committee, including the Chair and Vice Chair, were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

With regards to the Officer Update Note, Officers explained that reason for refusal no. 3 had been amended as a result of comments from a Member of the Planning Committee. It was also noted that a typo at paragraph 1.1 of the report should refer to the settlement of Stutton, not Sutton as written.

Some Members had expressed their support for the recommendation for refusal as set out in the report.

Officers explained that having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it was considered that the revised proposal was unacceptable in principle, and contrary to Core Strategy SP2 and SP4.

The number of dwellings remained the same as previously refused. The changes to the layout, massing and design of the scheme had improved the scheme; however, the development still increased density and overall massing which failed to enhance the character of the local area.

The Chief Executive noted that counsel's opinion supported the Officer recommendation for refusal.

The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation for refusal.

RESOLVED:

That the application be REFUSED for the following reasons:

- 1. The proposed redevelopment for 3 dwellings would not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the private car. The proposal is therefore contrary to Policies SP 1 and SP 2 of the Core Strategy and would conflict with paragraphs 11 and 102 of the NPPF.**
- 2. The proposal to demolish an existing dwelling and replace it with 3 dwellings does not fall within any of the listed acceptable in principle forms of development in secondary villages, which are identified in Policy SP4 a) and therefore the proposal fails to accord with Policy SP4 of the Core Strategy.**
- 3. The proposed development fails to preserve and enhance the character of the local area on account of the increased built form and increased density. The proposal is regarded as an over development of the site and contrary to Policy ENV1 (1) and (4), of the Selby District Local Plan, Policy SP 4 c) and d) and SP19 of Core Strategy, national policy contained within the NPPF and the Stutton Village Design Statement (Feb 2012).**

1.4 2019/1214/FUL: CEMETERY, LONG MANN HILLS ROAD, SELBY

Location: 2019/1214/FUL – Cemetery, Long Mann Hills Road, Selby

Proposal: Proposed erection of a bee apiary

The application had been brought before the Chief Executive for consideration under urgency as it did not accord with Policy ENV29 of the Selby District Local Plan.

The policy stated that proposals for the development of local amenity space would not be permitted. Since the proposal would comply with all other relevant criteria and it was considered that there were material considerations which supported the application, the recommendation was for approval subject to the expiry of the consultation period on the Press Notice and no new material

considerations being raised.

With regards to the Officer Update Note, Officers explained that a new site notice had been posted on 6 March 2020 which expired on 27 March 2020; there were no representations received as a result of this advertisement.

A Flood Risk Assessment had been submitted on 26 March 2020; Officers explained that given the nature and scale of the proposed development, the Flood Risk Assessment was considered to be proportionate to risk, and the proposals complied with the Environment Agency's Standing Advice Note. A condition requiring the development to be implemented in accordance with the Flood Risk Assessment was therefore considered necessary and appropriate.

As part of the decision-making process the Planning Committee, including the Chair and Vice Chair, were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

Comments had been received from some Members of the Planning Committee, relating to flood risk and the restriction of public access at specific times, and expressing their support for the Officer's recommendation as set out in the report.

The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation to grant permission.

RESOLVED:

To GRANT the application, subject to the conditions at paragraph 7 of the report and to the additional condition as set out below:

The development hereby approved shall be carried out in accordance with the measures described in the Flood Risk Assessment received by the Local Planning Authority on 26 March 2020.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

The meeting closed at 11.06 am.