



# Record of Decisions

## CEO Urgent Decision Session - Planning

Venue: Chief Executive's Office  
Date: Wednesday, 29 April 2020  
Time: 9.00 am

Officer Present Janet Waggott - Chief Executive, Martin Grainger - Head of  
Remotely via Teams: Planning, Ruth Hardingham - Planning Development  
Manager, Glenn Sharpe - Solicitor, Gary Bell – Principal  
Planning Officer, Rebecca Leggott – Senior Planning  
Officer, Victoria Foreman - Democratic Services Officer

### 4 PLANNING APPLICATIONS RECEIVED

#### 4.1 2017/1381/FULM - LAND AT VINER STATION, ROE LANE, BIRKIN, KNOTTINGLEY

**Location:** 2017/1381/FULM – Land at Viner Station, Roe Lane, Birkin

**Proposal:** Proposed erection of a new grain store including a chemical store and roof mounted solar PV

The matter had been brought to the Chief Executive for a decision under urgency following consideration of the application by Planning Committee on 6<sup>th</sup> June 2018. The application had been deferred for the following reasons, as set out in the minutes of that meeting:

*“Members felt that they required more information on the application including on the unauthorised uses of some of the buildings before they could take a decision. Some members expressed a preference for a site visit; however, it was agreed that a decision on such a visit would be taken at a later date.”*

Following this a retrospective application, under reference 2018/0681/FULM for the Change of Use of the buildings and land from agricultural use to industrial B2 use (which included 5 Biomass Boilers for the drying and

heating of woodchip) was reported to Planning Committee in December 2018 and subsequently refused permission on 6 February 2019. An appeal was been lodged against the refusal and would be the subject of a hearing in summer 2020.

Officers explained that representations had been received from a third party requesting that the decision on this application be deferred for a number of reasons.

The Chief Executive, having considered the advice from Officers and the representation from the member of the public, agreed to defer consideration of the application to a later date in order for further legal advice to be sought.

**RESOLVED:**

**To DEFER consideration of the application in order for further legal advice to be sought.**

**4.2 2019/0030/COU: MILFORD CARAVAN PARK, GREAT NORTH ROAD, SOUTH MILFORD**

**Location:** 2019/0030/COU - Milford Caravan Park, Great North Road

**Proposal:** Change of use of land to 12 gypsy / traveller pitches and associated works including 12 mobile homes, 12 touring caravans and 12 dayrooms

The matter had been brought to the Chief Executive for a decision under urgency as the proposal was contrary to the requirements of the Development Plan. However, Officers considered that there were material considerations which would support the recommendation for approval.

Officers presented the application to the Chief Executive who noted that the application was for a change of use of land to 12 gypsy / traveller pitches and associated works including 12 mobile homes, 12 touring caravans and 12 dayrooms.

Officers explained that an application for change of use of land from truck stop to use as a residential caravan site for Gypsies and Travellers was refused in July 2011. An Enforcement Notice alleging the unauthorised change of use of the land to a Gypsy caravan site was subsequently issued. Appeals against both the refusal of planning permission and the Enforcement Notice were considered at a public inquiry in early 2012. The appeals

were recovered by the Secretary of State for his own determination and resulted in the Enforcement Notice being upheld, but planning permission being granted for a temporary period until 31 December 2014 for the use of the land as a residential caravan site for gypsies and travellers.

The Officer's report recommended that the Chief Executive be minded to approve the application, subject to the conditions and referral to the Secretary of State.

Officers explained that responses to the consultation on the application had been minimal, but with some comments received from Ledsham Parish Council around traffic volume and previous planning refusals for the site.

It was noted that inappropriate development in the Green Belt should not be approved, except in very special circumstances and that there were a number of issues that would require balanced consideration, including the need for Gypsy and Traveller pitches in the District, the impact on openness of the Green Belt and visual amenity. Officers suggested that additional factors could weigh in favour of the proposal, such as the potential displacement of existing households from the site therefore generating a greater need, the benefits of a settled base for the current occupants, that the existing site did not contribute positively to the landscape quality of the wider surrounding area and the relative sustainability of the site.

Officers considered that the very special circumstances that had been identified outweighed the substantial harm to the Green Belt such that a temporary permission only could be supported, but that the same conclusion could not be reached in respect of a permanent permission. The proposal to issue a second temporary permission was unusual, but it was believed to be appropriate by Officers in the current circumstances.

As part of the decision-making process Members were consulted on the application. Their 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, which expressed views around the weight given to the impact of the scheme on the Green Belt, the demonstration of very special circumstances in relation to a temporary or permanent

consent, queries around the future alteration of conditions, assurance on the pitch capacity of the site, foul drainage and the effect of the development of the Local Plan on the length of the temporary permission proposed.

There had also been some concern from other Members as to whether the application should be considered by the Planning Committee and not at the CEO Urgent Decision Session, given the potentially controversial nature of the proposal. Officers felt that given the limited third-party responses on the application, it was not as controversial as suggested.

The Chief Executive asked questions of Officers relating to the length of time required for recognition of permanent residency on the site and why temporary permission was being recommended. Officers explained that ten years of residency after enforcement action was required on the site to qualify for lawful use, and that temporary permission had been proposed due to the current stage of development of the Council's new Local Plan and the associated effect this may have on the District's provision for gypsies and travellers.

The Solicitor confirmed that after the application had been decided it would be referred to the Secretary of State for consideration. If the Secretary of State did not agree with the decision taken by the Chief Executive on this application, a public enquiry would be required.

The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendations as set out in the report.

**RESOLVED:**

**That:**

- a) the Chief Executive Officer be MINDED TO APPROVE the application subject to the schedule of conditions as set out at paragraph 7 of the report;**
- b) that the authority of Officers be confirmed to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 with**

the Chief Executive Officer's resolution to support it;

- c) that in the event that the application was not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application subject to the imposition of the attached schedule of conditions, and that delegation to include the alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meets the six tests for the imposition of conditions, and satisfactorily reflects the wishes of the Chief Executive Officer; and
- d) that in the event that the application is called in for the Secretary of State's own determination, a further report be presented to the Chief Executive Officer.

**4.3 2019/0941/FULM: SELBY DISTRICT COUNCIL - OLD CIVIC CENTRE, PORTHOLME ROAD, SELBY**

***NOTE: The Chief Executive and the Planning Development Manager did not take part in this part of the remote meeting, or the discussion or decision on this item.***

**Location:** 2019/0941/FUL – Selby District Council – Old Civic Centre, Portholme Road

**Proposal:** Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space

The matter had been brought to the Chief Executive for a decision under urgency after being deferred on the 8 April 2020 on the basis of the Officer seeking further information on urban design, open spaces, highways, S106, biodiversity and affordable housing.

The application had been presented to the CEO Urgent Decision Session – Planning as Selby District Council was a landowner for part of the site. The Head of

Planning who noted that the application was for the proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space.

Officers presented further information on the matters previously raised by the Head of Planning, as requested.

With regards to urban design, the general design of the scheme had not been objected to, but certain issues would require consideration, such as street trees, the interface of the development with the supermarket which was adjacent to the site through appropriate boundary treatments and the suggested provision of basement parking for the flats.

Additional information had been provided in the report as part of the planning statement, as well as further comments from the Urban Design Officer detailing some of the concerns that had been addressed. Officers confirmed that the concerns raised by the Head of Planning had all been addressed by condition, apart from basement parking for the flats which was considered to be unreasonable due to the type of modular housing on the site.

In terms of affordable housing, further negotiations had been undertaken with the applicant who had agreed to a change in tenure to provide a 50% affordable rented and 50% shared ownership split between the 18 no. units. This was felt to be a reasonable rate of affordable housing for the site when considering the viability of the scheme. Additional comments had been sought from Housing Officers who supported the changes made to the proposals.

The applicant had agreed to ensure no net loss of biodiversity; condition wording had been secured in relation to this, and further comments had been sought from the Ecology Officer who had raised no objections to such a condition. The current policy and legislative positions were such that this was acceptable. Officers also explained that the removal of trees on the site was necessary in order to raise levels and reduce flood risk. Permission was not required for the removal of the trees.

Further details had been provided in the report by Officers with regards to highways matters. The applicant had confirmed that the road layout was designed in

accordance with North Yorkshire County Council adoptable standards, with the exceptions of street trees and parking, the former of which would require a licence from Selby District Council.

There was some disparity between the number of car parking spaces that would be provided on site and the number the Local Highways Authority had stated should be made available. Issues had also been raised around the potential displacement of vehicles onto the highway and subsequent problems with safety, deliveries, carriageway width, turning circles and refuse collection.

Officers explained that as the Local Highways Authority had made objections, siting safety issues. The developer had resolved to move forward with the application as non-adoptable, and as a result the Local Planning Authority had asked for further comment from an independent consultant on the matter. The conclusion from the consultant was that the internal layout of the site was to a safe standard. Matters relating to the external layout were dealt with by the Local Planning Authority in consultation with the Local Highway Authority. Officers had asked the Local Highways Authority for some suggested conditions most of which had been applied where relevant. Conditions that were not specifically applied included the discharge of surface water as it was covered by the overall drainage strategy conditions; a highway condition survey was not considered reasonable or necessary; a travel plan has been submitted and it was considered reasonable to condition compliance with this.

It was also noted that further discussions may be required with the Waste and Recycling Officer around private road access for refuse lorries in terms of liability, although this would be beyond the planning process.

The Solicitor confirmed that he had no concerns relating to highways matters that would be dealt with by the Section 106 Agreement, including maintenance and management of the private road network and highway improvement works.

Additional information relating to open space had been provided in the report as requested and there would be further details provided via condition and in the Section 106 Agreement relating to the future management and maintenance of the space, and the layout and type of equipment that could be provided for a potential

children's play area. The Head of Planning noted that there would be no contribution from the developer to off-site open space.

Further clarification regarding Network Rail had been included in the report and dealt with by condition.

The Solicitor explained that a draft Section 106 Agreement had been discussed with the applicant's solicitor, and that whilst it needed further work and negotiation, the discussion had been constructive and sensible and as such he had no current concerns.

As part of the decision-making process Members were consulted on the applications. These comments were collated and presented to the Head of Planning as part of his decision making.

Comments had been received from some Members of the Planning Committee around affordable housing provision, inadequate open space, the unadopted road network on the site, impact on ecology and loss of trees, landscaping, electric vehicle charging points and the omission of land at the nearby old Police Station site from the scheme.

Officers responded to Members' comments and explained that the highway layout had been confirmed as safe internally and externally by a suitably qualified expert, though it was noted that the road safety audits were to be signed off beyond the planning process. Specifically, the main access to the site would be dealt with by the Local Highway Authority via a Section 278 Agreement and the internal layout would be dealt with by the Local Planning Authority in consultation with the Local Highway Authority and independent consultants. Officers also concluded that in having regard to independent advice, sufficient parking had been provided. Details would be secured by condition in consultation with the Local Highways Authority, independent consultants and via the Section 106 agreement.

In relation to lack of open space, the site was adjacent to a large playing field therefore justifying the lower level of open space provided on site; further details regarding open space would be secured by condition and the Section 106 agreement.

The provision of affordable housing was concluded via



negotiations; in taking into account the viability of the site, the Housing Strategy Officer supported the amendments to the affordable housing tenure.

Officers explained that planning permission was not required for the removal of trees on site. Details regarding landscaping, trees and securing no net loss of biodiversity would be dealt with via condition as detailed in the Officer report; relevant Officers such as the Ecologist, Landscape Architect and Urban Designer would be consulted on these conditions.

Members' points about the land at the neighbouring old Police Station site were not relevant to the determination of the application.

Lastly, electric vehicle charging points had been included at Condition 44.

The Solicitor confirmed that he had no concerns regarding the application and felt that the points raised by both the Head of Planning and by Members had been addressed in full by the Officer. Legal mechanisms were available for appropriate controls should they be required.

The Head of Planning, having considered the report and representations from Members and Officers in full, confirmed that he agreed with the Officer's recommendation to approve the application.

**RESOLVED:**

**To APPROVE the application subject to the prior completion of a Section 106 Agreement relating to affordable housing, maintenance and management of open space, maintenance and management of highways and highway improvement works, and subject to the conditions and informatives set out at paragraph 7 of the report.**

The meeting closed at 11.00 am.