

Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby,
YO8 9FT

Date: Wednesday, 12 January 2022

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors M Topping, K Ellis, I Chilvers, R Packham,
P Welch, D Mackay and C Richardson

Councillor R Musgrave also present as substitute

Officers Present: Ruth Hardingham – Planning Development Manager, Glenn
Sharp – Solicitor, Gareth Stent – Principal Planning Officer,
Yvonne Naylor – Principal Planning Officer, Fiona Ellwood
– Principal Planning Officer, Diane Holgate – Principal
Planning Officer, Mandy Cooper – Senior Planning Officer,
Victoria Foreman – Democratic Services Officer

Press: 0

Public: 9

50 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor J Mackman.
Councillor R Musgrave was in attendance as a substitute for Councillor
Mackman.

51 DISCLOSURES OF INTEREST

Councillors J Cattanach, R Musgrave, K Ellis, P Welch, R Packham, I
Chilvers, D Mackay, C Richardson and M Topping all declared non-pecuniary
interests in agenda items 5.2 - 2021/1295/REM - Yew Tree House, Main
Street, Kelfield and 5.5 - 2019/0031/FUL - Land South of Chapel View, Marsh
Lane, Bolton Percy, as they had all received representations relating to these
applications, but were not required to leave the meeting during consideration
thereof.

Councillor R Musgrave declared a non-pecuniary interest as he knew the

applicant of agenda item 5.5 – 2019/0031/FUL - Land South of Chapel View, Marsh Lane, Bolton Percy and had attended Bolton Percy Parish Council meetings where the item had been debated but would be keeping an open mind during consideration of the application and would therefore not be required to leave the meeting during consideration thereof.

Councillor R Musgrave declared a non-pecuniary interest in agenda items 5.2 - 2021/1295/REM - Yew Tree House, Main Street, Kelfield and 5.1 - 2020/0225/FULM - Land South of Gloster Close, Busk Lane, Church Fenton, as he had been in attendance at meetings of the Parish Councils when both items had been debated but would be keeping an open mind during consideration of the application, and would therefore not be required to leave the meeting during consideration thereof.

Councillor R Musgrave declared a personal interest in agenda item 5.3 - 2019/0559/FULM - Ibbotsons, Mill Hill, Braegate Lane, Colton as he had requested as Ward Councillor that the application be considered by the Committee; he would also be making a representation as Ward Councillor during the debate. As such, Councillor Musgrave confirmed that he would leave the meeting and not take any part in the debate or decision on the item.

52 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.

The Chair also announced that the order of business had been amended so that the agenda items would be taken in the following order:

2019/0559/FULM - Ibbotsons, Mill Hill, Braegate Lane, Colton
2021/1295/REM - Yew Tree House, Main Street, Kelfield
2020/0225/FULM - Land South of Gloster Close, Busk Lane, Church Fenton
2021/1087/FULM - Toll Bridge Filling Station (Derelict), Ousegate, Selby
2019/0031/FUL - Land South of Chapel View, Marsh Lane, Bolton Percy

53 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 8 December 2021.

Members noted that minute number 49.8 - 2020/0014/FULM - Land off Barff View, Burn needed to be amended as the final sentence before the resolution incorrectly stated that the application was proposed, seconded and GRANTED; it should have said proposed, seconded and DEFERRED.

The Committee agreed that the minutes should be amended and agreed.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 8 December 2021 for signing by the Chairman, subject to the amendment of minute item 49.8 detailed above.

54 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

54.1 2019/0559/FULM - IBBOTSONS, MILL HILL, BRAEGATE LANE, COLTON

Application: 2019/0559/FULM

Location: Ibbotsons, Mill Hill, Braegate Lane, Colton

Proposal: Use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal roadway and footpath, construction of water tanks, excavation of lagoons, and construction of hard standings

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor R Musgrave.

Members noted that the application was for the use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal roadway and footpath, construction of water tanks, excavation of lagoons, and construction of hard standings.

The Committee considered the Officer Update Note which set out extra information including additional comments from the LLFA on the amended plans and information and an additional representation on behalf of Samuel Smith Old Brewery (Tadcaster). The Officer had responded to the points raised in these representations on matters including the planning history and landscape.

The Committee asked numerous questions of the Officer about the scheme, in particular about the planning history of the site, when the representation from the LPA had been made, impact on the adjacent green belt, whether a landscape assessment had been undertaken, the removal of tree species, operational hours and traffic impact.

Officers explained that there was no date available for the submission of the representation from the LPA as the current application had been submitted in 2019, and that a traffic survey had been undertaken, but it was not thought that this would affect the green belt. As such, Officers confirmed that the assessment of the scheme and subsequent recommendation would not have been altered. Officers also did not believe that a landscape or formal tree assessment were required.

The Committee noted that Officers had met with the objector to the scheme who had accepted that there was already a lot of traffic in the area; the suggested conditions had been taken from the applicant's additional information. A traffic survey had been undertaken but there was no data on previous use. As such, the impact and volume of traffic, based on a standard agricultural use, had been assessed from that starting point. It was noted that North Yorkshire County Council (NYCC) had agreed with this view.

Councillor R Musgrave, Ward Member, was invited to speak at the meeting and spoke against the application.

Christopher Kendall, agent, was invited into the meeting remotely and spoke in support of the application.

Following the resolution of some technical issues, Brian Percival, objector, was invited into the meeting remotely and spoke against the application.

Members debated the application further and acknowledged the objector's concerns around hours of operation and vehicle movements, and the resulting impacts of such.

The Committee felt that the scheme before them was difficult to assess as there were several issues that required further information, including an assessment of how the site had developed over time. The point was made that the number of jobs on site (86) were likely a result of development without permission in the past. Some Members expressed support for the application in principle but agreed that there were elements that meant that deferral was more appropriate; these included the verification of traffic data, the effects on residential amenity, tree removal and surveying, visual screening and the provision of a landscape visual appraisal. The Committee also asked that Officers request company records relating to information on traffic and vehicle

movements.

It was noted that condition 6 as set out in the report was likely to restrict the business heavily and as such could be difficult to see as appropriate.

Officers informed Members that NYCC would be the body carrying out further data collection and verification on traffic.

A proposal was made that the application be GRANTED, but was not seconded, and as a result the proposal fell.

It was proposed and seconded that the application be DEFERRED; a vote was taken and was carried.

RESOLVED:

That the application be DEFERRED in order for further information, as set out below, to be collected and evaluated as part of the scheme before being brought back to the Committee:

- details of how the site had developed over time;
- the verification of traffic data;
- the effects on residential amenity;
- tree removal and surveying;
- visual screening and the provision of a landscape visual appraisal; and
- that company records relating to information on traffic and vehicle movements be requested of the applicants.

54.2 2021/1295/REM - YEW TREE HOUSE, MAIN STREET, KELFIELD

Application: 2021/1295/REM

Location: Yew Tree House, Main Street, Kelfield

Proposal: Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings

The Principal Planning Officer presented the application which had been brought before Planning Committee as 12 letters of representation had been received, which raised material planning considerations in objection to

the scheme; Officers would otherwise determine the application contrary to these representations. The item was also deferred from the 8 December 2021 meeting to seek amendments for the following:

- a design that better reflected the Conservation Officers' comments;
- addresses issues of over development;
- minimum privacy distances;
- reduction in the number of accesses; and
- differing and smaller house types.

Members noted that the application was a reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings.

Officers presented additional information provided within the Officer Update Note, which included additional highways consultation on the amended plans, amended plans submitted by the applicant to address highway concerns i.e., parking and turning and clarification of matters relating to condition 7.

The Committee asked numerous questions of the Officer about the scheme, pertaining to bin numbers and storage, the current depth of some gardens and the potential extension of gardens beyond the boundary hedge, the absence of a tree survey, the landscape plan, proposed tree planting, streetlighting, the scale of development in a secondary village, the impact on a non-designated heritage asset and appropriate screening of the scheme.

Officers addressed Members' questions by explaining that the issue of bin storage had been recognised and that only two properties would use the main highway when putting out bins for collection. It was acknowledged that there was some visual impact from this and as such, Members suggested that this should be looked at again.

With regards to garden extensions, the Committee noted that a previous reserved matters application had more land with the proposal which extended between three and five metres, giving the properties more usable amenity space. The red line on the plans did not reflect the outline consent; as such, the gardens were shallower with gated access to the land at the rear. Officers confirmed that should the application be granted, the applicants had indicated that they would apply to extend

the gardens.

In relation to tree planting, Officers explained that no concerns had been expressed by Yorkshire Water, but that the amended plans for Plot 4 may need to be checked again for changes. Members were also made aware that, following on from the query on the relocation of streetlights, this was a matter that would be the responsibility of the Highways Department at NYCC and would be at the applicant's expense.

The scale of development in a secondary village had been raised by the Committee; Officers explained that the original indicative plan was originally less intensive, but that there had been some condensing of scheme, which had been of concern to some Members.

It was acknowledged by Officers that the gardens for of plots 4, 5 and 6 were small, and accepted that it could be due to the number of houses proposed for the site; adjustments to the layout had been attempted but had not been successful. Officers therefore felt that the proposed garden dimensions were acceptable.

Members were informed that the application had been previously deferred in order for more suitable screening from the neighbouring heritage asset to be explored, but the agent for the application had maintained that the scheme was not in a Conservation Area. The Conservation Officer that considered the proposals had also stated that the scheme related to non-heritage assets. When the application was originally debated in 2017, the existence of the historic courtyard had been noted; however, the Conservation Officer had not looked at the current application from the viewpoint of the existence of a heritage asset, as it was not designated. As such, it could be demolished. Listed status could be applied for which would give it more weight, but at present, that was not its designation. There was no heritage statement relating to the application, which had been requested by the Conservation Officer.

Mark Thompson, objector, was invited to speak at the meeting and spoke against the application.

Rachael Bartlett, agent, was invited to speak at the meeting and spoke in favour of the application.

Members debated the application further and acknowledged that even though the outline permission

had been agreed by the Committee, there was a strong view that there were a number of matters that needed further attention by the applicant and Officers. These matters were the need for a design that better reflected the character of the historical settlement; that issues of overdevelopment were addressed, as well as layout, and garden size afforded to plots 4, 5 and 6; that there was a more considered landscaping scheme informed by a tree survey that took into account any boundary trees, tree protection, the position of the proposed trees in relation to the dwellings and Yorkshire Water standoff distances; and the need to address the frontage bin issue.

As such, deferral of the application was agreed as the preferential way forward for the Committee. Members were made aware of the upcoming deadline for determination of the scheme and the possible need for the applicant and agent to revisit the scheme and potentially undertake a fundamental replan of the proposals.

It was proposed and seconded that the application be DEFERRED. A vote was taken and was carried.

RESOLVED:

That permission be DEFERRED in order for the following matters to be addressed by the applicant:

- **the need for a design that better reflected the character of the historical settlement;**
- **that issues of overdevelopment be addressed, as well as layout, and garden size afforded to plots 4, 5 and 6;**
- **to develop a more considered landscaping scheme informed by a tree survey that took into account any boundary trees, tree protection, the position of the proposed trees in relation to the dwellings and Yorkshire Water standoff distances; and**
- **the need to address the frontage bin issue.**

54.3 2020/0225/FULM - LAND SOUTH OF GLOSTER CLOSE, BUSK LANE, CHURCH FENTON

Application: 2020/0225/FULM

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

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 from Committee on 30 June 2021 for a site visit. The application was then reported back to the Planning Committee on 18 August 2021. Members resolved at the August 2021 meeting that they were minded to GRANT planning permission, subject the resolution of various minor matters. Members also authorised delegated powers to Officers to issue the decision, subject to these matters being resolved.

These matters included:

- no issues being raised following statutory consultation with the Civil Aviation Authority and Leeds East Airport;
- agreement of any additional conditions in relation to site management;
- agreement of the conditions set out at paragraph 7 of the report and in the Officer Update Note; and
- agreement of an additional condition that the site revert back to agricultural use should the BMX site be abandoned in the future.

The outcome of the above matters was as follows:

- the statutory consultations were carried out with the CAA and Leeds Airport and no objections or issues were raised; and
- since the Committee's resolution, Officers had received delayed comments from the Local Lead Flood Authority. The LLFA advised that additional conditions were recommended and that further information on the final discharge arrangements was required, prior to determination of the application. The additional conditions required Committee approval as they did not fall within the scope of the delegated powers agreed by Members at the time of making the decision. The additional information regarding final discharge arrangements had been requested from the applicant; however, this had not

been provided and the applicant confirmed that they did not intend to provide this information.

Officers explained that on this basis, the application had been brought back to Members for further consideration. Officers recommended that the application now be refused based on advice provided by the LLFA due to lack of sufficient information to fully assess the impact of the development in terms of water discharge arrangements.

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

The Officer Update Note gave details of one further representation; the main points raised were the potential danger for children to travel to the site as there were no footpaths, cycleways or lighting connecting to the village, as well as the current high levels of HGV traffic in association with nearby airbase, which would increase if the recent planning application for increased storage of modular homes and cars was approved.

The Committee asked numerous questions of the Officer about the scheme, in particular about comments from the Local Flood Authority (LFA), which had now been included in the report. Officers explained that the LFA wished to know that infiltration tests had been undertaken before determination of the application took place.

Members also asked whether a stop notice had been served on the site; Officers confirmed that a temporary stop notice had been served for the bunding work, but that Members could not take that into account when considering the scheme as it was not a material consideration.

The Committee asked if there was any further response on soakaway calculations or soil importation. Officers stated that they had asked if soil would be imported or if soil from the site would be used, but no response had been received. The lack of information meant that it was not possible to make an accurate decision on site drainage.

Sam Dewar, agent, was invited to speak at the meeting and spoke in favour of the application.

Members debated the application further and were informed by Officers that there were occasions when conditions could be added to the scheme to provide further information, but this was on a case-by-case basis.

Clarification was sought by Members on the responses from the drainage consultees and if any issues had been identified. Officer explained that the site was on Flood Zone 2 and adjacent to the fens. There had been some concern expressed about the effect of the hydrology of the fens, with drainage needing to be checked to assess the impact. The remaining information provided by the LFA had been delayed due to resources and capacity.

Members asked if there would be any impact on vulnerable properties near the proposed site, or just on the neighbouring fens. Officers were not aware of any potential impact on such properties, as there was likely to be more runoff from the car park and toilet block. The site would be landscaped with vegetation that would hold water; however, the LFA had emphasised that they would want percolation testing completed before a decision was taken.

The Officer went through the LFA's comments in detail for the Committee, who further questioned other conditions the LFA required and matters they had raised, such as runoff destination details, peak flow control and a viable means of discharging water.

Members acknowledged that the recommendation of the LFA was that the scheme was not considered to be acceptable in terms of flood risk and drainage, due to insufficient information being available to determine whether the development could achieve a viable means of discharging surface water.

It was proposed and seconded that the application be REFUSED.

It was then proposed that the application be APPROVED; there was no seconder to the proposal and it fell.

A vote was taken on REFUSAL of the application and was carried.

RESOLVED:

That permission be REFUSED for the following reason:

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The scheme was not considered to be acceptable in terms of Flood Risk and Drainage, due to insufficient information being available to determine whether the development could achieve a viable means of discharging surface water. The proposed development would therefore conflict with the aims of SDLP Policy ENV1, CS Policy SP1, SP19, Policy F1 of the CFNP and with the NPPF.

54.4 2021/1087/FULM - TOLL BRIDGE FILLING STATION (DERELICT), OUSEGATE, SELBY

At this point it was proposed and seconded to continue the meeting beyond 5.00pm; a vote was taken and was CARRIED.

Application: 2021/1087/FULM

Location: Toll Bridge Filling Station (Derelict), Ousegate, Selby

Proposal: Development of one ground floor commercial unit [class uses E[a] and E[b] and 13 no. residential apartments to include landscaped gardens; cycle storage and refuse storage provision; access and flood barrier walls

The Principal Planning Officer presented the application which had been brought before Planning Committee due to the level of affordable housing being proposed.

Members noted that the application was for the development of one ground floor commercial unit [class uses E[a] and E[b] and 13 no. residential apartments to include landscaped gardens; cycle storage and refuse storage provision; access and flood barrier walls.

The Officer Update Note set out additional matters for consideration by the Committee; these included that reference to the open space should be referred to as west side, not east; additional Highways comments on the amended plans, a query from the applicant on several conditions, removal of a materials condition, additional information submitted to address conditions 11 (piling) and 12 (foundations), an amendment to Highways condition 19, removal of drainage condition 22 and lastly that an incorrect location plan had been circulated with the published report.

The Committee asked numerous questions of the Officer about the scheme, in particular about trees bordering the site, whether they had TPO status and if a tree survey had been done; whether a re-consultation had been undertaken following the receipt of additional objections from numerous members of the public who were concerned about the impact of the scheme on the Conservation Area, and lastly on the location of the old fuel tanks on the site.

Officers responded to Member queries and explained that no tree survey had been done as the vegetation and trees were thought to be overgrown scrub and intermittent greenery; and as such were not considered as part of the wider scheme. The existing vegetation would be replaced by a designed open space area.

With regards to any re-consultation, Officers had felt that as the new plans had only been recently submitted and that the points raised in the representations had been addressed, a re-consultation was not required.

The Committee noted that the old petrol tanks had been removed from the site several years ago, in around 2010/2011; as such, they would not be an issue going forward.

Zoe Bell, applicant, was invited to speak remotely at the meeting and spoke in favour of the application.

Members debated the application further and acknowledged that whilst the provision of a crossing was now not required, members of the public would still cross the road at that point.

Some Members recognised that the scheme was well designed and had suitable detail and architectural merits but felt that more consideration should be given to the trees and vegetation already present on the site, which was key to the setting to the gateway of the Conservation Area. As such, it was suggested that a tree survey should have been undertaken for careful consideration of the trees before retention or removal. Officers confirmed that condition 25 would not cover such matters off site. The potential for a tree protection condition was suggested, but this would be subject to agreement and assessment as to whether the trees were viable for protection. Some Members disagreed with the view of the trees and considered them scrub that had grown up since dereliction of the site. Further matters relating to

contamination, access of HGVs under the Ousegate Bridge and affordable housing on site were also addressed by Officers.

Following a detailed discussion of the proposals, Members agreed that the applicants had designed a good scheme on what was a difficult site that needed development. There had been a great deal of work by the applicant and Case Officer to get the scheme to the current design, and as such it was proposed and seconded that the application be GRANTED. A vote was taken and was carried.

RESOLVED:

That permission be GRANTED, subject to a Unilateral Undertaking and the conditions set out in paragraph 7 of the report and the Officer Update Note.

54.5 2019/0031/FUL - LAND SOUTH OF CHAPEL VIEW, MARSH LANE, BOLTON PERCY

At this point in the meeting, at 5.24pm, the Chairman announced a short comfort break; the meeting reconvened at 5.31pm.

Application: 2019/0031/FUL

Location: Land South of Chapel View, Marsh Lane, Bolton Percy

Proposal: Proposed erection of three dwellings

The Principal Planning Officer presented the application been brought before Planning Committee as the determination was limited by Part 3 (b) (vi) of the Selby District Constitution; the application is recommended for refusal, but 10 letters of support have been received. The application had previously been on the agenda for the meeting to be held on 7 August 2019 but was withdrawn from Committee at the agent and applicant's request, due to them not being able to attend the meeting. Since this time, the applicant and agent had requested time to consider the report, their case and to make further submissions which were delayed due to COVID impacts.

Additional information was received by Officers on 1 December 2021, and this was now considered within the report. Further consultations had been undertaken based on the additional information submitted. Responses had been requested by the 15 December 2021 from neighbours, all previous objectors, and the Parish

Council.

Members noted that the application was for the proposed erection of three dwellings.

Officers presented the information in the Officer Update Note, which covered further details of the planning history of the site, additional consultation responses from third parties, the Landscape Officer and Parish Council, comments from the applicants and an amendment to reason for refusal 2.

The Committee asked numerous questions of the Officer about the scheme, in particular the planning history of the site and how many refusals there had been, Planning Inspector comments, current unlawful use of the site and its non-designation as greenfield.

Officers explained that there had been numerous applications for a variety of units on the site since the 1980's, all of which had been refused and appeals on them dismissed by the Planning Inspectorate. There had been four residential applications and one for glass houses. The main concerns amounted to extending a built-up area into the surrounding countryside.

Members noted that the current use of the site, which was greenfield designated, was for wood processing; however, there had never been a lawful development certificate for this use.

Democratic Services read out a representation on behalf of the applicant, Dave Tomlinson, which was in favour of the application.

Members debated the application further, with some expressing the view that the proposed scheme was greenfield land and outside development limits. In addition, the current use of the site for wood storage and processing was unlawful. There had been no previous residential development on the site and appeals to the Planning Inspectorate had all been dismissed; as such, the application should once more be refused.

Other Committee Members made the point that three new homes in a secondary village would be beneficial, as the demand for housing in such places was high, with the public wanting to live in small villages such as Bolton Percy. The site was outside development limits; however, the point was made that these had not been reviewed for

the village in many years, which meant that perhaps the limits should be given less weight when assessing the scheme. Some Members felt that that the site was a natural one to develop, and whilst the design of the dwellings should be reassessed to be more appropriate for the character of the area, suitable screening and landscaping could also be utilised.

Other Members stated that they did not support the scheme as it was not fitting with the local area.

It was proposed and seconded that the application be REFUSED. A vote was taken and was carried.

RESOLVED:

That permission be REFUSED for the reasons below:

- 1. The proposal for 3 dwellings was not considered to be appropriate to the size and role of Bolton Percy, a settlement, which is secondary Village in the Core Strategy. The expansion of the village beyond the development limits would undermine the spatial integrity of the Development Plan and the ability of the Council to deliver a plan-led approach. The proposal did not fall within any of the categories of development set out in Policy SP2 (c) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the Development Plan to achieve sustainable patterns of growth.**
- 2. The site is outside the development limits of Bolton Percy and the proposed scheme does not fall within any of the acceptable forms of development included in Policy SP2 (c) of the CS. It would be a substantial encroachment of a greenfield site in the open countryside and would not represent a natural rounding off to the settlement. The scheme would therefore result in a development which would have a significant and**

demonstrably harmful impact on the character, form and setting of the village contrary to Policy SP2 of the Core Strategy and NPPF.

- 3. The layout and form of the development would not reflect the existing layout and form of nearby development and would result in a harsh urban appearance dominated by frontage hardstanding and parking areas, which would be at odds with the existing form, layout and character with the other dwellings on Marsh Lane due to position and scale of the dwellings and the single access with scale and position of the hard standing at the front of the site, contrary to Policies SP1, SP18 and SP19 of the Selby District Council Core Strategy, Policy ENV 1 of the Selby District Council Local Plan and Chapter 12 of the NPPF.**

The meeting closed at 6.00 pm.