



# Record of Decisions

## CEO Urgent Decision Session - Planning

Venue: Chief Executive's Office  
Date: Wednesday, 6 May 2020  
Time: 9.00 am

Officers Present Janet Waggott - Chief Executive, Martin Grainger - Head of  
Remotely via Teams: Planning, Ruth Hardingham - Planning Development  
Manager, Glenn Sharpe - Solicitor, Jenny Tyreman –  
Senior Planning Officer, Victoria Foreman - Democratic  
Services Officer

### 5 PLANNING APPLICATIONS RECEIVED

#### 5.1 2020/0016/S73 - QUARRY DROP, WESTFIELD LANE, SOUTH MILFORD

**Location:** 2020/0016/S73 – Quarry Drop, Westfield Lane, South Milford

**Proposal:** Section 73 application to vary condition 04 (approved plans) of planning permission 2010/0507/FUL for construction of a five-bedroom, three storey detached house

The matter had been brought to the Chief Executive for consideration under urgency at the discretion of the Head of Planning.

Officers presented the application to the Chief Executive who noted that it was a Section 73 application to vary condition 04 (approved plans) of planning permission 2010/0507/FUL for construction of a five-bedroom, three storey detached house.

Officers explained that the application had been made under Section 73 of the Town and Country Planning Act 1990 and the proposal sought to vary Condition 4 (Drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house. The changes proposed under this Section 73 application were: (1) the creation of

a raised amenity area between the south elevation and Westfield Lane; (2) the alteration to the footprint of the dwelling at ground, first floor and second floor; (3) alterations to fenestration in all elevations of the building and the eastern roof slope; (4) the addition of more photovoltaics to the roof slopes of the dwelling; (5) the increase in the height of the dwelling by approximately 0.8 metres; and (6) the inclusion of materials to be used in the external construction of the dwelling shown on the submitted plans.

Officers had assessed the application and believed that the changes were acceptable, but that a condition restricting the construction hours should be added.

An Officer Update Note had been circulated prior to the meeting as two further letters of representation had been received from neighbouring properties, objecting to the application and raising a number of additional points. These points included the increased height of the building, potential enforcement action on previous permissions, changes to the footprint of the building, fence height, floor levels, access, conditions and non-submission of drawings and plans by the applicant.

Officers addressed each point, as set out in the Officer Update Note. The Chief Executive acknowledged the Officer responses to the concerns of the objectors and the historical complexity of the site and case history.

As part of the decision-making process Members 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, expressing their support for the Officer's recommendation that the application be granted.

The Chief Executive noted that the condition specifying materials had been removed as it had already been included in the details of the application and were now shown on the plans.

The Solicitor confirmed that he had no concerns relating to the application, and that the conditions attached were lawful and enforceable.

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.

**RESOLVED:**

**That the application be GRANTED subject to the conditions set out at paragraph 7 of the report.**

**5.2 2020/0155/S73 - FORMER KELLINGLEY COLLIERY, TURVERS LANE, KELLINGLEY**

**Location:** 2020/0155/S73 – Former Kellingley Colliery, Turvers Lane, Kellingley

**Proposal:** Section 73 application to vary condition 01 (approved plans) and 02 (use class of plots 1a and 2) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sqft (135,500sqm) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019

The matter had been brought to the Chief Executive for consideration under urgency as it was a major application recommended for approval contrary to the requirements of the Development Plan. It was contrary to the requirements of the Development Plan (as was the original outline consent, reference 2016/1343/OUTM) insofar as the site, although in employment use for over 50 years, was not an allocated site and the proposal was for large scale development that would have an impact on the surrounding environment.

Officers presented the application to the Chief Executive who noted the details of the S73 application.

Officers referenced the Officer Update Note which had been circulated before the meeting, and which set out an amended recommendation to include referral to the Secretary of State.

As part of the decision-making process Members were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making. Members were supportive of the Officer's recommendations, but had also raised a number of queries regarding the need for referral to the Secretary of State, appropriate consultation, the impact on residential amenity, separation distances and building heights, the importance of retaining employee services on site and ensuring that North Yorkshire County Council

were aware of the scheme due to the impact of the site routing and transport scheme.

Officers addressed each of the points made by Members and explained them to the Chief Executive, as set out in the Officer Update Note.

The Chief Executive queried the large number of conditions on the application; Officers explained that as it was a major application and an outline permission, these conditions were required in order to ensure that further detail was provided by the applicants in the future.

The Solicitor confirmed that he was content with the Officer's recommendation and 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 that the application be Minded to Grant.

**RESOLVED:**

**That the application be MINDED TO GRANT subject to:**

- (i) the expiration of the consultation period with no new material considerations being raised;**
- (ii) referral of the application to the Secretary of State and their confirmation that the application is not to be called in for their consideration;**
- (iii) the completion of a Deed of Variation to the original Section 106 agreement, and**
- (iv) the conditions set out at paragraph 7 of the report.**

The meeting closed at 9.45 am.