

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 18 August 2021
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, D Mackay, S Duckett and C Richardson
Officers Present:	Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Yvonne Naylor – Principal Planning Officer, Fiona Ellwood – Principal Planning Officer, Diane Holgate – Principal Planning Officer, Bethany Harrison – Planning Officer; and Dawn Drury – Democratic Services Officer
Press:	1
Public:	1

25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Welch. Councillor S Duckett was in attendance as a substitute for Councillor Welch.

26 DISCLOSURES OF INTEREST

Councillor Ellis declared that he had received representations in respect of agenda items, 5.1 – Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash, Tadcaster and agenda item 5.3 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Packham declared that he had received representations in respect of agenda items, 5.1 – Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash, Tadcaster, agenda item 5.3 – Land South of Gloster Close, Busk Lane, Church Fenton and agenda item 5.5 – Old Manor House, Main Street, Bilbrough.

Additionally, Councillor Packham declared that he had a personal interest in agenda item 5.1 – Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash, Tadcaster, and stated that he would be leaving the room during consideration of this item and would not participate in the discussion or vote.

Councillors Cattanach, Mackman, Topping, Ellis, Chilvers, Richardson and Mackay declared that they had received representations in respect of agenda item 5.5 – Old Manor House, Main Street, Bilbrough.

27 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would be summarised by the Officer in their presentation.

28 MINUTES

The Committee considered the minutes of the Planning Committee meetings held on 30 June 2021 and 7 July 2021.

In relation to the minutes of the meeting held on the 7 July 2021 the Committee requested that at page 3, paragraph 4, the final sentence, "*Members stated that the local Parish Council had been aware of such an issue for some time*", be removed as this was incorrect, Members had not stated that the Parish Council had been aware. It was agreed this wording should be removed.

Additionally, in the minutes of the meeting held on 30 June, page 16, paragraph 2, amend revery to read revert.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 30 June 2021 and 7 July 2021 subject to the above amendments for signing by the Chairman.

29 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

29.1 2020/1013/FULM - SCARTHINGWELL GOLF CLUB, SCARTHINGWELL PARK, BARKSTON ASH, TADCASTER

Following his earlier declaration, Councillor R Packham left the meeting at this point and did not participate in the discussion or vote on the next item.

Application: 2020/1013/FULM

Location: Scarthingwell Golf Club, Scarthingwell Park,

Barkston Ash, Tadcaster

Proposal: Erection of 99 holiday lodges with reception building, reconfiguration of the golf course and use of building as a golf academy and greenkeeper's store

The Principal Planning Officer presented the application which had been brought before Planning Committee as the site was within the Green Belt and the applicants were seeking consent for inappropriate development based on a justification utilising a case of Very Special Circumstances as enabling development. In addition, the application had received in excess of 10 comments in support and more than 10 objections. The application had been advertised as a departure from the Development Plan, for wider publicity and under the Listed Building Act. The last of these notices expired on the 12 June 2021.

Officers explained that should Committee be minded to approve the application, it would need to be referred to the Ministry of Housing, Communities and Local Government in accordance with the Town and Country Planning (Consultation) (England Direction April 2021), as it was development in the Green Belt of buildings of more than in excess of 1,000sqm.

Members noted that the application was for the erection of 99 holiday lodges with reception building, reconfiguration of the golf course and use of building as a golf academy and greenkeeper's store.

The Officer Update Note advised Members that no further letters of support or objection had been received over those summarised within the Officers report.

Members queried if the holiday lodges would be permanent structures, whether research had been conducted to ascertain if similar developments had been approved in other areas, within the Green Belt; and if there was a boundary detail adjacent to the golf course to provide protection for the lodges from stray golf balls. Officers confirmed that the holiday lodges would be permanent structures with the Council having a final say on the design, research conducted had not sourced any holiday lodge applications which were considered to be the same as this application; and there was a boundary detail adjacent to the golf course, however this only consisted of a low fence.

Councillor Richard Musgrave, Ward Councillor, had

submitted a statement to be read out to the Planning Committee against the application.

John Wyatt, agent, was invited remotely into the meeting and spoke in favour of the application.

Members debated the application and raised a number of concerns regarding the application, including its location in the Green Belt, its impact on the area and that it was inappropriate development within the Green Belt.

Members expressed a strong opposition to the scheme and gave a few reasons for refusal. These reasons included:

- that the proposed erection of 99 holiday lodges with associated reception building and electricity sub-station was inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and in accordance with the NPPF, paragraph 144, it should be accorded substantial weight in the planning balance against the case for very special circumstances.
- that the reconfiguration of the golf course to accommodate the holiday lodge complex, sub-station, car parking, and general access roadways would cause significant harm to the openness of the Green Belt.
- that it was considered that the proposed holiday lodge complex represented a significant encroachment into the Green Belt.
- that it was considered that the proposed holiday lodge complex would have a detrimental impact on the character and appearance of the Green Belt. Taking into account the sites sensitive location in the Green Belt with listed buildings to the west, historic park and gardens to the south and west, and the nearby battlefield of Towton.
- that it was considered that there would be some harm to the residential amenity in terms of increased footfall, increased vehicle movements, and the proposed residency all year round. Due to the scale of the proposal there would also be negative impacts on the ecology, protected species and the Carr Wood ancient woodland.

It was proposed and seconded that the application be REFUSED based on the reasons outlined above by Members and delegation was given to Officers to agree the precise wording for the reasons for refusal. Upon being put to the vote, this was carried.

RESOLVED:

To REFUSE the application for the following reasons:

- i) The proposed development of the site namely the reconfiguration of the golf course in order to provide 99 New Holiday Lodges with reception building, car parking, substation, general access roadways and hard standing constitutes inappropriate development in the Green Belt as it falls outside the listed exceptions in paragraphs 149 and 150 of the National Planning Policy Framework. Furthermore, significant harm has been identified to the open character, appearance and setting of the Green Belt from the encroachment of the aforementioned development onto otherwise undeveloped land that has an absence of any built form or hard surfacing on it. The proposal would not protect the essential characteristics of the Green Belt, being its openness and permanence and would conflict with the purposes of including land within it. The increased footfall, increased vehicle movements and the proposed year-round residency would result in further harm to the openness and tranquil setting of the Green Belt and further harm to residential amenity, ecology, protected species and the Carr**

Wood Ancient Woodland.

In accordance with paragraphs 147 and 148 of the NPPF, the harm by definition of inappropriate development, and any other harm is attributed substantial weight in the planning balance. By comparison no other considerations amounting to Very Special Circumstances exist that would clearly outweigh the harm by reason of inappropriateness or the harm to the openness and other purposes of the Green Belt. As such, the proposed development would be contrary to national Green Belt policy contained in chapter 13 of the NPPF (July 2021) and Policies SP3(B) and SP18 of the Selby District Core Strategy Local Plan (2013) and Policy ENV1 of the Selby District Local Plan (2005).

- ii) The proposed scheme would have a detrimental impact on the setting of the Grade 2 Listed Buildings at Old Hall Farm to the west, Scarthingwell Hall Historic Park and Garden to the south, the Locally Important Landscape Area to the west and the nearby Towton Registered Battlefield. This would result in less than substantial harm to the significance of the designated and non-designated heritage assets and no public benefits have been identified that would outweigh this harm. On this basis the scheme is considered to be unacceptable as a result is contrary to Policies ENV1, ENV15 and ENV17 of the Selby District Local Plan (2005), Policies SP18 and SP19 Selby District Core**

**Strategy Local Plan (2013) and
paragraph 202 of the National
Planning Policy Framework
(2021).**

Councillor Packham re-joined the meeting at this point.

**29.2 2021/0347/FUL - THE OLD WINDMILL, OLD ROAD, APPLETON
ROEBUCK YO23 7EL**

Application: 2021/0347/FUL

Location: The Old Windmill, Old Road, Appleton
Roebuck

Proposal: Conversion and extension to windmill to form
dwelling (retrospective)

The Principal Planning Officer presented the application which had been brought before Planning Committee as Officers considered that although the proposal was contrary to Criterion 1 of Policy H12 of the Local Plan, there were material considerations which would justify approving the application.

Members noted that the application was for the conversion and extension to the windmill to form a dwelling (retrospective).

Members queried if the listed building consent (LBC) was for this application and asked for clarification from the Officer in regard to the differences between the planning application before them and planning application 2020/1021/S73 made in October 2020. The Principal Planning Officer explained that the LBC was for this application and that application 2020/1021/S73 was not able to be determined within the extant period of the consent, therefore a new full retrospective application had been submitted and the S73 was withdrawn.

Additionally, it was confirmed that the material differences between the two planning applications were the alignment of the extension to the windmill and changes to the internal layout.

In accordance with the Officer's report, it was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried unanimously.

RESOLVED:

To APPROVE the application subject to

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the conditions set out at paragraph 7 of the report.

29.3 2020/0225/FULM - LAND SOUTH OF GLOSTER CLOSE, BUSK LANE, CHURCH FENTON, TADCASTER

Application: 2020/0225/FULM

Location: Land South of Gloster Close, Busk Lane, Church Fenton, Tadcaster

Proposal: Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park

The Principal Planning Officer presented the application which had been deferred at the meeting of 30 June 2021 for a site visit by the Committee. The application was originally brought before Planning Committee due to the significant number of representations both in support and opposition to the application, which raised material planning considerations, and that Officers would otherwise determine the application contrary to some of these representations.

Members noted that the application was for the proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park.

The Officer Update Note set out additional letters of representation which had been received and which had been summarised in the Officers report, an update on the flood risk section, condition 16 required the words “only to” adding on the first line between limited and the; and the proposed inclusion of two additional conditions in relation to site management and the possibility of a personal condition. The Officer requested that Members give Officers delegation to agree and attach any additional site management conditions.

In addition, Members were informed that following re-consultation with the Internal Drainage Board (IDB) because the proposal was to establish a gravity connection with the existing watercourse to the west, the consent of the IDB was required by law, this had been covered at planning condition 6, which stated that a full drainage strategy was to be agreed prior to commencements.

In terms of imposing an additional condition that the land should revert back to agricultural use if the proposed BMX facility ceased to operate, Members were advised

that such a condition would be difficult to impose and enforce.

Officers informed Members that the Council were required to undertake a statutory consultation with the Leeds East Airport and the Civil Aviation Authority in relation to flight paths and therefore, the decision would be a minded to decision subject to the expiry of the 21-day consultation being undertaken, and members giving officers delegation to issue the decision subject to no issues being raised.

The Committee asked questions of the Officer regarding additional conditions relating to the land reverting to agricultural use and possible volumes of traffic at the site.

In response to a query regarding whether a condition could be applied relating to agricultural reversion and would there be a concept of abandonment which might apply if the site was not being maintained and being used infrequently. The Solicitor confirmed that a condition on abandonment could be imposed as a cessation of use at the site would be easier to identify, however the enforceability of such a condition could be problematic.

Richard Walls, objector, had submitted a statement to be read out to the Planning Committee against the application.

Sam Dewar, agent, was invited remotely into the meeting and spoke in support of the application.

Members debated the application further and agreed that the extent of the BMX site was a good distance away from local housing, the hours of operation were considered appropriate, and there was no other facility of its kind in the area.

Members agreed to support the officer recommendations with the added condition that the site reverts back to agricultural use should the BMX site be abandoned in the future.

It was proposed and seconded that the application be minded to GRANT. A vote was taken on the proposal and was carried.

RESOLVED:

To be minded to GRANT the application subject to giving officers delegation to

issue the decision subject to no issues being raised following statutory consultation with the Civil Aviation Authority and Leeds East Airport, giving officers delegation to agree any additional conditions in relation to site management, attach the conditions set out at paragraph 7 of the report and in the officer update note. And add the additional condition that the site reverts back to agricultural use should the BMX site be abandoned in the future.

29.4 2021/0668/FUL - HAZEL GROVE FARM, WEELAND ROAD, HENSALL, SELBY

Application: 2021/0668/FUL

Location: Hazel Grove Farm, Weeland Road, Hensall, Selby

Proposal: Erection of a detached bungalow following demolition of former showroom previously approved for the change of use to a dwelling under application 2018/1220/FUL

The Principal Planning Officer presented the application which had been brought before Planning Committee as the site was located outside of development limits, in the open countryside, as defined by the Selby District Local Plan 2005. Technically, the proposal was contrary to Policies SP2 of the Core Strategy and H13 of the Local Plan, which permitted replacement dwellings, subject to certain exceptions. The application did not fall within the exceptions as it did not replace an existing dwelling, but replaced a building approved to be converted to a dwelling. As such, the determination of the application fell outside the remit of the delegation agreement (c ii).

Members noted that the application was for the erection of a detached bungalow following demolition of former showroom previously approved for the change of use to a dwelling under application 2018/1220/FUL.

The Officer Update Note set out details of additional policies which were relevant to the consideration of the application, along with clarification of the fall-back position in law for Member's information.

Some Members raised concerns on the application and felt that it should be refused as the extant planning permission had been for the conversion of a showroom

to a bungalow when the application in front of the Committee today was for the demolition of the showroom and the creation of a new bungalow. As such, this was considered to be a new build in open countryside which was contrary to SP2A of the Core Strategy and policies H12 and H13 of the Local Plan.

A query was raised regarding the nature of the appeal which was ongoing for the application, the Officer confirmed that the appeal had been brought about as the applicant had not submitted an ecology survey.

Other Members expressed their support for the application and stated that in this case there were material considerations which outweighed any policy issues, as the applicant was replacing a building with another building of the same size, which in terms of appearance was more appropriate for the area.

In accordance with the Officers recommendation, it was proposed and seconded that the application be GRANTED. An amendment was subsequently proposed that the application be REFUSED.

A vote was taken on the amendment to REFUSE the application and was LOST.

A vote was taken on the substantive motion to GRANT the application and was CARRIED.

RESOLVED:

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

29.5 TPO 4/2021 - OLD MANOR HOUSE, MAIN STREET, BILBROUGH

Application: TPO 4/2021

Location: Old Manor House, Main Street, Bilbrough, York

Proposal: To confirm the Blue Atlantic Cedar – Preservation Order 4/2021

The Planning Officer presented the application which had been brought before Planning Committee to exercise the powers conferred by section 198 of the Town and Country Planning Act 1990.

Members noted that the application was to confirm the

Blue Atlantic Cedar – Preservation Order 4/2021.

The Officer Update Note set out details of one further representation which had been received that queried why documentation which had been provided to the local authority from Barnes Associates was not available on Public Access. The Officer explained that TPO documentation was not usually subject to publication on Public Access, however all documents and representations submitted to the local authority had been summarised within the officer report and included in the officer presentation for fairness.

The Committee asked questions of the Officer in relation to the age and health of the tree and the potential liability to the Council should the tree be diseased, the Solicitor advised that the Council were in receipt of two horticultural reports which provided evidence, however if the decision was considered unreasonable then potentially the Council could be liable.

Additionally, the Officer explained that the Arboricultural specialist engaged by the Council had confirmed that if the recommended works were carried out to the tree this would minimise limb failures in the future; and that the tree made a positive contribution to the Conservation Area.

Members queried whether the residents of Orchard House and Bilbrough Parish Council had been consulted, it was confirmed that the residents had supported removal of the tree, and that no response had been received from the Parish Council.

Daniel Hardy, applicant, was in attendance at the meeting and spoke against the application.

Members debated the application with some Committee Members in agreement that given the potential health of the tree it would be preferable to replace the current tree. Other Members considered that, as an authority, a report had been commissioned which confirmed that the tree had the potential lifespan of a further 20 to 40 years and therefore the TPO should be confirmed.

It was proposed and seconded that the TPO 4/2021 NOT BE CONFIRMED. An amendment was subsequently proposed that the TPO 4/2021 BE CONFIRMED.

A vote was taken on the amendment to CONFIRM the

TPO 4/2021 and was WON.

A vote was taken on the substantive motion to CONFIRM the TPO 4/2021 and was CARRIED.

RESOLVED:

To CONFIRM the Blue Atlantic Cedar – Preservation Order 4/2021.

One Member raised a query regarding an application on page 196 of the agenda pack under planning applications determined under delegated powers which had been dealt with, and permitted, by Officers. There was no suggestion that the decision had been incorrect, however it was felt that an application as serious as eight houses being built in the Green Belt should have been brought before the Planning Committee. A request was made that the delegation process was reviewed, as inappropriate development should not be subject to Officer delegation.

The meeting closed at 4.53 pm.