



Meeting: **CEO URGENT DECISION SESSION - PLANNING**
Date: **WEDNESDAY, 6 MAY 2020**
Time: **9.00 AM**
Venue: **CHIEF EXECUTIVE'S OFFICE**

Applications List

1. **Planning Applications Received (Pages 3 - 4)**
 - 1.1. **2020/0016/S73 - Quarry Drop, Westfield Lane, South Milford (Pages 5 - 20)**
 - 1.2. **2020/0155/S73 - Former Kellingley Colliery, Turvers Lane, Kellingley (Pages 21 - 46)**
2. **FOR INFORMATION ONLY: Lists of Planning Applications determined by North Yorkshire County Council and under Delegated Powers (Pages 47 - 68)**

For information only.

Janet Waggott

Janet Waggott, Chief Executive

Enquiries relating to this reports pack, please contact Victoria Foreman on vforeman@selby.gov.uk or 01757 292046.

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CEO Urgent Decision Session - Planning

Planning Committees are cancelled due to the Covid19 Outbreak.

In order to continue to determine planning applications that would otherwise have been determined by the Planning Committee, the Chief Executive Officer (CEO), (or other such officer nominated in writing by her) will determine the applications using delegated urgency power, at a "CEO Urgent Decision Session – Planning". It is proposed that these be held weekly in order to continue to process applications in a timely manner.

The Planning Officer will prepare a written Officer Report (OR), that will be considered by the CEO. The list of applications to be considered at the weekly CEO Session will be published online beforehand.

The CEO will consult with the Chair and Vice of Planning Committee and have regard to their comments when taking the decision. The whole Committee will also have the opportunity to comment on the planning applications.

In the absence of a Committee meeting, it follows there is no right to speak available to the public. In order to maintain the planning process at this time, those wishing to comment on an application should submit their written representations within the statutory time limit applicable to the application in question. Information on planning applications will be available as usual on Public Access.

The CEO will be advised by the Planning Officer at the weekly CEO Urgent Decision Session – Planning of any new issues arising since the publication of the OR. If there are new material planning considerations raised, then the CEO will be advised to defer until the next CEO Urgent Decision Session – Planning, to enable an updated OR to be published if necessary.

Decisions made by the CEO will be published as delegated decisions online (in place of a Planning Committee Minute). The Notice of Decision will be issued in the usual way and published on Public Access.

Contact

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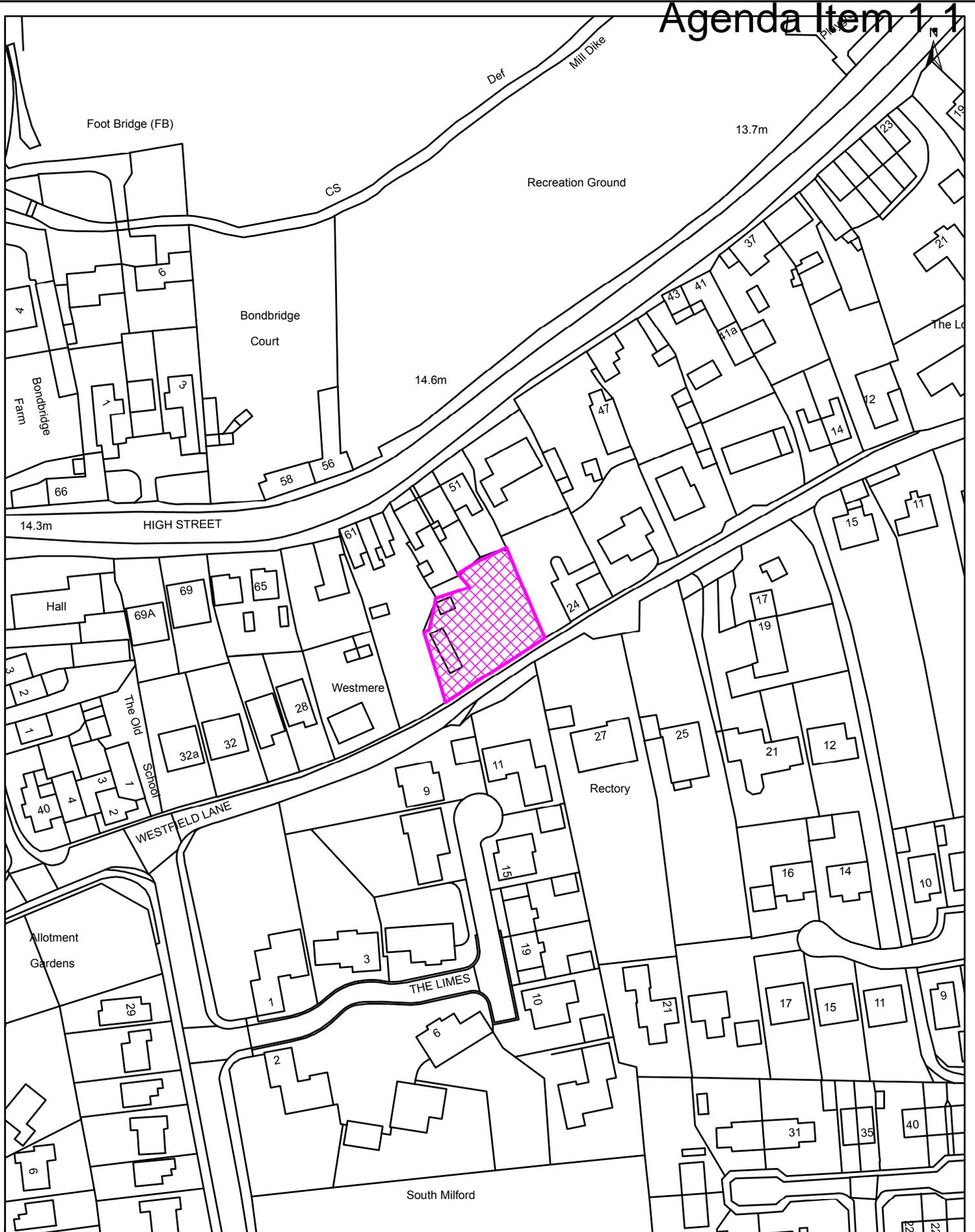
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Items for CEO Urgent Decision Session – Planning

6 May 2020

Item No.	Ref	Site Address	Description	Officer	Ward	Pages
1.1	2020/0016/S73	Quarry Drop, Westfield Lane, South Milford	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	JETY	South Milford	5 - 20
1.2	2020/0155/S73	Former Kellingley Colliery Turvers Lane Kellingley	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	JETY	Monk Fryston	21 - 48

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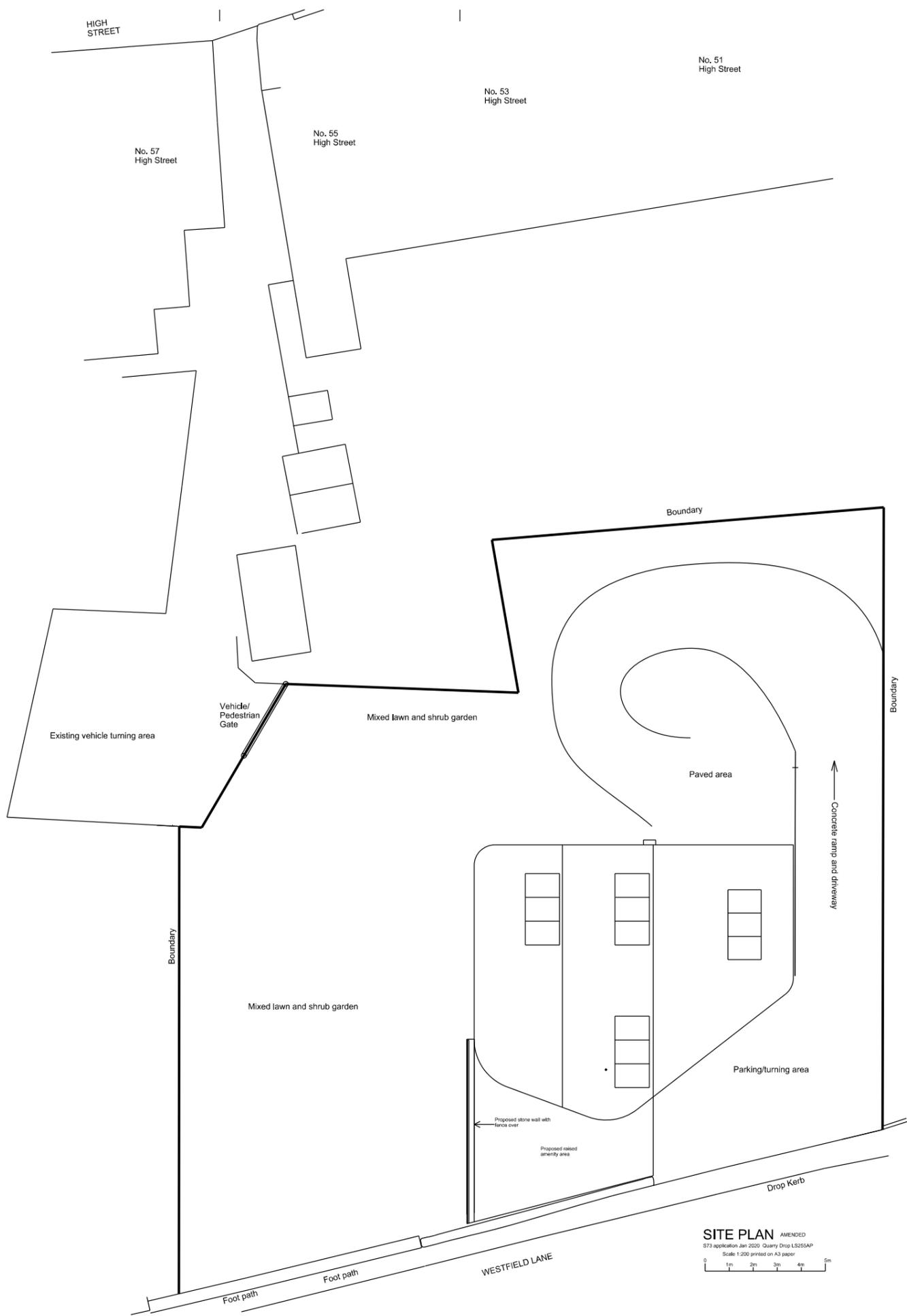
APPLICATION SITE

Quarry Drop, Westfield Lane, South Milford
2020/0016/S73

1:1,250



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SITE PLAN AMENDED
 573 application Jan 2023 Quarry Drop L3255ANP
 Scale 1:200 printed on A3 paper



**AMENDED
DRAWING**

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Report Reference Number: 2020/0016/S73

To: CEO Urgent Decision Session – Planning
Date: 6 May 2020
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0016/S73	PARISH:	South Milford Parish Council
APPLICANT:	Mr Ian Lindsay	VALID DATE:	10th January 2020
		EXPIRY DATE:	6th March 2020
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		
LOCATION:	Quarry Drop Westfield Lane South Milford Leeds West Yorkshire LS25 5AP		
RECOMMENDATION:	GRANT		

This application has been brought before the CEO Urgent Decision Session – Planning at the discretion of the Head of Planning.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of South Milford, which is a Designated Service Village as identified in the Core Strategy.
- 1.2 The application site comprises part of a former magnesium limestone quarry. The quarry face is to the south side of the application site adjacent to Westfield Lane, and as such there is an approximate 6.4 metre difference in the ground level between the application site and Westfield Lane.
- 1.3 The application site fronts Westfield Lane to the south and is bound by residential development to the north, south, east and west.

The Proposal

- 1.4 The application has been made under Section 73 of the Town and Country Planning Act 1990 and the proposal seeks to vary Condition 4 (Drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford. The changes proposed under this Section 73 application are: (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.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.
- 1.6 An application (reference: 2010/0507/FUL) for the construction of a five-bedroom, three storey detached house was permitted on 02.08.2010.
- 1.7 A part retrospective application (reference: 2016/0850/FUL) for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period was permitted on 15.09.2016.
- 1.8 An application (reference: 2016/1190/FUL) to remove condition 9 (hours of work) of planning permission 2016/0850/FUL Part retrospective application for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period was refused on 02.12.2016. A subsequent appeal (reference: APP/N2739/W/17/3168058) was dismissed on 04.07.2017.
- 1.9 An application (reference: 2017/0757/PPP) for a certificate of lawful development for the proposed continuation of a development to build a 3 storey 5-bedroom house in accordance with 2010/0507/FUL was refused on 09.10.2017. A subsequent appeal (reference: APP/N2739/X/17/3186468) was allowed on 06.07.2018.
- 1.10 A Section 73 application (reference: 2018/0800/FUL) to vary condition 04 (drawings) of planning permission reference 2010/0507/FUL for the construction of a five-bedroom, three storey detached house was appealed for non-determination. The appeal (reference: APP/N2739/W/18/3212548) was allowed on 02.05.2019.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – No response within statutory consultation period.
- 2.2 **NYCC Highways** – Initial response dated 22.01.2020: It is noted that the vehicle crossing was installed in 2017; therefore no Highway objections are raised to this

application subject to a condition requiring the provision of the approved access, turning and parking areas.

Further response dated 05.02.2020: Previously submitted a recommendation for no Highway objections subject to a condition requiring the provision of the approved access, turning and parking areas. However, after further investigations it is noted that the fence on top of the wall does not have planning permission. The fence will restrict visibility at the access to the site and therefore it is recommended that this element is removed from the application. Failure to do so would result in a recommendation of refusal from the highway authority.

Further response dated: 12.03.2020: If the fence along the southern boundary were reduced in height to 1.2 metres (i.e. the unlawful addition removed) this would address the concerns raised previously and there would be no objections.

- 2.3 **Environmental Health** – No objections subject to a condition relating to the hours of construction works.
- 2.4 **Yorkshire Water Services Ltd** – No response within statutory consultation period.
- 2.5 **Selby Area Internal Drainage Board** – No response within statutory consultation period.
- 2.6 **Ward Councillor** – No response within statutory consultation period.
- 2.7 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter and two site notices were erected (one on Westfield Lane and one on High Street). Seven letters of representation have been received as a result of this advertisement of the application, all objecting to the application with concerns raised in respect of: (1) the length of time the build has been ongoing; (2) non-compliance with a working hours conditions attached to planning permission references 2016/0850/FUL and 2018/0800/FUL and queries/requests regarding whether a working hours condition would be attached to the current application should it be approved; (3) queries/requests regarding whether a completion date condition would be attached to the current application; (4) limited information provided on the submitted plans to be able to understand the proposals and determine the application; (5) the height and size of the proposed development; (6) the existing wall and fence to the Westfield Lane boundary which has been erected since 2010, which causes a highway safety issue; (7) existing temporary boundary treatments at the site which cause highway safety issues; (8) the inclusion of an extra floor or attic space; (9) the lack of details regarding the raised amenity area, including how raised it would be; (10) loss of amenity to neighbouring residential properties, due to noise, disturbance, overlooking and loss of privacy; (11) the development not being built in accordance with the 2010 permission; (12) vehicles blocking the highway and vehicle being parked on High Street causing highway safety issues; and (13) more photovoltaic panels on the roof which are unsightly.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the defined development limits of South Milford, which is a Designated Service Village as identified in the Core Strategy.

3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

4 POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "...if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP4 – Management of Residential Development in Settlements
- SP5 – The Scale and Distribution of Housing
- SP9 – Affordable Housing
- SP15 – Sustainable Development and Climate Change
- SP16 - Improving Resource Efficiency
- SP18 – Protecting and Enhancing the Environment

- SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- T1 – Development in Relation to the Highway Network

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

The Principle of the Development

5.2 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and —*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

5.3 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the development with the proposed variation to Condition 4 (Drawings) of planning permission 2010/0507/FUL would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if these conditions were not retained in their present form.

5.4 The previous planning permission for the construction of a five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford was considered acceptable under planning approval reference 2010/0507/FUL, subject to conditions and according with relevant policies in place at that time.

5.5 A recent appeal decision dated 6 July 2018 (appeal reference: APP/N2739/X/17/3186468) has confirmed that planning permission reference 2010/0507/FUL remains extant and the works permitted by it can be lawfully

continued. The Inspector therefore issued a certificate of lawfulness in respect of the construction of a three storey, five bedroomed detached dwelling in accordance with drawings listed under Condition 4 of 2010/0507/FUL. As the permission remains extant, an application can be lawfully made under Section 73 of the Town and Country Planning Act 1990, to vary Condition 4 (Drawings).

- 5.6 Since the approval of planning permission reference 2010/0507/FUL the Selby District Core Strategy Local Plan was formally adopted by the Council at the Extraordinary meeting of the Full Council on 22 October 2013. The policies within the Selby District Core Strategy Local Plan (2013) replace a number of Selby District Local Plan (2005) policies. In addition, the revised National Planning Policy Framework (NPPF) was published in July 2018, and subsequently revised again such that the most up-to-date version was published in February 2019. Although the policy context has changed since the decision for planning approval reference 2010/0507/FUL was made, with the adoption of the Selby District Core Strategy Local Plan (2013) and the publication of the NPPF (2019), the policy position remains the same. Had the proposal been assessed against the adopted Selby District Core Strategy Local Plan (2013) and NPPF (2019), the proposal would still have been considered acceptable in principle.
- 5.7 The proposed variation of Condition 4 (Drawings) of planning permission 2010/0507/FUL incorporates the following amendments: (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.
- 5.8 The impacts arising from these amendments are considered in the following sections of this report. It should be noted, however, that some of these amendments have already been considered to be acceptable under intervening planning permissions - the 2016/0850/FUL planning permission accepted an increase in the height of the dwelling by approximately 0.8 metres; while the 2018/0800/FUL planning permission accepted amendments to the footprint of the dwelling at ground, first floor and second floor level so the north west corner and south west corner are rounded rather than square and related alterations to fenestration in the west and south elevations.

Design and Impact on the Character and Appearance of the Area

- 5.9 The original planning permission (reference: 2010/0507/FUL) assessed the proposals in respect of their design and impact on the character and appearance of the area and established that the proposals were acceptable with respect to the layout, scale, appearance and landscaping, subject to a condition relating to the approval of materials.
- 5.10 The proposed amendments would alter the footprint of the dwelling at ground, first floor and second floor level so the north west corner and south west corner would be rounded rather than square. This amendment has previously been accepted as resulting in an acceptable design for the dwelling, which would not have any adverse impact on the character and appearance of the area, under planning permission reference 2018/0800/FUL, and this remains the case. In addition, under

the current planning application, the curved element projecting out from the northern elevation has been removed at ground, first floor and second floor level and the south east corner of the dwelling has been amended to give a slightly different shape. These additional amendments to the footprint of the dwelling are minor in nature and are not considered to have any significant adverse impact on the character and appearance of the area beyond the original permission. Furthermore, the associated alterations to fenestration in all elevations of the building and the eastern roof slope are not considered to have any significant adverse impact on the character and appearance of the area beyond the original permission.

- 5.11 The increase in the height of the dwelling by approximately 0.8 metres has previously been accepted as resulting in an acceptable design for the dwelling, which would not have any adverse impact on the character and appearance of the area, under planning permission reference 2016/0850/FUL, and this remains the case.
- 5.12 The submitted plans demonstrate the materials to be used in the external construction of the proposed dwelling would be white (limestone) render for the walls with dark grey metal windows and steel fall pipes; and blue/grey slates for the roof with metal verges, fascia and gutters. These are considered to be acceptable having regard to the character and appearance of the area. A condition was attached to the previous planning permission requiring details of the external materials to be submitted to and approved in writing by the Local Planning Authority. This condition would no longer be required, as the amended approved plans condition would secure the materials to be used in the external construction of the dwelling. Additional photovoltaics are shown on the roof slopes of the dwelling, which are considered to be acceptable in respect of the character and appearance of the area.
- 5.13 The creation of a raised amenity area between the south elevation of the dwelling and Westfield Lane would not be a prominent feature within the locality and would be facilitated by the construction of a 1.8 metre high wall with fence atop to the western side, adjacent to the quarry drop. This amendment would have an acceptable appearance and is not considered to have any significant adverse impact on the character and appearance of the area beyond the original permission.
- 5.14 The proposed amendments taken as a whole, given their nature and design, are not considered to have any significant adverse impact on the character and appearance of the area beyond the original permission and are therefore considered to be acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy Policy SP19 and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.15 The original planning permission (reference: 2010/0507/FUL) assessed the proposals in respect of their impact on the residential amenity of neighbouring properties in terms of whether they would result in any adverse impacts in terms of overlooking, overshadowing or oppression and established that the proposals were acceptable with respect to the layout, scale and appearance (including fenestration details).

- 5.16 The alterations to fenestration in all elevations of the building and the eastern roof slope, given their position, orientation and separation distance to neighbouring residential properties would not result in any significant adverse effects of overlooking beyond the original permission. Furthermore, the proposed raised amenity area, given its siting and separation distance from neighbouring residential properties would not result in any significant adverse effects of overlooking beyond the original permission. The remainder of the proposed amendments, given their nature and design, are not considered to have any significant adverse impact on the residential amenity of neighbouring properties in terms of in terms of overlooking, overshadowing or oppression beyond the original permission. Overall, the proposed amendments are therefore considered to be acceptable in accordance with Policy ENV1 (1) of the Selby District Local Plan and national policy contained within the NPPF.
- 5.17 A number of letters of representation have been received which raise concerns regarding the length of time that the development has been ongoing and noise and disturbance resulting from construction works impacting on the residential amenity of neighbouring properties. Policy ENV1 (1) and ENV2A of the Selby District Local Plan seek to ensure a good amenity for residential occupiers, which is consistent with national policy contained within the NPPF and the PPG in relation to noise and disturbance.
- 5.18 There are a history of permissions at the site, which have been summarised in the "Planning History" section of this report. Planning permission 2010/0507/FUL did not include any conditions restricting the hours and days that construction works could take place. However, under a subsequent planning permission, reference 2016/0850/FUL, the Local Planning Authority attached a condition restricting construction hours in the interest of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. The applicants sought to remove this condition under application reference 2016/1190/FUL, which was refused by the Local Planning Authority on 02 December 2016 and subsequently dismissed at appeal (reference: APP/N2739/W/17/3168058) on 04 July 2017. The Inspector considered the removal of the condition restricting the hours and days that construction works could take place would harm the living conditions of nearby residents in relation to noise and disturbance in conflict with Policy ENV1 of the Selby District Local Plan. Under the non-determination appeal relating to planning permission reference 2018/0800/FUL to vary condition 04 (drawings) of planning permission reference 2010/0507/FUL, an Inspector concluded that it was reasonable and necessary to attach a condition restricting working hours in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.
- 5.19 In determining a Section 73 application, the Local Planning Authority can impose additional conditions beyond those proposed in the application, provided that:
- (a) The conditions imposed are ones which could have been imposed on the original grant of permission; and
 - (b) The conditions do not permit amendments which would amount to a "fundamental alteration" of the development proposed by the original application.
- 5.20 The construction of the five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford has been ongoing for 9-10years. Representations from adjacent properties submitted with application references 2018/0850/FUL,

2016/1190/FUL, 2017/0757/PPP, 2018/0800/FUL and the current application, along with planning enforcement complaints have highlighted potential harm to the occupiers of neighbouring dwellings through noise and disturbance resulting from construction works, although it should be noted that no formal enforcement action has ever been taken as a result of planning enforcement complaints to date. The application site is tightly bound by residential properties, with those fronting High Street located a minimum of 10 metres away from the site boundary; No. 24 Westfield Lane to the east, located a minimum of 7 metres from the site boundary at a higher elevation; and Westmere to the west, located 18 metres from the site boundary at a higher level. Given the location of the site, surrounded by residential properties to all sides, the evidence of the length of time the development has been ongoing, the representations from neighbouring properties regarding the potential harm to living conditions through noise and disturbance resulting from construction works, and two Planning Inspectorate decisions which set out that the residential amenity of the neighbouring properties must be protected during construction works by way of a condition restricting construction hours, it is considered reasonable and necessary to attach a condition restricting construction hours to any approval of planning permission under the current Section 73 application.

- 5.21 A condition restricting construction hours would be necessary, would be relevant to planning and relevant to the development permitted in relation to the site context, evidence of complaints about working hours and there is a clear planning purpose to protect amenity in relation to local planning policy. A condition relating to working hours would be enforceable because it would be possible to detect a contravention and remedy any such breach by not working outside the specified hours. Furthermore, the Inspector on appeal reference APP/N2739/W/17/3168058 considered the working hours condition, subject of that appeal, was sufficiently precise so as to have sensible meaning when read as a whole and was not uncertain. A similarly worded condition could be attached to the current application, thus the same would apply in terms of enforceability and preciseness.
- 5.22 Indeed, under appeal reference APP/N2739/W/18/3212548 relating to a similar Section 73 application to amend the approved plans condition of planning permission reference 2010/0507/FUL in 2018, an Inspector concluded that it was reasonable and necessary to attach a condition restricting working hours in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.
- 5.23 Having regard to the above factors, the Local Planning Authority consider it prudent to attach a condition restricting construction hours to any approval of planning permission in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. The condition is one which could have been imposed on the original grant of permission; and the condition does not permit amendments which would amount to a “fundamental alteration” of the development proposed by the original application.

Impact on Highway Safety

- 5.24 The original planning permission (reference: 2010/0507/FUL) assessed the proposals in respect of their impact on highway safety and established that the proposals were acceptable with respect to the access and layout, subject to a condition requiring the accesses to the site to be laid out and constructed in accordance with certain requirements detailed within the condition.

- 5.25 The proposed amendments do not alter the access, parking and turning areas within the application site. North Yorkshire County Council Highways have been consulted on the application and have advised that there are no local highway authority objections to the proposals, on the basis of amended plans being received removing reference to a 1.8 metre high boundary treatment to Westfield Lane. The Local Planning Authority consider the lawful boundary treatment along Westfield Lane is a 1.2 metre high wall (i.e. removing the 0.6 metre high fence atop) and this matter is being investigated by the Council's Planning Enforcement Team. A 1.2 metre high boundary treatment along the Westfield Lane boundary would provide sufficient visibility at the site access to Westfield Lane to satisfy NYCC Highways.
- 5.26 As the access has now been laid out and constructed, it is not necessary to attach a condition to any approval of planning permission relating to the construction of the access, as with the 2010 permission.
- 5.27 Having regard to the above, it is considered that the proposals are acceptable in respect of highway safety in accordance with Policy ENV1 (2) of the Selby District Local Plan, Policy T1 of the Core Strategy and national policy contained within the NPPF.

Other Issues

- 5.28 Concerns have been raised regarding the length of time the build has been ongoing and whether a completion date condition could be attached to any planning permission granted. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: (1) necessary; (2) relevant to planning; (3) relevant to the development to be permitted; (4) enforceable; (5) precise; and (6) reasonable in all other respects. These are referred to as 'the 6 tests', and each of them need to be satisfied for each condition which an authority intends to apply. A condition requiring a development to be carried out in its entirety within a specified timeframe would not meet all of 'the 6 tests', as it would not be reasonable or enforceable. This has been confirmed by an Inspector under the appeal relating to planning permission reference 2018/0800/FUL.
- 5.29 Concerns have been raised regarding non-compliance with working hours conditions attached to planning permission references 2016/0850/FUL and 2018/0800/FUL and queries/requests have been raised regarding whether a working hours condition would be attached to the current application should it be approved. Complaints regarding non-compliance with working hours conditions are being investigated by the Council's Planning Enforcement Team. As set out earlier in this report a condition relating to the hours of construction works would be attached to any planning permission granted.
- 5.30 Concerns have been raised regarding construction vehicles blocking the road. Such complaints should be directed towards North Yorkshire County Council Highways for further investigation.

6 CONCLUSION

- 6.1 The application has been made under Section 73 of the Town and Country Planning Act 1990 and the proposal seeks to vary Condition 4 (drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South

Milford. The changes proposed under this Section 73 application are: (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.

- 6.2 The proposed amendments are not considered to have any significant adverse impact on the character and appearance of the area, the residential amenity of neighbouring properties in terms of overlooking, overshadowing or oppression, or highway safety beyond the original permission and are therefore considered to be acceptable in accordance with Policies ENV1 and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and national policy contained within the NPPF.
- 6.3 Given the location of the site, surrounded by residential properties to all sides, the evidence of the length of time the development has been ongoing, and the representations from neighbouring properties regarding the potential harm to living conditions through noise and disturbance resulting from construction works, it is considered reasonable and necessary to attach a condition restricting construction hours in the interests of the amenities of the adjacent properties and having regard to Policy ENV1 of the Selby District Local Plan.

7 RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

LOC 01 – Location Plan
01A – Site Plan
02A – West Elevation
03A – North Elevation
04A – East Elevation
05A – South Elevation
06 – Ground Floor
07 – Second Floor
08 – First Floor

Reason:

For the avoidance of doubt.

02. No construction works shall take place on site outside the hours of 8am-6pm Monday to Friday, 9am to 1pm Saturday, or at all on Sundays and Bank Holidays.

Reason:

In interests of the amenities of the adjacent properties and having regard to Policy ENV1 of the Selby District Local Plan.

INFORMATIVE:

The purpose of Condition 2 is to restrict construction works associated with the development hereby granted outside the stated hours in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. For the purposes of Condition 2 the phrase 'construction works' means the carrying out of any building, civil engineering or engineering work associated with the construction of the dwelling hereby permitted, which would generate levels of noise audible at the site boundary that would cause a loss of amenity to neighbours. In assessing compliance with Condition 2, the Local Planning Authority would work alongside the Council's Environmental Health Officers, who have a separate duty to deal with statutory nuisances under the Environmental Protection Act 1990. The applicant is advised to keep an up-to-date written log detailing what works associated with the planning permission granted are being undertaken, which can be made available to the Local Planning Authority upon their request, in the event that any alleged breaches of Condition 2 are reported to the Local Planning Authority requiring subsequent investigation.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

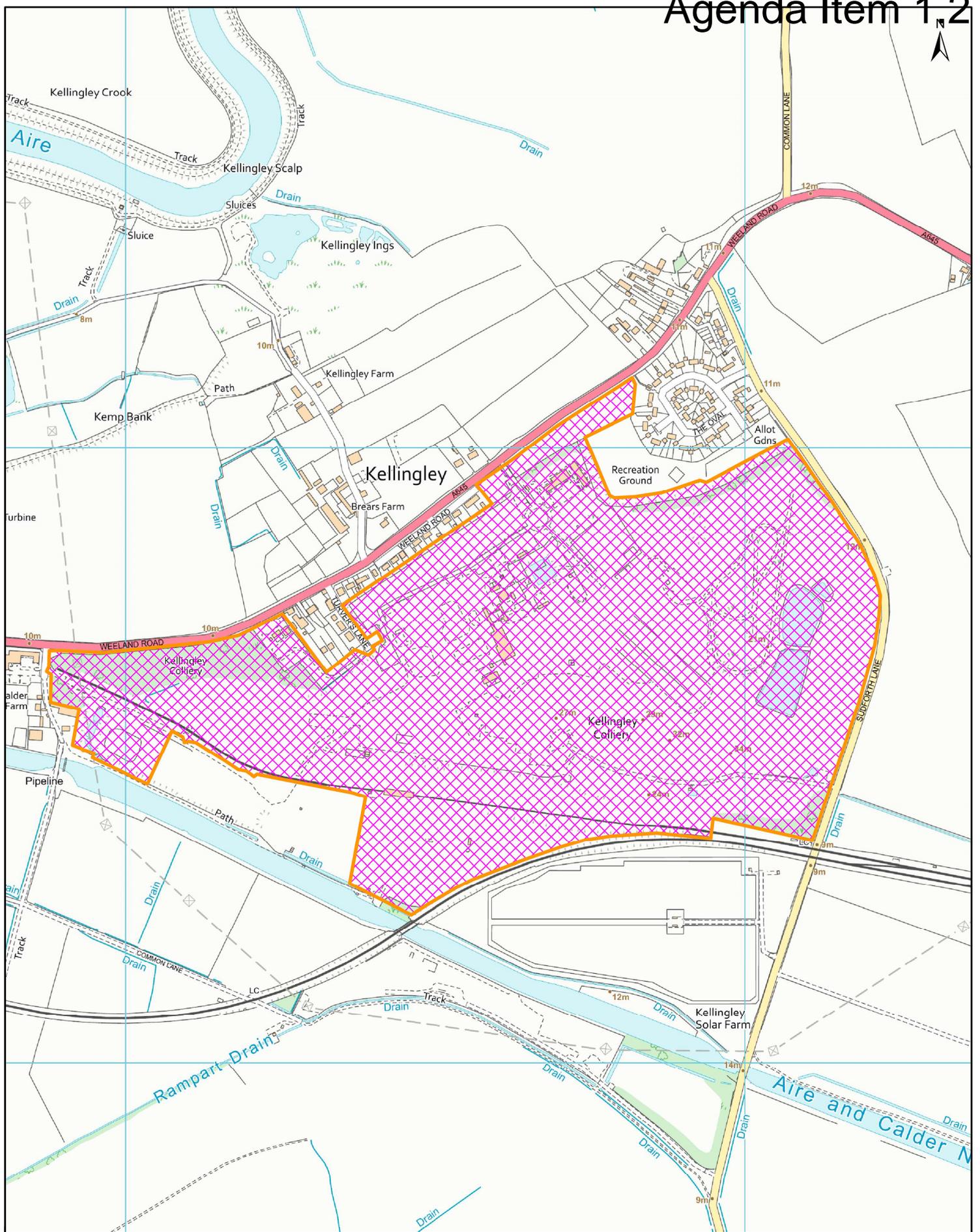
Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2020/0016/S73 and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer
jtyreman@selby.gov.uk

Appendices: None



APPLICATION SITE

Former Kellingley Colliery, Turvers Lane, Kellingley
2020/0155/S73

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Notes

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KEY

- Application Boundary
57.05 Ha / 140.97 acres
- Land owned by the applicant

AMENDED DRAWING

F	Layout updated	AE	DEC	31.03.20
E	Redline amended	AE	DEC	24.02.20
D	Redline amended	AE	DEC	24.02.20
C	Entrance plots amended	AE	DEC	08.01.20
Rev	Description	By	Ckd	Date



Sherwood House, Sherwood Avenue, Newark, Nottinghamshire, NG24 1QQ
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Client **Harworth**

Project **Kellingley Colliery Redevelopment**

Title **Proposed Plot Boundaries**

Status	Scale @ A1	Date Created
Preliminary	1:2000	06.01.2020
Task Team Manager	Information Author	Task Information Manager
AE	AE	KRP

Document Number
019941-RPS-SI-XX-DR-A-107

RPS Project Number	Suitability	Revision
NK019941	S0	F

rpsgroup.com



10m SCALE 1:2000

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Report Reference Number: 2020/0155/S73

To: CEO Urgent Decision Session - Planning
Date: 6th May 2020
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0155/S73	PARISH:	Beal Parish Council
APPLICANT:	Harworth	VALID DATE:	13th February 2020
		EXPIRY DATE:	14th May 2020
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		
LOCATION:	Former Kellingley Colliery Turvers Lane Kellingley Knottingley West Yorkshire WF11 8DT		
RECOMMENDATION:	MINDED TO GRANT SUBJECT TO COMPLETION OF A DOV		

This application has been brought before the Chief Executive Officer at the Urgent Decision Session - Planning as the application is a major application, which is recommended to be approved contrary to the requirements of the Development Plan. It is 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, is not an allocated site and the proposal is for large scale development that will have an impact on the surrounding environment.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site, which has an irregular shape, covers an area of approximately 57 hectares. For many years it was home to the former Kellingley Colliery, the last deep coal mine in Britain, which officially closed on the 18th December 2015.
- 1.2 The majority of the buildings at the site associated with the former colliery use have now been removed, with only a small cluster of building to the north of the site remaining. It is understood that these buildings are used as substations that facilitate methane gas extraction. They are still in use and will continue to extract gas for approximately 6-7 years.
- 1.3 The only other active use of the site at present is that part of the former car park to the northern part of the site has been granted temporary planning permission (for up to 36 months) for the outdoor storage purposes (use class B8), under planning permission reference 2019/0805/COU.
- 1.4 To the northern boundary of the site is Weeland Road and a number of residential properties which front Weeland Road to the south side. To the east of the application site is a recreation ground, properties fronting The Oval, and Sudforth Lane. To the south of the application site is a solar farm (which has been built out following the grant of planning permission under reference 2015/0415/FUL) and the site of Southmoor Energy Farm (which has extant planning permission for an energy from waste centre under planning permission reference NY/2013/0128/ENV), and the canal. To the west of the application site are existing employment uses.

The Proposal

- 1.5 This application has been made under Section 73 of the Town and Country Planning Act 1990, and seeks to vary condition 01 (approved plans) and condition 02 (use class of plots 1a and 2) of extant planning permission reference 2016/1343/OUTM, which was an outline planning 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, an ancillary non-residential institution (D1), retail uses (A1- A5) and related ancillary infrastructure. This extant planning permission was granted on 06 February 2019.
- 1.6 The variation of conditions 01 and 02 are required to allow a reserved matters application to come forward from the Coalfields Regeneration Trust at plots 15, 16 and 17 (in the area to the north east of the internal roundabout), for B1, B2 and B8 units only. Under the extant outline planning permission, plots 15, 16 and 17 are required to be used for a mixed use A1-A5 or B1, B2, B8 and D1, which would not be the case in an application made by the Coalfields Regeneration Trust on these plots. The intention is that these mixed uses would be moved to another part of the site (in the area to the south west of the internal roundabout).

Relevant Planning History

- 1.7 The following historical applications are considered to be relevant to the determination of this application.
- 1.8 An EIA Screening Opinion (reference SCR/2016/0003) for the re-development of Kellingley Colliery was determined on 29 June 2016. The proposals were determined to not be EIA development.

- 1.9 An outline application (reference 2016/1343/OUTM) 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) was granted on 6 February 2019.
- 1.10 A non-material amendment application (reference 2019/0479/MAN2) to outline planning permission reference 2016/1343/OUTM - Outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft. (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) – was granted on 6 June 2019.
- 1.11 A change of use application (reference 2019/0805/COU) for the change of use of land for a temporary period of 36 months for storage (use class B8) and erection of a cabin was granted on 3 January 2020.
- 1.12 A reserved matters application (reference 2020/0123/REMM) including appearance, landscaping, layout and scale of approval 2016/1343/OUTM Outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq. ft. (135,500sq m) 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) is pending consideration.
- 1.13 A discharge of condition application (reference 2020/0109/DOC) for the discharge of conditions 08 (materials), 09 (proposed ground and finished floor levels), 11 (outdoor lighting), 13 (remediation strategy), 18 (surface water), 19 (foul water drainage) and 33 (construction method statement) of approval 2016/1343/OUTM 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) is pending consideration.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – No response within statutory consultation period.
- 2.2 **NYCC Highways** – No response within statutory consultation period.
- 2.3 **North Yorkshire Highways And Transportation North Yorkshire** – No response within statutory consultation period.
- 2.4 **Yorkshire Water Services Ltd** – No comments.
- 2.5 **Danvm Drainage Commissioners Shire Group Of IDBs** – No comments.
- 2.6 **SuDS And Development Control Officer** – No objections, subject to conditions 17 and 18 of the previous outline planning permission being carried over.
- 2.7 **The Environment Agency (Liaison Officer)** – No comments.

- 2.8 **Environmental Health** – No objections to removing A and D uses from plots 15, 16 and 17. Noted that A and D uses to be moved to plots 3A and 3B, where there is no objection in principle. However, the design of these units should be considered in detail at the reserved matters stage to prevent loss of amenity to the residential properties on Weeland Road. The design should ensure that entry and exit points to the units, including deliveries, and ventilation, chiller units and other external equipment, do not face the residential properties. Where a unit is to be used for the cooking of food, such as a hot food takeaway, consideration will also need to be given to the treatment of the cooking odours.
- 2.9 **Conservation Officer** – No response within statutory consultation period.
- 2.10 **Historic England** – No comments.
- 2.11 **HER Officer** - Previous industrial use of the site is likely to have destroyed and archaeological remains that may have been present. No objections.
- 2.12 **Natural England** – No comments.
- 2.13 **County Ecologist** - As we understand it this application relates to the phasing of development and the location of retail units within the wider development, so does not raise any significant ecology matters.
- 2.14 **North Yorkshire Bat Group** – No response within statutory consultation period.
- 2.15 **Yorkshire Wildlife Trust** – No response within statutory consultation period.
- 2.16 **Public Rights Of Way Officer** – No response within statutory consultation period.
- 2.17 **Designing Out Crime Officer** – No comments.
- 2.18 **North Yorkshire Fire & Rescue Service** – No objections.
- 2.19 **Stephanie Porter Vale Of York CCG** – No response within statutory consultation period.
- 2.20 **National Grid** – No response within statutory consultation period.
- 2.21 **Northern Powergrid** – No response within statutory consultation period.
- 2.22 **Network Rail** – No response within statutory consultation period.
- 2.23 **HSE Web Consultation** - HSE does not advise, on safety grounds, against the granting of planning permission in this case.
- 2.24 **The Coal Authority** – No comments.
- 2.25 **Wakefield MDC** – No response within statutory consultation period.
- 2.26 **North Yorkshire County Council (CPO)** – No response within statutory consultation period.
- 2.27 **Education Directorate North Yorkshire County Council** – No response within statutory consultation period.

- 2.28 **Canal and River Trust** – No comments.
- 2.29 **Campaign To Protect Rural England** – Initial response dated 18.03.2020: Whilst the principle of the application has already been approved via the previous planning permission, these amendments would effectively relocate the proposed B2 and B8 uses to areas closer to existing residential properties than was previously approved. Whilst the applicant has produced plans identifying this, no supporting assessments of environmental impacts have been submitted justifying the requirement to move these uses. The Council should, therefore, require assessments and modelling scenarios of noise including vibration, emissions to air and lighting to be submitted prior to determining the application to vary the planning permission and bring these uses closer of existing residents. Without this information it will be impossible for the Council to rule out an unsatisfactory impact on the residential amenity of existing occupiers in line with guidance in the NPPF.
- Further responses dated 07.04.2020: Clarification to previous comments, the variation would bring A1-5 and D1 closer to residential development along Weeland Road than approved via the outline consent, not B uses close to residential development. The impacts would differ greatly from the B class uses but the impacts may be of a different nature and cause a differing type of nuisance potentially.
- 2.30 **Department For The Environment, Food And Rural Affairs** – No response within statutory consultation period.
- 2.31 **Atkins Ltd Windfarm** – No response within statutory consultation period.
- 2.32 **Robin Hood Airport, Doncaster Sheffield** – No response within statutory consultation period.
- 2.33 **Leeds East Airport (Makin Enterprises)** - No response within statutory consultation period.
- 2.34 **Neighbour Summary** – All immediate neighbours have been informed by neighbour notification letter, a site notice has been erected and an advert placed in the local press. Two letters of representation have been received as a result of this advertisement of the application. The first raises concerns regarding the amount of revised planning applications in relation to the site; the potential for more vehicles entering the site and the associated increase in pollution; and the maintenance of the boundary hedge adjacent to properties fronting Weeland Road. The second raises concerns regarding the impact of the proposals on the environment and the standard of living of residents; and the potential for more vehicles entering the site and impact on existing infrastructure.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements, adjacent to the development limits of Kellingley and the Green Belt.
- 3.2 The application site is located mostly within Flood Zone 1, with a small part of the site to the south located within Flood Zones 2 and 3.

- 3.3 The application site comprises potentially contaminated land from past industrial uses.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development
SP2 – Spatial Development Strategy
SP13 – Scale and Distribution of Economic Growth
SP14 – Town Centres and Local Services
SP15 – Sustainable Development and Climate Change
SP16 – Improving Resource Efficiency
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV3 – Light Pollution
- S4 – Retail Development in the Countryside
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- CS3 – Children’s Nurseries
- CS4 – Community Halls and Places of Worship

5 APPRAISAL

5.1 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states *“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and —*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

5.2 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the development with the proposed variation of Condition 01 (approved plans) and Condition 02 (use class of plots 1a and 2) of outline planning permission reference 2016/1343/OUTM would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if these conditions were retained in their present form.

5.3 The previous outline planning permission including means of access (all other matters reserved) for the 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) at the former Kellingley Colliery, Turvers Lane, Kellingley, was considered acceptable under reference 2016/1343/OUTM, subject to a Section 106 agreement, conditions and according with the relevant policies contained within the Selby District Core Strategy, Selby District Local Plan and the National Planning Policy Framework (February 2019). Since the determination of the previous outline planning permission, the policy context remains unchanged.

5.4 Condition 01 (approved plans) of outline planning permission reference 2016/1343/OUTM states:

“The development hereby permitted shall be carried out in accordance with the following approved plans:

*Phasing Parameter Plan 12098-104 Rev F
Land Use Parameter Plan 12098-105 Rev U
Building Heights Parameter Plan 12098-106 Rev N
Illustrative Plot Plan 12098107 Rev B
Access Drawings 10612-GA-02 Rev A
Secondary Access/Emergency Access 10612-GA/03 Rev B*

*Reason:
For the avoidance of doubt.”*

- 5.5 Condition 02 (use class of plots 1a and 2) of outline planning permission reference 2016/1343/OUTM states:

“The area known as Plots 1a and 2 on the Illustrative Plot Plan are to be used for B1 employment Use only. The heights of these buildings shall be capped at 15m (29mAOD), and they will be set back a minimum of 15m from the boundary line shared with the neighbouring properties along Weeland Road.

*Reason:
To protect the amenities of nearby residents having regard to Policy ENV1 of the Selby District Local Plan.”*

- 5.6 The application seeks to vary Condition 01 (approved plans) of outline planning permission reference 2016/1343/OUTM by substituting drawing no's. 12098-105 Rev U (Land Use Parameter Plan), 12098-104 Rev F (Phasing Parameter Plan) and 12098107 Rev B (Illustrative Plot Plan) with drawing no's. 019941-RPS-SI-XX-DR-A-105 Rev Z (Land Use Plan), 019941-RPS-SI-XX-DR-A-104 Rev L (Phasing Plan) and 019941-RPS-SI-XX-DR-A-107 Rev F (Proposed Plot Boundaries). The revised plans show the following amendments:

- The plans approved under the outline consent gave permission for A1-A5 or B1, B2, B8 and D1 uses in the area to the north east of the internal roundabout; the revised plans seek this area to be used for B1, B2 and B8 use only.
- The plans approved under the outline consent gave permission for B1 use only in the area shown in dark purple on the revised land use plan (drawing no. 019941-RPS-SI-XX-DR-A-105 Rev Z) and for B1, B2 and B8 uses in the area shown in light purple on the revised land use plan (drawing no. 019941-RPS-SI-XX-DR-A-105 Rev Z); the revised plans seek the dark purple area to be used for A1-A5 or B1 and D1 uses, and the light purple area to be used for A1-A5 or B1, B2, B8 and D1 uses.
- The revised plans show the total area of space which could be used to accommodate A1-A5 and D1 uses to be less than on the plans approved under the outline consent. However, it is noted that Condition 10 of the outline consent restricts the maximum floorspace of A1-A5 uses to 500sqm and the maximum floorspace of D1 uses to 50sqm and the total area of space which could be used to accommodate A1-A5 and D1 uses on the revised plans exceeds this, thus the maximum amounts of A1-A5 and D1 uses could be accommodated under the revised plans.
- As a result of the changes to the land use plan, the plot boundaries plan has been revised - Plots 2, 3 and 4 approved under the outline consent have been subdivided to provide plots 2, 3A, 3B, 4A and 4B on the revised plans.

- The phasing of the development has been altered on the revised plans in relation to the areas of the site to be development under phases B, C and D.
- The SuDS areas shown on the revised plans are different to those shown on the plans approved under the outline consent.

- 5.7 The application seeks to vary Condition 02 (use class of plots 1a and 2) of outline planning permission reference 2016/1343/OUTM by referring to what use classes can be permitted in plots 1a, 2 and 3a, as a result of plot 2 being split into plots 2 and 3a. It is proposed that plots 1a and 2 can be used for B1 employment use only, while plot 3A can be used for a mixed use B1 and D1 use or A1-A5. The height and set back of buildings within plots 1a, 2 and 3a will remain as specified in Condition 2 – height 15m (29mAoD) and buildings set back a minimum of 15m from the boundary line shared with the neighbouring properties fronting Weeland Road. This amendment is required as a result of the changes to the approved plans under Condition 1.
- 5.8 The amendments to the land use plan and plot boundaries plan are required to allow a reserved matters application to come forward from the Coalfields Regeneration Trust at plots 15, 16 and 17 (in the area to the north east of the internal roundabout), for B1, B2 and B8 units only. No A1-A5 or D1 units are to be proposed on those plots by the Coalfields Regeneration Trust. Provision for A1-A5 and D1 uses would instead be made in the area to the south west of the internal roundabout. The amendments to the phasing of the development plots has been updated as a result of the applicant's, Harworth, further consideration of how the development of the site would likely be brought forward over the coming years. Furthermore, the amendments to the SuDS areas has been updated to reflect the latest strategy.
- 5.9 In terms of the amendments to the land use plan and plot boundaries plan, these would not increase the maximum space available on the site from B1, B2 and B8 uses and would not bring B1, B2 or B8 uses into any closer proximity to residential properties than the existing outline consent. The amendments would continue to enable the maximum floor areas of A1-A5 or D1 uses to be provided within the site, however, there would be the potential for A1-A5 or D1 uses to be within closer proximity to neighbouring residential properties than under the existing outline consent. As a result of the consultation on the application, the Council's Environmental Health Officer and the Campaign for the Protection of Rural England have both picked up on the fact that there would be the potential for A1-A5 or D1 uses to be within closer proximity to neighbouring residential properties than under the existing outline consent. The Council's Environmental Health Officer has advised that the principle of A1-A5 or D1 uses in closer proximity to residential properties would be acceptable, but that the layout and design of this aspect of the development at the reserved matters stage would need to be given very careful consideration to ensure no adverse impacts on the residential amenities of neighbouring properties. In particular, the Council's Environmental Health Officer advises that at the reserved matters stage, careful consideration should be given to the entry and exit points to the units, including deliveries, and ventilation, chiller units and other external equipment, such that it does not face the neighbouring residential properties. Furthermore, the Council's Environmental Health Officer advises that if any units are to be used for the cooking of food, such as a hot food takeaway, consideration would need to be given to the treatment of the cooking odours to ensure no adverse impacts on the residential amenities of neighbouring properties. The Campaign for the Protection of Rural England has raised similar issues in terms of the potential impacts of A1-A5 or D1 uses in closer proximity to

residential properties, however, as the principle of the development only is for consideration at this stage, and the reserved matters of layout, scale, appearance and landscaping are considered to be able to be able to adequately deal with any potential impacts at the reserved matters stage, it is considered that the proposed amendments to the land use plan and plot boundaries plan are acceptable in terms of their impact on the residential amenities of neighbouring properties.

- 5.10 In terms of the amendments to the phasing of the development plots in relation to the areas of the site to be development under phases B, C and D, this is considered to be acceptable.
- 5.11 In terms of the amendments to the SuDS areas, which have been updated to reflect the latest strategy, the Local Lead Flood Authority have been consulted for comments and have advised that they have no objections to the proposed amendments subject to relevant drainage conditions from the outline planning permission being carried over to any planning permission granted under the current application.

6 CONCLUSION

- 6.1 Having had regard to the policy context and amendments to the proposed scheme, it is considered that the proposed variation of Condition 1 (approved plans) and Condition 02 (use class of plots 1a and 2) of outline planning permission reference 2016/1343/OUTM are acceptable. The revised proposal would not have any significant adverse impact in respect of the main issues for consideration beyond those accepted under the original approval.
- 6.2 Conditions 21 and 36 both refer to plans which have been amended under the variation of Condition 1 and as such these conditions have been updated to reflect the revised plans. Condition 6 refers to the timing of the submission of the reserved matters applications and the timing of the commencement of the development and has been updated to reflect the timing set out under the outline planning permission, as a Section 73 application cannot be used to extend time limit within which a development must be started.
- 6.3 The aforementioned changes to the conditions have been highlighted in the recommendation below for clarity.
- 6.4 A Deed of Variation to the Section 106 agreement attached to the existing outline planning consent will be required to ensure the requirements of that Section 106 are applicable to any new planning permission granted under this Section 73 application.

7 RECOMMENDATION

This application is recommended to be MINDED TO GRANT subject to the expiration of the consultation period with no new material considerations being raised, the completion of a Deed of Variation to the original Section 106 agreement, and the following conditions:

- 01. The development hereby permitted shall be carried out in accordance with the following approved plans:

Land Use Plan 019941-RPS-SI-XX-DR-A-105 Rev Z
Phasing Plan 019941-RPS-SI-XX-DR-A-104 Rev L

Proposed Plot Boundaries 019941-RPS-SI-XX-DR-A-107 Rev F
Building Heights Parameter Plan 12098-106 Rev N
Access Drawings 10612-GA-02 Rev A
Secondary Access/Emergency Access 10612-GA/03 Rev B

Reason:

For the avoidance of doubt.

02. The area known as Plots 1a and 2 on the Proposed Plot Boundaries Plan (drawing no. 019941-RPS-SI-XX-DR-A-107 Rev F) shall be used for B1 employment Use only, while the area known as Plot 3a on the Proposed Plot Boundaries Plan (drawing no. 019941-RPS-SI-XX-DR-A-107 Rev F) shall be used for a mixed use A1-A5 or B1 and D1. The heights of the buildings within Plots 1a, 2 and 3a shall be capped at 15m (29mAOD), and they will be set back a minimum of 15m from the boundary line shared with the neighbouring properties along Weeland Road.

Reason:

To protect the amenities of nearby residents having regard to Policy ENV1 of the Selby District Local Plan.

03. The total amount of development floorspace authorised by this permission shall not exceed 135,500sqm (GIA) and any reserved matters application (s) pursuant to Condition 1 shall be limited to this maximum in total.

Reason:

The impacts of the development on existing infrastructure and the surrounding Green Belt have been assessed on the basis on this maximum in total, having regard to Part 13 of the National Planning Policy Framework.

04. No development shall take place within Flood Zone 2 as shown on the Environmental Agency Flood plan (drawing number RFI:21096) set out in the Flood Risk Assessment.

Reason:

To ensure that the proposal is carried out in accordance with the design parameters on which the outline application has been assessed and in the interests of flood risk having had regard to Part 14 of the National Planning Policy Framework.

05. Details of the access, appearance, landscaping, layout and scale of each development plot or phase approved pursuant to Condition 1 shall be submitted to and approved in writing by the Local Planning Authority before any development of that plot or phase begins and the development shall be carried out as approved.

Reason:

To ensure that all necessary details are acceptable.

06. Applications for the approval of reserved matters on any part of the site referred to in Condition No. 3 herein shall be made by 6 February 2034, and the development to which this permissions relates, on that part of the site, shall be begun not later than the expiration of two years from the final approval of the reserved matters pertaining to that part of the site, or in the case of approval on different dates, the final approval of the last such matter to be approved. The first application for approval of reserved matters shall be made to the local planning authority no later than 6 February 2022.

Reason:

In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

07. The Reserved Matters applications to be in accordance with the principles set out in paragraphs 14.1 to 21.9 of the Design and Access Statement Rev G, dated March 2017 and received on the 22 March 2017.

Reason:

For the avoidance of doubt.

08. No development shall commence on any individual building until sample panels of the materials to be used in the construction of its external surfaces has been submitted to and approved in writing by the local planning authority. The panels shall show the proposed combination of external materials to be used. The development shall be constructed in accordance with the approved samples.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

09. Prior to the commencement of development of each individual development plot or phase full details of the existing and proposed ground and finished floor levels of the buildings, roads, associated structures within that associated development plot or phase, shall have been submitted to and approved in writing by the local planning authority. The approved development shall be constructed in accordance with the approved levels.

Reason:

In order to safeguard the character and appearance of the area having regard to Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy.

10. The total floorspace within Uses Classes A1, A2, A3, A4 and A5 hereby approved shall not exceed 500 sqm (GIA) in total. No individual unit within use classes A2, A3, A4 and A5 shall be larger than 50sqm (GIA). No individual unit in use class A1 shall exceed a maximum of 350 sqm (GIA). Floorspace within Uses Classes D1 hereby approved shall not exceed 50 sqm (GIA) in total.

Reason:

To ensure the development carried out does not exceed the maximum approved and to ensure the quantum of floorspace keeps within the parameters assessed in relation to the approved development having had regard to Policy S4 of the Selby District Local Plan and Policy SP14 of the Selby District Core Strategy.

11. Prior to the erection or installation of any outdoor lighting associated with the development of an individual building or development plot, a detailed outdoor lighting scheme applicable to that plot and associated building/s shall be submitted to and approved in writing by the local planning authority. The scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaires, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain

light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason:

In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution having had regard to Policies ENV1 and ENV2 of the Selby District Local Plan.

12. In the event that the foundations of any building require piling, prior to any piling taking place in association with that building, a method statement shall be submitted to and approved in writing by the local planning authority detailing the type of piling to be used, potential noise and vibration levels at the nearest noise sensitive locations in accordance with British Standard 5228 - Part 4 and mitigation measures to be undertaken in order to safeguard the amenity of adjacent residents. The piling mitigation shall be carried out in accordance with the approved details.

Reason:

To protect the amenity of nearby residents/occupiers having had regard to Policy ENV1 of the Selby District Local Plan.

13. Prior to the commencement of development of each individual development or phase approved by this planning permission a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The specification needs to reflect the specifics set out in the WPA Contaminated Land Assessment.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To ensure that the site is safe for its use having regard to Policy ENV2 of the Selby District Local Plan.

14. Prior to the occupation of each individual development plot, building or phase a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To ensure that the site is safe for its use having regard to Policy ENV2 of the Selby District Local Plan.

15. Prior to the submission of the first reserved matters application a site wide Nature Conservation Management Plan shall be submitted to and approved in writing by the local planning authority.

The plan shall include the following details:

Specific provision of measures to promote Biodiversity and Bio-Diversity Action Plan targets including: the provision of accommodation for the Peregrine Falcon, the provision of bat and bird boxes on buildings and on trees around the site; the provision of other nesting features for bird species such as bird ledges; reptile hibernacula including small log and rubble piles; the creation of new aquatic habitats where possible within permanent areas of open water of minimum depth 0.5m; the provision of wetland margins and habitat islands; the management of grassland that reflects the principles set out in the Habitat Survey Report (Phase 1), the Design and Access Statement and Planning Statement.

The plan should set out the implementation timescales of provision in relation to the phasing of development on the site, and the measures will be implemented accordingly.

Reason:

To ensure that the development of the site conserves and enhances ecology having regard to Part 15 of the National Planning Policy Framework.

16. Any reserved matters application shall demonstrate how it accords with the aims and objectives of the Nature Conservation Management Plan and shall detail which specific ecological measures are proposed and the timing for their delivery. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

Reason:

To ensure that the development of the site conserves and enhances ecology having had regard to Part 15 of the National Planning Policy Framework.

17. Prior to commencement of each development plot or phase, a detailed design and associated management and maintenance plan of surface water drainage for those respective plots or phases based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason:

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity having had regard to Parts 10 and 11 of the National Planning Policy Framework.

18. Prior to the commencement of development of each development plot or building, details relating to the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, no piped discharge of surface water from the development plot or building shall take place until the works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed.

Reason:

To ensure satisfactory drainage of the site having regard to Part 14 of the National Planning Policy Framework.

19. Prior to the commencement of development of each development plot or building details of the proposed means of disposal of foul water drainage for the respective development plot or building, including but not inclusive to details of any balancing works (to include the peak pumped discharge rate), off-site works and phasing of the necessary infrastructure, shall have been submitted to and approved by the local planning authority. No development plot or buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:

To ensure satisfactory drainage of the site having regard to Part 14 of the National Planning Policy Framework.

20. Provision for Electric Vehicle charging points is required for each phase commensurate with the size of parking facilities. Prior to their installation, details of the charging points shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the

approved details before occupation of the buildings and subsequently retained for that purpose.

Reason:

To ensure that provision is made for the parking and charging of powered cars and mobility scooters having regard to Policy T1 and T2 of the Selby District Local Plan and Part 9 of the National Planning Policy Framework.

21.A. At the time of submission of the first Reserved Matters a Structural Landscape Strategy and Management Plan for the proposed structural landscaping areas, including the boulevard and access point, as shown on the approved parameter plans listed in condition 1 shall be submitted to and approved in writing by the local planning authority.

B. Prior to the commencement of development of each phase a structural landscaping scheme for that respective phase, shall be prepared in accordance with agreed structural landscaping strategy and management plan (as referred to in condition 21A above), and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the long term treatment, including landscaping, boundary treatment, management responsibilities and maintenance schedules for all common areas within that phase of development situated outside of the defined development plots (as shown on the Proposed Plot Boundaries 019941-RPS-SI-XX-DR-A-107 Rev F received 09/04/2020). The scheme shall also include grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed grading and mounding to existing vegetation and surrounding landform. The scheme shall include a programme for implementation and should be implemented in accordance with the approved details. Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density, levels and types of all trees/hedges/shrubs to be planted and the proposed time of planting. The scheme shall include following:

- a) Details of the entrance feature/public art and landscaping enhancements along the main entrance on Weeland Road.
- b) Internal Spine Roads, as shown on plans listed under condition 1.
- c) Landscape strip connecting to the tow path as shown on plans listed under condition 1.
- d) Structural perimeter landscaping
- e) Identified publicly accessible areas on the Land Use Plan 019941-RPS-SI-XX-DR-A-105 Rev Z (received 09/04/2020)
- f) Main Access Roads and boulevards shown on the Land Use Plan 019941-RPS-SI-XX-DR-A-105 Rev Z (received 09/04/2020) - will be planted with Standard Trees at a maximum 23a of 7.5m intervals.

The scheme shall be carried out in accordance with the approved details and in accordance with the approved implementation programme.

Reason:

In order to mitigate the visual impact of the proposed development on the setting and of the area, the Green Belt, and surrounding open countryside having had regard to Policy SP18 of the Selby Core Strategy and Part 13 of the National Planning Policy Framework.

22. Any reserved matters application for the erection of a building shall include an accompanying landscaping scheme for the associated development plot. The landscaping scheme shall include full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. No development within the development plot for which reserved matters approval is sought shall commence until the landscaping scheme has been approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

Reason:

In order to mitigate the visual impact of the proposed development on the setting having had regard to Policy SP18 of the Selby Core Strategy.

23. All planting, seeding or turfing comprised in the approved structural landscaping scheme shall be fully carried out in the first planting and seeding seasons following the commencement of development of any building, or in accordance with a landscaping phasing plan that is submitted to and approved in writing by the local planning authority. Any trees or plants shall be maintained for a period of 2 years from implementation and any trees, shrubs or plants that are removed or become seriously damaged or diseased, shall be replaced within the 5 year period thereafter during the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason:

In order to mitigate the visual impact of the proposed development on the setting and of the area, the retained Green Belt, and surrounding open countryside having regard to Policy SP18 of the Selby District Core Strategy and Part 13 of the National Planning Policy Framework.

24. Reserved matters applications for each individual development plot or building shall include full details of hard landscape works associated with that respective plot or building. These works shall be carried out as approved prior to the occupation of any part of the building hereby approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; furniture; refuse and on-site storage facilities for trade waste or other storage units; signs; any proposed public art.

Reason:

In the interests of visual amenity and to ensure that suitable hard landscape is provided as part of the development having regard to Policy SP18 of the Selby District Core Strategy.

25. There shall be no excavation or other groundworks associated with each individual development plot, except for investigative works or the depositing of material on the site, until the following drawings and details relating to that particular development plot(s) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:

In the interests of highway safety having had regards to Policies T1 and T2 of the Selby District Local Plan.

26. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before any part of the development is brought into use.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

27. There shall be no access or egress between the highway and the application site associated with the development hereby permitted by any vehicles other than via the main access with the public highway at Weeland Road as identified on plans listed in Condition 1.

The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction. The entrance point along Sudforth Lane is only to be used in the case of emergency only and will be controlled by a barrier. The entrance points of Weeland Road which connect up with Southmoor Energy Centre are to be used for this purpose only.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

28. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70m measured along both channel lines of the major road Weeland Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05 and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and in the interests of road safety.

29. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and in the interests of road safety.

30. During construction works there shall be no:
- a. Light Goods Vehicles exceeding 3.5 tonnes
 - b. Medium Goods Vehicles up to 7.5 tonnes
 - c. Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7:30am 17:30pm on Mondays to Fridays and 8:30am and 12:30pm on Saturdays.

Reason:

In accordance with Policies T1 and T2 and to avoid conflict with vulnerable road users.

31. There shall be no HGVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with Policies T1 and T2 and in the interests of highway safety.

32. Details of the routes to be used by HGV construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. Thereafter the approved routes shall be used by all vehicles connected with construction on the site. HGVs shall not use Whitefield Lane at any time.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and in the interests of highway safety.

33. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from construction works
- h. details of site compound

Construction will be permitted between the hours of 7:30am - 17:30pm on Mondays to Fridays and 8.30am - 12.30pm on Saturdays and is not permitted on Sundays or a Bank Holiday unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In order to comply with Selby District Local Plan Policies ENV1, T1 and T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

34. The cycle provision should be agreed with the local planning authority. The cycle provision should be in line with the cycle parking standards set out in North Yorkshire County Council's 'Interim Guidance on Transport Issues, 2015' or the adopted standards at the time of submission of the reserved matter application'.

Details of the storage facilities will be agreed as part of any reserved matters application.

Reason:

To ensure that the proposed level of cycling provision is appropriate to the nature of the proposed building and its use having had regard to Policies T1 and T2 of the Selby District Local Plan.

35. The submission of any reserved matters application for approval of any building shall include an estimation of the total number of staff and visitors that will visit the building in a typical day. The on-plot car parking provision should be in line with the parking standards set out in set out in North Yorkshire County Council's 'Interim Guidance on Transport Issues, 2015' or the adopted standards at the time of submission of the reserved matter application'.

Reason:

To ensure that the proposed level of cycling provision is appropriate to the nature of the proposed building and its use having had regard to Policies T1 and T2 of the Selby District Local Plan.

36. Prior to the occupation of the first building constructed as part of the development hereby approved, the temporary cycle path as shown on the Land Use Parameter Plan listed in condition 1, shall be laid out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Once laid, the temporary cycle route shall be retained and maintained until such time that the reserved matters application (s) associated with plots 07A and 18 (as shown on Proposed Plot Boundaries 019941-RPS-SI-XX-DR-A-107 Rev F) are submitted for approval. At which point, a scheme for the final alignment and specification of the permanent route shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the occupation of and buildings on plots 07A and 18 and shall remain throughout the lifetime of the development.

Reason:

To ensure that the transport improvements are delivered having had regard to Policies T1 and T2 of the Selby District Local Plan.

37. As part of any relevant reserved matters application, a plan specifying the exact location and appropriate 'no-build' zones of influences for the recorded mine entries on site must be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the site is safe for its use having had regard to Part 15 of the National Planning Policy Framework.

38. A strategy for the branding and signing of the site to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:

In the interests of visual amenity of the area and having had regard to Policy ENV1 of the Selby District Local Plan.

39. Any application for the approval of Reserved Matters for any development plot or phase within the development hereby approved shall be accompanied by a Local Employment Statement for that development plot or phase. The statement shall be developed in accordance with the principles set out in the agreed Local Employment Framework, dated 27 March 2017. No part of the development should be occupied until the statement and the process of implementation has been agreed in writing with the local planning authority.

Reason:

To ensure that Local employment benefits are addressed as part of the submission and ensure compliance with the Developer Contributions SPD and the NPPF.

40. The development hereby permitted shall be carried out in accordance with the agreed Travel Plan (dated June 2018, Revision 5). The agreed Travel Plan (dated June 2018, Revision 5) shall be implemented upon first occupation of the site and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:

In accordance with Policies T1 and T2 and to establish measures to encourage more sustainable non-car modes of transport.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2020/0155/S73 and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer
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Appendices: None



List of Planning Applications Determined by North Yorkshire County Council

Application Number	Applicant	Location	Proposal	SDC Recommendation	Decision and Date
2019/0585/CPO	Darrington Quarries Ltd	Barnsdale Bar Quarry Long Lane Kirk Smeaton Pontefract West Yorkshire WF8 3JX	Consultation on planning application NY/2019/0072/ENV for the purposes of the extension to existing quarry to extract 7 million tonnes of limestone by 2040 followed by two years of final restoration by 2042 on land at	NO OBJECTION 11 Jul 2019	Permitted 30 Mar 2020

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List of Planning Applications Determined Under Delegated Powers

The following Planning Applications have been determined by officers under the scheme of Delegation

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/0027/HPA	Mr Keith Aitchison	46 Park Lane Barlow Selby North Yorkshire YO8 8EW	Proposed extensions and alterations to garage to form an annex	PERMITTED 17 Mar 2020	Rebecca Leggott
2019/0029/FUL	Mr & Mrs T Tate	Peggy Ellerton Farm Chantry Lane Hazlewood Tadcaster North Yorkshire LS24 9NH	Proposed erection of a replacement dwelling	REFUSED 21 Apr 2020	Irma Sinkeviciene
2019/0154/COU	Mr Peter Cullen	Roydon Lodge Broad Lane Cawood Selby North Yorkshire YO8 3RA	Change of use of single dwelling to a 9-bed HMO (Sui Generis), 1No. self-contained apartment (1) and 1no self-contained holiday let apartment (part retrospective)	PERMITTED 23 Apr 2020	Rebecca Leggott
2019/0386/FUL	41 Sherburn Street Management Company Limited	Land adjacent to Punch Bowl Yard Low Street Brotherton Knottingley West Yorkshire	Proposed erection of 4 no. semi-detached houses	PERMITTED 20 Mar 2020	Mandy Cooper

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/0399/FULM	Mr Julian Harris	P3P Brigg Lane Ltd English Village Salads Brigg Lane Camblesforth Selby North Yorkshire	Extension of existing building for the purpose of redeveloping the building for vertical farming and agri-tech, installation of new loading bay and construction of new access road	PERMITTED 3 Apr 2020	Gary Bell
2019/0544/DOC	Mr Robert Matthews	B & B Motors Hull Road Hemingbrough Selby North Yorkshire YO8 6QS	Discharge of conditions 3 (surface water drainage) & 5 (contaminated land) of approval 2018/0072/FUL Proposed light industrial unit for a car workshop/garage facility and retention of several storage containers	CONDITION DECISION 20 Apr 2020	Jac Cruickshank
2019/0800/FUL	Mrs Sandra Worsley	Land off Saxton Lane Saxton Tadcaster North Yorkshire	Proposed change of use of land from agricultural to equestrian and erection of 2 stall stables with storage on site gravel access road and standing	REFUSED 18 Mar 2020	Laura Holden
2019/0803/DOC	Mr David Watson	Sunbeam Cottage Main Street Appleton Roebuck York YO23 7DD	Discharge of conditions 03 (materials), 06 (drainage), 07 (contamination), 08 (remediation scheme) of appeal decision APP/N2739/W/18/3205134 regarding 2017/0174/FUL Proposed demolition of existing workshop, outbuildings and garage and construction of new dwelling with attached garage	CONDITIONS PART DISCHARGED 2 Apr 2020	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/0889/TPO	Ms Melaine Barker	Skelf Street Church Fenton Tadcaster North Yorkshire	Application for consent to reduce 1 No Alder tree (T1) in height to 10m and remove deadwood, 1No Silver Birch (T7) - remove small, decayed limb overhanging the road, reduce 1No Horse Chestnut tree (T9) in height to 12m and crown reduce to a canopy spread of 4m, reduce 2No Norway Maple trees (T11 & T12) in height to 12m and reduce canopy to a canopy spread of 4m, crown reduce 1No Norway Maple tree (T13) to a canopy spread of 5m and prune by 2m, reduce 1No Norway Maple tree (T14) in height to 12m and reduce canopy to a canopy spread of 4m, reduce 1No Beech tree (T15) in height to 14m, crown reduce 1No Beech tree (T17) to 14m and reduce canopy spread to 4m covered by TPO 11/1998	PERMITTED 17 Mar 2020	Will Smith
2019/0920/COU	Mr R Woodall	Green Lane Farm Green Lane Cliffe Selby North Yorkshire YO8 6PG	Retrospective change of use from agriculture to mixed use: touring caravan storage, general purpose agricultural storage and Use Class B8	PERMITTED 20 Apr 2020	Chris Fairchild
2019/1003/ADV	Mr Rezaul Haque	Cumin Lounge 28 Low Street South Milford Leeds West Yorkshire LS25 5AS	Advertisement consent for externally illuminated lettering to the side elevation, 2no externally illuminated fascia signs and 1no externally illuminated projecting sign	SPLIT DECISION FOR ADVERTS 13 Mar 2020	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/1019/FUL	Saint-Gobain Glass	St Gobain Glass UK Ltd Glassworks Weeland Road Eggborough Goole East Yorkshire DN14 0FD	Proposed erection of DeNOx & SCR (Selective Catalytic Reduction) equipment including ducting, new fan, silencer, ammonia tank, sub station and electrical control room to reduce NOx levels	PERMITTED 18 Mar 2020	Gareth Stent
2019/1030/HPA	Mr & Mrs Marsden	Ings Cottage Main Street Newton Kyme Tadcaster North Yorkshire LS24 9LS	Proposed demolition of existing garage and erection of a single storey side and rear extension with glazed single storey rear link	REFUSED 20 Mar 2020	Irma Sinkeviciene
2019/1040/COU	Makin Enterprises	Leeds East Airport Busk Lane Church Fenton Tadcaster North Yorkshire LS24 9SE	Retrospective change of use of building and associated land from Aerodrome (Sui Generis) to public cafe (A3)	PERMITTED 18 Mar 2020	Gary Bell
2019/1081/COU	Mr Andrew Cawood	Land off Lund Sike Lane South Milford Leeds West Yorkshire	Proposed change of use to dog exercise field	PERMITTED 23 Mar 2020	Irma Sinkeviciene
2019/1107/COU	Sleepsafe	Land to rear of Bowling Alley Bawtry Road Selby YO8 8NA	Proposed change of use of land for homeless accommodation/facilities	PERMITTED 31 Mar 2020	Chris Fairchild

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/1121/FUL	Mr J Stoyles	Holly Lodge Back Lane Osgodby Selby North Yorkshire YO8 5HS	Demolition of existing bungalow and replacement with 2 No. new build 3 bedroom, detached dormer bungalows with integral garages	PERMITTED 20 Mar 2020	Rebecca Leggott
2019/1149/HPA	Mr Neil Hutton	Chantry House Hull Road Cliffe Selby North Yorkshire YO8 6PH	Proposed demolition of the greenhouse and erection of a single storey outbuilding ancillary to the dwellinghouse	PERMITTED 31 Mar 2020	Irma Sinkeviciene
2019/1168/FUL	K & J M Pick	Scarthingwell Farm Scarthingwell Lane Towton Tadcaster North Yorkshire LS24 9PF	Proposed conversion and extension of a redundant barn to a holiday cottage	PERMITTED 7 Apr 2020	Irma Sinkeviciene
2019/1174/HPA	Sukhryan Dhesi	Permac Main Street Bilbrough York YO23 3PH	Proposed new rear dormer, ground floor extension, alterations to garage and fenestrations	PERMITTED 9 Apr 2020	Irma Sinkeviciene
2019/1218/REM	Dimmack Brothers Ltd	Land to the west of Main Street South Duffield Selby North Yorkshire	Reserved matters application including appearance, landscaping, layout, scale and access of approval 2017/0041/OUT Outline application for planning permission for residential development for up to 4 no. dwellings (all matters reserved) on	PERMITTED 27 Mar 2020	Rebecca Leggott

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/1235/HPA	Mr Matthew Bulmer	4 Sherwood Drive Thorpe Willoughby Selby North Yorkshire YO8 9TN	Proposed erection of a metal bow top fence around the front boundary with pedestrian access gate	REFUSED 31 Mar 2020	Bethany Harrison
2019/1249/CPE	Mr Steven Hargreaves	Field House Turnham Lane Cliffe Selby North Yorkshire YO8 6NQ	Certificate of lawful use for existing use of buildings as part of a single dwellinghouse	PERMITTED 17 Apr 2020	Rebecca Leggott
2019/1309/HPA	Mr & Mrs Ribeiro	29 Papyrus Villas Newton Kyme Tadcaster North Yorkshire LS24 9LX	Proposed single storey side extension	PERMITTED 30 Mar 2020	Mandy Cooper
2019/1311/HPA	Mr Vikas Gupta	32 Wenlock Drive Escrick York YO19 6JB	Proposed single storey side/rear extension and first floor side/rear extension to existing detached house to create additional living accommodation	PERMITTED 23 Mar 2020	Jac Cruickshank
2019/1346/HPA	Mrs Kay McKenna	The Sycamores Cottage Moor Lane Ryther Tadcaster North Yorkshire LS24 9EP	Proposed single storey extensions to the south/east corner of the existing building	REFUSED 15 Apr 2020	Jac Cruickshank
2019/1348/HPA	Mr Ross Wilson	2 Stable Road Barlow Selby North Yorkshire YO8 8LX	Erection of extension to kitchen (retrospective)	PERMITTED 6 Apr 2020	Laura Holden

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/1352/FUL	TP Fairfield LTD & Fairfield Homes (Northern) Limited	Land at The Haven Rawfield Lane Fairburn Knottingley West Yorkshire	Proposed residential development of 6no dwellings and associated works	PERMITTED 30 Mar 2020	Jenny Tyreman
2020/0035/HPA	Mr & Mrs Knightley	Fold Yard House Old Boys School Lane Cawood Selby North Yorkshire YO8 3TY	Proposed single storey rear/side extension	PERMITTED 31 Mar 2020	Jac Cruickshank
2020/0039/HPA	Mr Watson	32 Elmete Avenue Sherburn In Elmet North Yorkshire LS25 6EH	Proposed erection of two storey side extension to provide additional living accommodation	PERMITTED 18 Mar 2020	Bethany Harrison
2020/0044/TCA	Mr Derrick Alan Speight	Rear of Village Hall Main Street Womersley Doncaster South Yorkshire	Proposed crown reduction to 5-8 metres, side pruning by 20% and crown thinning by 20% to 8 No Sycamore trees and 1 No Pine tree in the conservation area	PERMITTED 18 Mar 2020	Will Smith
2020/0051/HPA	Mr & Mrs Walker	2 Derwent View Main Street Thorganby York North Yorkshire YO19 6DB	Proposed demolition of existing conservatory and replacement with orangery style sun room, two storey rear extension, and new front entrance porch	PERMITTED 26 Mar 2020	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0054/HPA	Mr Adrian Bolton	Briermede Main Street Thorganby York North Yorkshire YO19 6DA	Construction of single-storey rear extension. Replacement of existing windows with new double glazed units	PERMITTED 26 Mar 2020	Laura Holden
2020/0056/HPA	Mrs Amy Doyle	Manor Grange Cottage Wrights Lane Cridling Stubbs Knottingley West Yorkshire WF11 0AS	Proposed erection of detached garage (and creation of replacement parking as required by condition 03 of permission 2016/1194/FUL)	REFUSED 23 Apr 2020	Chris Fairchild
2020/0058/HPA	Mrs Anderson-Brown	3 Garden Close Sherburn In Elmet Leeds North Yorkshire LS25 6NN	Proposed rear orangery	PERMITTED 23 Mar 2020	Bethany Harrison
2020/0066/HPA	Mr Malcolm Bradley	Richmond House Main Street Barkston Ash Tadcaster North Yorkshire LS24 9PR	Proposed erection of first floor extensions	PERMITTED 19 Mar 2020	Irma Sinkeviciene
2020/1356/HPA	Diocese of Leeds	Caretakers Bungalow St Marys R C Primary S Baffam Lane Brayton Selby North Yorkshire YO8 9AX	Retrospective creation of new vehicular access	PERMITTED 26 Mar 2020	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0069/HPA	Mr & Mrs Brown	38 Calcaria Road Tadcaster LS24 9HH	Proposed conversion of existing garage to bedroom with new lean to roof over bedroom and kitchen	PERMITTED 16 Mar 2020	Irma Sinkeviciene
2020/0070/HPA	Mr A Thompson	19 Manor Road Tadcaster LS24 8HP	Proposed alterations and extensions to form garden room, enlarged kitchen and porch and at first floor level, extended bedroom including en-suite	PERMITTED 16 Mar 2020	Irma Sinkeviciene
2020/0078/HPA	Mr A Dalton	1 Low Lead Cottages Milner Lane Saxton Tadcaster North Yorkshire LS24 9QH	Proposed erection of two storey side extension and single storey rear extension	PERMITTED 24 Mar 2020	Irma Sinkeviciene
2020/0081/TPO	Mr Mike Desmond	Tindalls Farm Sand Lane Osgodby Selby North Yorkshire YO8 5HN	Application for consent for 30% crown reduction to 2 No Sycamore trees covered by TPO 7/2004	PERMITTED 24 Mar 2020	Will Smith
2020/0087/HPA	Mr Andrew Hatton	28 Peppermint Way Selby YO8 4QY	Proposed extension at first floor level	PERMITTED 23 Mar 2020	Jac Cruickshank
2020/0088/HPA	Mr Keith Heslop	26 Peppermint Way Selby YO8 4QY	Proposed extension at first floor	PERMITTED 23 Mar 2020	Jac Cruickshank
2020/0090/HPA	Mr John & Mrs Madeleine Chesworth	54 Back Lane Bilbrough York YO23 3PL	Proposed single storey rear extension to replace conservatory and two storey front extension, rear decking area and associated alterations	PERMITTED 26 Mar 2020	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0092/HPA	Mrs Judith Hannah	Thorgill House Main Street North Duffield Selby North Yorkshire YO8 5RG	Proposed demolition of existing ground floor rear bathroom, erection of ground floor side and rear extension to form hall, kitchen & wet-room, modification of first floor bedroom 2 to form upstairs bathroom and alteration to ground and first floor front window size (back to the original proportions)	PERMITTED 19 Mar 2020	Jac Cruickshank
2020/0094/HPA	Mr & Mrs Robson	4 Chestnut Avenue Hemingbrough Selby North Yorkshire YO8 6UG	Proposed single storey rear extension to replace existing conservatory and works to existing house to comprise new window to side elevation	PERMITTED 26 Mar 2020	Bethany Harrison
2020/0096/DOC	Miss Claire Hawe	Land south of The Gables Brier Lane Newland Selby North Yorkshire	Discharge of condition 06 of approval 2014/0443/FUL for application for the erection of 1no. detached dwelling	CONDITION DECISION 17 Mar 2020	Mandy Cooper
2020/0097/HPA	Mr Paul Woods	The Willows Moor End Kelfield York North Yorkshire YO19 6RJ	Proposed single storey rear extension, first floor rear extension above existing dwelling and internal alterations to existing dormer bungalow to create additional family living accommodation	PERMITTED 31 Mar 2020	Jac Cruickshank
2020/0100/PPP	Mr & Mrs West	Watermill Farm Main Street Kirk Smeaton Pontefract West Yorkshire WF8 3JY	Lawful development certificate for proposed erection of a detached garage	PERMITTED 31 Mar 2020	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0102/CPE	Mr David Francis	Shelton Firs Hillam Common Lane Hillam Leeds West Yorkshire LS25 5HR	Lawful development for continued use in excess of 10 years in breach of 8/55/50A/PA condition No.4	PERMITTED 6 Apr 2020	Yvonne Naylor
2020/0104/HPA	Mr Jez Booth	4 Oak Field Brayton Selby North Yorkshire YO8 9QZ	Proposed erection of single storey garage and re-roof of existing flat roof with pitched roof	PERMITTED 26 Mar 2020	Jac Cruickshank
2020/0110/HPA	Mr Marcus Catt	Sunset View Brant Lane Stutton Tadcaster North Yorkshire LS24 9BN	Proposed erection of a single storey extension to the side elevation creating an enlarged Kitchen	PERMITTED 30 Mar 2020	Irma Sinkeviciene
2020/0111/HPA	Mr Ross Caulfield	34 Hawthorns Riccall York North Yorkshire YO19 6NZ	Proposed single storey front and rear extension, two storey side extension and alterations to existing detached dwelling to create additional living accommodation	PERMITTED 27 Mar 2020	Jac Cruickshank
2020/0114/TCA	Mrs Helen Spencer	Manor Farm House Main Street Bilbrough York YO23 3PH	Application for consent to prune 11 No Cherry trees by 40% in the conservation area	PERMITTED 18 Mar 2020	Will Smith

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0115/DOC	Mr Ian Mitchael	Central Lodge Thorpe Wood Thorpe Willoughby Selby North Yorkshire YO8 3RG	Discharge of condition 06 (spray booth) of approval 2018/0162/FUL proposed steel frame industrial building 30m x 15m for Use Classes B2 and B8	CONDITION DECISION 1 Apr 2020	Bethany Harrison
2020/0116/HPA	Ms Marion Horton	33 Carrs Meadow Escrick Selby York North Yorkshire YO19 6JZ	Proposed demolition of existing rear conservatory and erection of single storey rear extension	PERMITTED 2 Apr 2020	Laura Holden
2020/0129/TCA	Mr Paul Elmhirst	Swallow House The Green Stillingfleet York North Yorkshire YO19 6SG	Proposed felling of 7 No Beech trees in the conservation area	PERMITTED 18 Mar 2020	Will Smith
2020/0131/HPA	Mr & Mrs Annakin	Silver Birches Doncaster Road Whitley Goole East Yorkshire DN14 0HZ	Erection of first floor to bungalow, two storey front extension and single storey rear extension	PERMITTED 3 Apr 2020	Jac Cruickshank
2020/0133/HPA	Mr Glen Watkins	22 Pastures Close Barlby Selby North Yorkshire YO8 5NN	Proposed conversion of garage to a home gym/physio room	PERMITTED 26 Mar 2020	Laura Holden

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0139/MAN2	Glentroot Land (Sherburn 4) LLP	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Non material amendment of 2019/0462/FULM Proposed erection of single storey office block, light gauge steel workshop and wash down/pre storage area together with access, parking, sliding security gate and site boundary fencing in association with the use of the site for the hire, storage and refurbishment of relocatable buildings	PERMITTED 16 Mar 2020	Gary Bell
2020/0140/TPO	Mr Dave Scott	East Wing Highfield Inholmes Lane Tadcaster LS24 9JS	Application for consent to carry out reduction by 1m to 1no Horse Chestnut (T1) and to crown reduce canopy by 3m to 1no Beech (T2) covered by TPO 26/1990	PERMITTED 3 Apr 2020	Will Smith
2020/0141/HPA	Mr Tom & Mrs Emma Hope	30 The Fairway Sherburn In Elmet North Yorkshire LS25 6LN	Proposed erection of single storey rear extension with raised patio and fence, garage conversion and new bay window	PERMITTED 2 Apr 2020	Irma Sinkeviciene
2020/0143/HPA	Mr Richard Hall	19 George Terrace Barlby Selby North Yorkshire YO8 5HA	Proposed first floor rear extension to enlarge bedroom and single storey rear extension for morning room	PERMITTED 9 Apr 2020	Laura Holden
2020/0144/HPA	Mr Andrew Dabill	3 Oak Road North Duffield Selby North Yorkshire YO8 5TN	Proposed first floor pitched roof extension to the side elevation above existing attached garage	PERMITTED 27 Mar 2020	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0148/HPA	Mr & Mrs Harrand	49 Moat Way Brayton Selby North Yorkshire YO8 9RA	Proposed erection of single storey side extension	PERMITTED 2 Apr 2020	Bethany Harrison
2020/0146/TPO	Mrs Angela Marshall	17 Fairway Selby YO8 9AF	Application for consent to crown reduce of up to 25% to 1no Sycamore tree (T2) and 2no Oak tree (T3 & T4) covered by TPO 5/2007	PERMITTED 7 Apr 2020	Will Smith
2020/0152/ADV	Stonebridge Homes	Willow Crest Road Cawood Selby North Yorkshire	Advertisement consent for display of 2 No non illuminated contact/showroom signs and 4 No flags	PERMITTED 23 Mar 2020	Jac Cruickshank
2020/0158/HPA	Mr & Mrs Terry Wilks	20 Tune Street Osgodby Selby North Yorkshire YO8 5HL	Proposed front and side extension to existing semi-detached bungalow to create additional garage facility and living accommodation	PERMITTED 3 Apr 2020	Jac Cruickshank
2020/0159/TCA	Mrs Alice Proctor	The Brambles Main Street Hillam Leeds West Yorkshire LS25 5HH	Application for consent to crown reduce by 40% and crown lift by 0.6m to 1No Acer Flamingo tree in the conservation area	PERMITTED 27 Mar 2020	Will Smith
2020/0163/FUL	Mr Graham Glynn	Eastfield Court Ryther Road Ulleskelf North Yorkshire Tadcaster LS24 9DY	Proposed construction of a large pond plus swimming pond area in front of existing dwelling	PERMITTED 21 Apr 2020	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0164/TCA	North Yorkshire County Council	Abbey Vaults James Street Selby YO8 4PY	Application for consent to crown lift by 2 metres and crown reduction by 2 metres to 1 No Silver Birch, 1 No Cherry and 1 No Plane tree within the conservation area	PERMITTED 3 Apr 2020	Will Smith
2020/0166/ADV	Optimum Vehicles Ltd	Optimum Vehicles Ltd Tadcaster Road Bilbrough York North Yorkshire YO23 3NX	Advertisement consent for 1no PVC banner, relocation of 2no signs and erection of 2no illuminated gable signs and erection of 1no sign to entrance	PERMITTED 15 Apr 2020	Mandy Cooper
2020/0167/TELC	Arqiva Ltd	West End Farm Buildings Woodhall Lane South Duffield Selby North Yorkshire	Prior notification of proposed development by telecommunications code system operators for proposed 1no 1.5m MNI at 11.25m mounted off building gable end, 1no GPS antenna at 9.25m mounted on proposed antenna support pole, 1no 3G OMNI antenna at 9.25m mounted on proposed antenna support pole and Arqiva wall mounted smart metering equipment enclosure and associated trunking	TELECOMMUNICATIONS - PERMITTED 9 Apr 2020	Bethany Harrison
2020/0169/TCA	Mr Barry Townend	Holly Cottage Church Street Riccall York North Yorkshire YO19 6PN	Application for consent to remove 3no Pine trees within the conservation area	PERMITTED 21 Apr 2020	Will Smith
2020/0175/HPA	Mr Andrew Parker	54 Baffam Gardens Brayton Selby YO8 9AY	Proposed first floor extension to existing detached house to create additional living accommodation and porch	PERMITTED 14 Apr 2020	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0179/ATD	Mr & Mrs Howard White	Barn adjacent to 23 Tranmore Lane Eggborough Goole East Yorkshire	Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development	PRIOR NOTIFICATION - REFUSE 3 Apr 2020	Jenny Tyreman
2020/0180/TPO	Thorpe Willoughby Parish Council	Linden Way Thorpe Willoughby Selby North Yorkshire	Proposed removal of limb from south side of tree to 1 No Pine covered by TPO 1/2003	PERMITTED 15 Apr 2020	Will Smith
2020/0182/HPA	Samuel Smith's	12A St Josephs Street Tadcaster LS24 9HA	Proposed removal of existing 'recent' entrance porch and reinstatement of former original entrance door position	PERMITTED 20 Apr 2020	Irma Sinkeviciene
2020/0195/TCA	Mr Michael Mortimer	The Sandpiper Back Lane Hemingbrough Selby North Yorkshire YO8 6QP	Application for consent to remove 2no Conifers and 1no Spruce within the conservation area	PERMITTED 6 Apr 2020	Will Smith
2020/0196/TCA	Mr Michael Mortimer	Treverven Back Lane Hemingbrough Selby North Yorkshire YO8 6QP	Proposed removal of 10no limbs to 1 No Scots Pine tree in the conservation area	PERMITTED 15 Apr 2020	Will Smith
2020/0199/S73	Miss Leeman	Jackadory 37 York Road Riccall York North Yorkshire YO19 6QG	Section 73 to vary condition 2 of planning permission 2018/0263/FUL Proposed erection of 1No. dwelling granted on 18 July 2018	PERMITTED 8 Apr 2020	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0200/ADV	Howden Joinery Properties Limited	Howden Joinery Vivars Way Selby North Yorkshire YO8 8BE	Advertisement consent for 2 No externally illuminated fascia signs	PERMITTED 31 Mar 2020	Jac Cruickshank
2020/0201/HPA	Mr Chris Londes	10 Orchard Close South Milford Leeds West Yorkshire LS25 5BQ	Proposed part two storey extension to front and part single storey extensions to front and rear	PERMITTED 15 Apr 2020	Irma Sinkeviciene
2020/0204/PPP	Mr & Mrs Weeks	The Cranleigh Moor End Kelfield York North Yorkshire YO19 6RJ	Lawful development certificate for proposed single storey rear extension	REFUSED 14 Apr 2020	Bethany Harrison
2020/0206/HPA	Katherine Bartyla	5 Meadow View Thorganby York North Yorkshire YO19 6FH	Proposed conversion of garage to granny annexe	PERMITTED 9 Apr 2020	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0210/DOC	Whitworth Bros. Ltd	Northside Industrial Park Selby Road Eggborough Goole East Yorkshire	Discharge of condition 09 (cladding samples) of approval 2019/0573/S73 Section 73 application for demolition of existing dilapidated concrete building, associated porta-cabins and outbuildings, partial demolition of existing packing, heat treatment plant and warehouse building, construction of a world leading flour production facility, including new mill building, welfare buildings, warehouse, CHP, silos, weigh-bridges and associated hardstanding without complying with conditions 02, 09, 10 and 11 of approval 2018/0872/FULM granted on 22 January 2019	CONDITION DECISION 31 Mar 2020	Mandy Cooper
2020/0214/HPA	Mr James Stapleton	2 Barn Cottages Main Street Womersley Doncaster South Yorkshire DN6 9AY	Proposed erection of single storey rear house extension	PERMITTED 23 Apr 2020	Irma Sinkeviciene
2020/0215/PPP	Mr James Stapleton	2 Barn Cottages Main Street Womersley Doncaster South Yorkshire DN6 9AY	Lawful development certificate for proposed erection of single storey out building to be used as gym located in the rear garden. The proposed building is less than 2.5m high and is greater than 2m from all boundaries	REFUSED 23 Apr 2020	Bethany Harrison
2020/0217/TELB	Openreach	Sutton Lane Byram Knottingley West Yorkshire	Proposed replacement pole	TELECOMMUNICATIONS - NOT REQUIRED 23 Mar 2020	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0219/HPA	Jason Clemmit	39 Wharfedale Crescent Tadcaster LS24 9JH	Proposed second floor over an existing detached garage to produce a hobby/workshop/storage area	PERMITTED 22 Apr 2020	Irma Sinkeviciene
2020/0222/PPP	Mr & Mrs S Rostron	2 Nursery Close South Milford Leeds West Yorkshire LS25 5FB	Lawful development certificate for proposed single storey extension to rear of detached property	REFUSED 9 Apr 2020	Bethany Harrison
2020/0237/TELB 95645	MLL Telecom Ltd	Telecommunications Mast Lynwith Lane Carlton Goole East Yorkshire	Replace a 0.3m microwave dish antenna located at a height of 22m on the existing greenfield site with a 0.3m microwave dish antenna at a height of 30m orientated to 201 degrees from north Ref: 95645	TELECOMMUNICATIONS - NOT REQUIRED 31 Mar 2020	Bethany Harrison
2020/0263/DOC	Mr Andrew Croasdale	1 Northlands Close Escrick York YO19 6JD	Discharge of condition 03 (external surfaces) of approval 2018/1434/HPA Demolition of existing garage, proposed two storey side extension, front extension and balcony	CONDITION DECISION 21 Apr 2020	Laura Holden
2020/0290/TELB	BT Openreach	Lynwith Lane Carlton Goole East Yorkshire	Proposed installation of fixed line broadband electronic communications apparatus, ref WBHR0D7X	TELECOMMUNICATIONS - NOT REQUIRED 3 Apr 2020	Bethany Harrison
2020/0296/DOC	Mrs Natalie Bradshaw	School House York Road Skipwith Selby North Yorkshire YO8 5SF	Discharge of condition 03 (vents) of approval 2018/0123/LBC for listed building consent for internal renovation, removal of internal wall and rebuild gable end lean	CONDITION DECISION 19 Mar 2020	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0334/TELB	Openreach	32 Rosemary Court Tadcaster LS24 8HR	Proposed installation of fixed line broadband electronic communications apparatus (1 x 8m pole), ref NQG421MY	TELECOMMUNICATIONS - NOT REQUIRED 7 Apr 2020	Bethany Harrison
2020/0369/DOC	Mr Gavin Brook	7 St Marys Walk Hambleton Selby North Yorkshire YO8 9GH	Discharge of condition 09 (contamination) of approval 2019/0176/FUL Proposed erection of 3 bedroom detached cottage utilising existing garage and parking for number 7	CONDITION DECISION 23 Apr 2020	Jenny Tyreman

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for Nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.