



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 30 JUNE 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson**

Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 20)**

To confirm as a correct record the minutes of the Planning Committee meetings held on 12 May 2021, 19 May 2021 and 2 June 2021.

5. Planning Applications Received (Pages 25 - 26)
 - 5.1. 2021/0129/S73 - Willow Barn, Sweeming Lane, Little Fenton (Pages 27 - 58)
 - 5.2. 2018/0657/FUL - Honeypot Field, Hillam Common Lane, Hillam (Pages 59 - 76)
 - 5.3. 2021/0400/FULM - Just Paper Tubes, Cliffe Common, Cliffe (Pages 77 - 96)
 - 5.4. 2020/0225/FULM - Land South of Gloster Close, Busk Lane, Church Fenton (Pages 97 - 122)
 - 5.5. 2020/1094/DOV - Station Road, Carlton (Pages 123 - 128)

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 7 July 2021
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Public Attendance at Planning Committee

Public attendance at Council meetings is permitted once more; however, there are restrictions that remain in place due to Covid-19. If you intend to attend a meeting of the Planning Committee in person, please let Democratic Services know on democraticservices@selby.gov.uk as soon as possible. **Please note however that you are strongly encouraged to watch a stream of the meeting online instead of attending in person, and if you wish to speak, to also do this online via Microsoft Teams.**

Recording at Council Meetings

Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Planning Committee
Wednesday, 30 June 2021

Agenda Item 4



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 12 May 2021
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors K Ellis, I Chilvers, R Packham and D Mackay
Officers Present in person:	Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor and Victoria Foreman – Democratic Services Officer
Officers present remotely:	Jenny Tyreman – Assistant Principal Planning Officer, Yvonne Naylor – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Topping, J Mackman, S Shaw-Wright and P Welch.

Councillor C Pearson was in attendance as a substitute for Councillor Mackman, and Councillor T Grogan as a substitute for Councillor Topping.

2 DISCLOSURES OF INTEREST

Councillors J Cattanach, R Packham, K Ellis, T Grogan and D Mackay all declared a non-pecuniary interest in agenda item 4.3 - 2021/0129/S73 - Willow Barn, Sweeming Lane, Little Fenton as they had all received representations on the application by email but were not required to leave the meeting during consideration thereof.

3 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed the Committee back to the first in person meeting since the start of the coronavirus pandemic and reminded all attendees to maintain social distance whilst in the Chamber, wear masks if moving around the room and use the hand sanitiser provided.

The Chair announced that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

It was also noted by the Committee that details of any further representations received on the applications would be given by the Officers in their presentations.

4 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

4.1 2016/0089/FUL - NUN APPLETON HALL, NUN APPLETON, APPLETON ROEBUCK

Application: 2016/0089/FUL

Location: Nun Appleton Hall, Nun Appleton, Appleton Roebuck

Proposal: Works to reintroduce a cupola and viewing platform to roof, repairs to the exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works

The Assistant Principal Planning Officer presented the application which had been brought before Planning Committee as it was a minor planning application where 3 or more consultees objected to the application and Officers would otherwise determine the application contrary to the specific representations raised by those consultees.

Members noted that the application was for works to reintroduce a cupola and viewing platform to roof, repairs to the exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works.

The Officer Update Note set out some amendments and clarifications to the report and Conditions 4 and 8, as well as the details of three additional conditions and updating of the recommendation at paragraph 7.

Members asked a number of questions on the scheme relating to the various works to be undertaken at the property, including realignment of the second floor, and alterations permitted to Grade II Listed Buildings.

Janet Flint, Parish Councillor, was invited remotely into the meeting and spoke in support the application.

Councillor R Musgrave, Ward Member, was invited remotely into the meeting and spoke in support the application.

Timur Tatlioglu, agent, was invited remotely into the meeting and spoke in support of the application.

Members debated the application and whilst some felt that the proposed changes would result in the loss of some historical aspects of the building, others were of the opinion that a lot of thought had been put into the scheme that would enhance, improve and preserve the building.

In accordance with the Officer's report it was proposed and seconded that the application be MINDED TO GRANT; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee were MINDED TO GRANT permission subject to the conditions set out at paragraph 7 of the report and as updated in the Officer Update Note, and referral of the application to the Secretary of State and their confirmation that the application was not to be called in for their consideration, having regard to the 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021', as the works were not excluded works and the local planning authority had received an objection in relation to the application notified by them under paragraph 4 of the direction.

4.2 2016/0094/LBC - NUN APPLETON HALL, NUN APPLETON, APPLETON ROEBUCK

Application: 2016/0094/LBC

Location: Nun Appleton Hall, Nun Appleton, Appleton Roebuck

Proposal: Listed building consent for works to

reintroduce a cupola and viewing platform to roof, repairs to the exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works

The Assistant Principal Planning Officer presented the application which had been brought before Planning Committee at the discretion of the Head of Planning. Whilst the application was not defined as a major or minor planning application, 3 or more consultees objected to the application and Officers would otherwise determine the application contrary to the specific representations raised by those consultees. Furthermore, an associated planning application had been submitted for the proposed works and was being brought before Planning Committee as it was a minor planning application where 3 or more consultees objected to the application and Officers would otherwise determine the application contrary to the specific representations raised by those consultees.

Members noted that the application was for Listed building consent for works to reintroduce a cupola and viewing platform to roof, repairs to the exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works.

The Officer Update Note set out amendments and clarifications to the report, deletion of Conditions 02, 05, 17, 18 and 19, and amendments to conditions 06 and 07. The recommendation at paragraph 7 of the report would also be changed accordingly.

Those speakers who had registered to speak informed the Chair at this point that they did not feel the need to do so.

Members debated the application and expressed the importance that high quality materials were used; Officers confirmed that materials would be approved through conditions attached to the consent and Officers would ensure they would be appropriate and in keeping with the building. Members were supportive of the application.

In accordance with the Officer's report it was proposed

and seconded that the application be MINDED TO GRANT; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee were MINDED TO GRANT permission subject to the conditions set out at paragraph 7 of the report and as updated in the Officer Update Note, and referral of the application to the Secretary of State and their confirmation that the application was not to be called in for their consideration, having regard to the 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021', as the works were not excluded works and the local planning authority had received an objection in relation to the application notified by them under paragraph 4 of the direction.

4.3 2021/0129/S73 - WILLOW BARN, SWEEMING LANE, LITTLE FENTON

Application: 2021/0129/S73

Location: Willow Barn, Sweeming Lane, Little Fenton

Proposal: Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020

The Principal Planning Officer presented the application which had been brought before Planning Committee as a result of a call-in request from Councillor Richard Musgrave, and as the proposals were contrary to Policy H12 of the Local Plan.

Members noted that the application was for a Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020.

The Officer Update Note set out some clarifications to points in the report, changes to proposed conditions, and numerous details of further comments that had been received on the application since the publication of the

Officer's report, which were circulated to the Planning Committee following a request by the objector.

The Committee asked questions of the Officer on several matters including how the scheme had been unlawfully developed in such a way that made it substantially different from the approved plans. Officers were asked to explain what works had been undertaken and then removed or retained on site by the applicants. The Section 73 application before the Committee had been submitted to attempt to rectify the unlawful work that had already taken place on the site.

Georgina Ashton, objector, was invited remotely into the meeting and spoke against the application.

Councillor R Musgrave, Ward Member, was invited remotely into the meeting and spoke against the application.

Richard Borrows, agent, was invited remotely into the meeting and spoke in support of the application.

Members debated the application further and expressed their concerns about the proposals contained within the Officer's report. It was accordingly proposed, seconded and agreed that a site visit be undertaken by the Committee before any other decisions was taken on the application.

RESOLVED:

That a site visit be arranged for the Committee by Officers, prior to any further consideration of the application.

4.4 2021/0302/ADV - MICKLEGATE, SELBY

Application: 2021/0302/ADV

Location: Micklegate, Selby

Proposal: Advertisement consent for 1 No non illuminated plastic floor vinyl

The Senior Planning Officer presented the application which had been brought before Planning Committee as it was an application by Selby District Council.

Members noted that the application was for advertisement consent for 1 No non illuminated plastic floor vinyl.

Members asked questions about the application and debated the matter in full. Queries were raised in relation to the safety of the material to be used on the floor, as well as the placement of it. Some Members had concerns about its use in a Heritage Action Zone, whilst other Members supported the scheme due to the need for advertisements to assist the recovery of businesses in the district's town centres following the pandemic. The Committee noted that the proposals were only temporary and would be removed at the end of April 2022.

It was proposed and seconded that the application be refused; a vote was taken and was LOST.

In accordance with the Officer's report, it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and was carried.

RESOLVED:

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

4.5 2021/0343/ADV - HIGH STREET, TADCASTER

Application: 2021/0343/ADV

Location: High Street, Tadcaster

Proposal: Advertisement consent for 1 No non illuminated floor vinyl of 2000mm x 2550mm

The Senior Planning Officer presented the application which had been brought before Planning Committee as it was an application by Selby District Council.

Members noted that the application was for advertisement consent for 1 No non illuminated floor vinyl of 2000mm x 2550mm advertisement consent for 1 No non illuminated plastic floor vinyl.

Some Members again expressed concerns regarding the limited impact and use of the vinyl in a Conservation Area.

It was proposed and seconded that the application be refused; a vote was taken and was LOST.

In accordance with the Officer's report, it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and was carried.

RESOLVED:

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

4.6 2021/0344/ADV - 32 BRIDGE STREET, TADCASTER

Application: 2021/0344/ADV

Location: 32 Bridge Street, Tadcaster

Proposal: Advertisement consent for 7 No non illuminated window displays covering each half of the sash window

The Senior Planning Officer presented the application which had been brought before Planning Committee as it was an application by Selby District Council.

Members noted that the application was for advertisement consent for 7 No non illuminated window displays covering each half of the sash window.

Members agreed that the advertisements were for the benefit of the town and should be approved.

In accordance with the Officer's report it was proposed and seconded to GRANT the application; a vote was taken on the proposal and was carried.

RESOLVED:

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

The meeting closed at 4.23 pm.

Planning Committee

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

Date: Wednesday, 19 May 2021

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors I Chilvers, R Packham, D Mackay and S Shaw-Wright

Officers Present: Martin Grainger (Head of Planning), Glenn Sharpe (Solicitor), Irma Sinkeviciene (Planning Officer), Jenny Tyreman (Senior Planning Officer), Chris Fairchild (Senior Planning Officer), Jac Cruickshank (Planning Officer) and Palbinder Mann (Democratic Services Manager)

5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ellis, Mackman and Welch.

Councillor Grogan was in attendance as a substitute for Councillor Ellis. Councillor Pearson was in attendance as a substitute for Councillor Mackman. Councillor Duckett was in attendance as a substitute for Councillor Welch.

6 DISCLOSURES OF INTEREST

Councillor Cattanach declared that he had received representations in respect of agenda items, 5.2 and 5.3 – Land Off Lowfield Road, Hillam and agenda item 5.4 – Tamwood, Station Road, Riccall.

Councillor Mackay declared that he had received representations in respect of agenda items, 5.2 and 5.3 – Land Off Lowfield Road, Hillam and agenda item 5.4 – Tamwood, Station Road, Riccall.

Councillor Packham declared that he had received representations in respect of agenda items, 5.2 and 5.3 – Land Off Lowfield Road, Hillam and agenda item 5.4 – Tamwood, Station Road, Riccall.

Councillor Shaw-Wright declared that he had received representations in

respect of agenda items, 5.2 and 5.3 – Land Off Lowfield Road, Hillam and agenda item 5.4 – Tamwood, Station Road, Riccall.

7 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair explained that following a query at a previous meeting concerning the safety of pavement signage in Selby and Tadcaster, he had received an email from an officer and the company who made the graphics for the signage that they were safe to use and designed to use on the surfaces they were currently being used on.

8 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 28 April 2021.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 28 April 2021 for signing by the Chairman.

9 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

9.1 2020/0137/FUL - LAND ADJACENT TO 2 PROSPECT VILLAS, BARLOW COMMON ROAD, BARLOW

Application: 2020/0137/FUL

Location: Land Adjacent to 2 Prospect Villas, Barlow Common Road, Barlow

Proposal: Proposed erection of a storage building on land adjacent

The Senior Planning Officer presented the report which had been brought back before Planning Committee as it was previously deferred at a Planning Committee which took place on 10 February 2021.

Members noted that the application was for the proposed erection of a storage building on the land adjacent.

The Officer Update Note stated that since publication of the officer's report, an extension of time until 20 May 2021 had been agreed with the applicant via email. Additionally, the Committee was informed that since the report was written, the policy context noted at paragraph 4.3 of the report has been updated to reflect that the Local Plan had moved into the next stage of consultation.

The Members were also updated that since the publication of the Officer's Report and Officer's Update

note, there was an email received from one of the supporters of this application advising that they cannot remember making this representation.

The Committee was informed that there had been significant amendments since the previous application. The Committee asked questions regarding the location of the letters of support, how the application supported economic growth and the use of the building to be erected.

Richard Borrows, agent, was invited remotely into the meeting and spoke in support of the application.

Members debated the application. It was proposed and seconded that the application should be refused due to non-compliance with Policy SP13 of the Core Strategy. Upon being put to the vote, this proposal was lost. Following this, in accordance with the Officer's report it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and it was carried.

RESOLVED:

To GRANT permission subject to the conditions set out at section 7 of the report.

9.2 2020/0631/FUL - LAND OFF LOWFIELD ROAD, HILLAM

Application: 2020/0631/FUL

Location: Land off Lowfield Road, Hillam, Leeds, West Yorkshire

Proposal: Erection of a livestock building with associated infrastructure (building 1 of 2)

The Assistant Principal Planning Officer presented the report which had been brought before Planning Committee as the application was a minor application where 10 or more letters of representation had been received which raised material planning considerations and where officers would otherwise determine the application contrary to these representations. Furthermore, it was explained that the ward councillor for the area where the proposal was located had requested the application to be heard by Planning Committee for reasons outlined in the report.

Members noted that the application was for the proposed erection of livestock building with associated

infrastructure.

The Officer Update Note outlined corrections to errors in the report.

The Committee asked questions regarding vehicular movements as a result of the application including the number of vehicles and how the vehicles would join the A63 from the location site. The Highways Officer from North Yorkshire County Council (NYCC) was present and advised Members that vehicles would be routed through Gateforth to join the A63. Officers advised that Condition 14 required a Vehicle Management Plan for the routing of vehicles to and from the site from the A63 to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, but that the proposal was to route vehicles from Lowfield Road through Gateforth to join the A63. Members also asked additional questions on the disposal of waste.

Julie Sadler, objector, confirmed she had nothing further to add to her statement on the previous application.

Susan Woodhall from Monk Fryston Parish Council, confirmed she had nothing further to add to her statement on the previous application.

Sam Harrison, agent, confirmed that he had nothing further to add to his statement on the previous application.

Members debated the application and raised concern at the number of vehicles to pass through the area as a result of the application and the direction they would be travelling in to join the A63. It was noted however that NYCC Highways had assessed the application and had not raised any objections to the proposal in respect of highway safety, subject to conditions listed in the recommendation. In accordance with the Officer's report it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and it was carried.

RESOLVED:

To GRANT permission subject to the conditions set out at section 7 of the report.

9.3 2020/0650/FUL - LAND OFF LOWFIELD ROAD, HILLAM

Application: 2020/0650/FUL

Location: Land off Lowfield Road, Hillam, Leeds, West Yorkshire

Proposal: Erection of a livestock building with associated infrastructure (building 2 of 2)

The Assistant Principal Planning Officer presented the report which had been brought back before Planning Committee as the application was a major application where 10 or more letters of representation have been received which raise material planning considerations and where officers would otherwise determine the application contrary to these representations. Furthermore, it was explained that the the ward councillor for the area where the proposal was located has requested the application to be heard by Planning Committee for reasons outlined in the report.

Members noted that the application was for the proposed erection of livestock building with associated infrastructure.

The Officer Update Note outlined corrections to errors in the report in the report. Additionally, the Committee was informed that due to their being some queries with regard to the letters of representation, the validity of the remaining representations from residents with unknown addresses were being brought into question and therefore should be given limited weight when considering the application.

Julie Sadler, objector, confirmed she had nothing to further to add to her statement on the previous application.

Susan Woodhall from Monk Fryston Parish Council, confirmed she had nothing to further to add to her statement on the previous application.

Sam Harrison, agent, confirmed she had nothing to further to add to her statement on the previous application.

Members debated the application. In accordance with the Officer's report it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and it was carried.

RESOLVED:

To GRANT permission subject to the conditions set out at section 7 of the report.

9.4 2020/1300/FUL - TAMWOOD, STATION ROAD, RICCALL

Application: 2020/1300/FUL

Location: Tamwood, Station Road, Riccall, York

Proposal: Demolition of existing dwelling, construction of seven residential properties

The Senior Planning Officer presented the report which had been brought before the Planning Committee due to the number of objections contrary to officers' recommendation to approve, and in addition to a request from the local Ward Member.

Members noted that the application was for the demolition of the existing dwelling and for the construction of seven residential properties.

The Officer Update Note outlined that following the publication of the officer report, two further responses had been received from the Ward Member and Riccall Parish Council requesting the determination of the application be deferred until the impending Riccall Conservation Area appraisal had been concluded. Additionally, a further response had been received stating the base maps for the plans did not reflect the current recent extensions and that impacts upon daylight and sunlight were worse than considered within the report.

It was also noted that the Update note included the following:

- Due to the applicants providing a Construction Management Plan and this being reviewed by officers, it was agreed that condition 6 in the recommendations was no longer needed.
- Due to the applicants providing a Phase 2 Ground Investigation Report and this being reviewed by the Contaminated Land Consultant, it was agreed that conditions 9, 10 and 11 in the recommendations was no longer needed and condition 12 had been included to reflect the Contaminated Land Consultant's recommended condition.

- An amendment to the recommendation of the application in the light of the Bat Survey Report produced by the applicant.
- Due to the applicants providing a drainage layout and micro drainage calculations, the Internal Drainage Board and Yorkshire Water had been reconsulted. It was stated however that condition 3 remained necessary and was included for determination.
- There was a correction to paragraph 6.9 where it incorrectly suggested the application had been submitted in outlined where it was a full application and all material considerations should be taken into account in the determination of the application.

In response to the query concerning Riccall Conservation Area appraisal, the Committee was informed by the Senior Planning Officer and the Head of Planning that it was unreasonable and unjustified to delay the determination of the application, and that it was appropriate to determine it based on the prevailing material circumstances of the application.

Matthew Pardoe, an agent speaking on behalf of a neighbour, was invited remotely into the meeting and spoke in objection to the application.

Brian Keen of Riccall Parish Council, was invited remotely into the meeting and spoke in objection to the application.

Councillor John Duggan, Ward Member, was invited remotely into the meeting and spoke in objection to the application.

Lee Vincent, agent, was invited remotely into the meeting and spoke in support of the application.

Members debated the application. It was proposed and seconded that the application should be deferred to allow a site visit to be conducted to gain a better understanding of the site location with regards impact upon the heritage and conservation, impact on the amenity of neighbours, highways, access, waste and recycling.

A vote was taken on the proposal and it was carried.

RESOLVED:

To DEFER the determination of the application to allow a site visit to be conducted.

In accordance with Council Procedure Rule 9, a vote was taken for the meeting to continue beyond three hours in length in the event it ran over this time.

RESOLVED:

To continue the meeting beyond three hours if needed.

9.5 2021/0081/HPA - 2 THE GLADE, ESCRICK

Application: 2021/0081/HPA

Location: 2 The Glade, Escrick, York

Proposal: Erection of rear/side extensions to existing detached bungalow and garage and internal alterations to create additional living accommodation

The Planning Officer presented the report which had been brought before the Planning Committee due to it being called in by the Ward Councillor.

Members noted that the application was for the erection of rear/side extensions to the existing detached bungalow and garage along with internal alterations to create additional living accommodation.

Milton Thomas, applicant, was invited remotely into the meeting and spoke in support of the application.

In accordance with the Officer's report it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and it was carried.

RESOLVED:

To GRANT permission subject to the conditions set out at section 7 of the report.

The meeting closed at 4.52 pm.

Planning Committee

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

Date: Wednesday, 2 June 2021

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), K Ellis, I Chilvers,
R Packham, P Welch, D Mackay, R Musgrave and C
Richardson

Officers Present: Martin Grainger – Head of Planning, Ruth Hardingham –
Planning Development Manager, Fiona Ellwood – Principal
Planning Officer, Jenny Tyreman – Assistant Principal
Planning Officer, Victoria Foreman – Democratic Services
Officer

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Topping. Councillor R Musgrave was in attendance as a substitute for Councillor Topping.

11 DISCLOSURES OF INTEREST

Councillor K Ellis declared a non-pecuniary interest in agenda item 4.1 – 2019/0476/FUL – Land to the west of Saxon Holme, Coldhill Lane, Saxton, as he had been contacted by Saxton Cricket Club Committee, who were neighbours to the application site. Councillor Ellis was not required to leave the meeting during consideration thereof.

12 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.

Lastly, the Chair welcomed Councillor C Richardson to the committee.

13 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

13.1 2019/0476/FUL - LAND TO THE WEST OF SAXON HOLME, COLDHILL LANE, SAXTON

Application: 2019/0476/FUL

Location: Land to the west of Saxon Holme, Coldhill Lane, Saxton

Proposal: Erection of new dwelling

The Principal Planning Officer presented the application which had been brought before Planning Committee as the site was located within the Green Belt and was contrary to the Development Plan, but there were Very Special Circumstances to warrant approval.

Members noted that the application was for the erection of a dwelling.

The Officer Update Note set out amendments and additions to conditions 02, 08, 09 and 10. There had also been a written speech submitted to Officers by the applicant.

The Committee asked questions of the Officer regarding the previous consents on the site and the related technical commencements, and the process as to how the original consent was granted. Officers gave an overview of the history of the application, including the initial clerical error when the decision notice was issued, its consideration by an Inspector and their subsequent decision to grant permission. Members also noted the difference in size of the proposed scheme before them and what had been submitted previously.

Steve Tyson, agent, was invited remotely into the meeting and spoke in favour of the application.

Members debated the application further and agreed that the application had an unprecedented history and constituted very special circumstances; the current design was an improvement on previous schemes and would be more appropriate for the village location.

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.

RESOLVED:

To APPROVE the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.

14 PRIVATE SESSION – EXCLUSION OF PRESS AND PUBLIC

It was proposed and seconded that the press and public be excluded from the meeting.

RESOLVED:

The Committee agreed that, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and Public during discussion of the following item as there would be disclosure of exempt information as defined in paragraph 3 of Schedule 12(A) of the Act (information relating to the financial or business affairs of any particular person, including the authority holding that information).

15 MEMBER BRIEFING - PRIVATE SESSION

Members received and noted the report and presentation from the guests invited to the private session of the Committee.

RESOLVED:

To note the information.

The meeting closed at 2.25 pm.

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Planning Committee

Guidance on the conduct of business for planning applications and other planning proposals

1. The legislation which allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings to be held after this date will revert to being 'in person', but there will still be restrictions on numbers of attendees in the room due to Covid-19. **If you are intending to come to a meeting of the Committee in person, please let Democratic Services know as soon as possible, as you are encouraged to watch the meeting online instead, and if you wish to speak at the meeting, also do this remotely via Microsoft Teams.**
2. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
3. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
4. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
5. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
6. The next part is the public speaking process at the committee. Speakers will be able to attend the meeting in person again and will have to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands and following the one-way system which will be in place in the room.
7. Alternatively, speakers can join the meeting remotely via Microsoft Teams if they prefer to speak that way.

8. The following may address the committee for **not more than 5 minutes each**:
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

9. Members of the public registered to speak are encouraged to speak remotely (i.e., via Microsoft Teams online). If speaking remotely, they must submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday). This is so that if they experience connectivity issues their representation can be read out on their behalf (for the allotted five minutes).
10. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
11. The number of people that can access the Civic Suite will need to be safely managed due to Covid secure guidelines, which is why it is important for the public to let Democratic Services know if they plan on attending in person.
12. Speakers attending remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking and continue watching the stream on YouTube.
13. If speaking in person, the public will be asked to come up to a desk from the public gallery (where they will be seated in a socially distanced manner), sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
14. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
15. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
16. The role of members of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning Code of Conduct.

17. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g., approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g., one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
18. This is a council committee meeting which is open to the public.
19. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on democraticservices@selby.gov.uk
20. The arrangements at the meeting may be varied at the discretion of the Chairman.
21. Written representations on planning applications can also be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
22. Please note that the meetings will be streamed live on YouTube but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded, the Chair will inform viewers.
23. These procedures are being regularly reviewed.

Contact:

Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

Items for Planning Committee

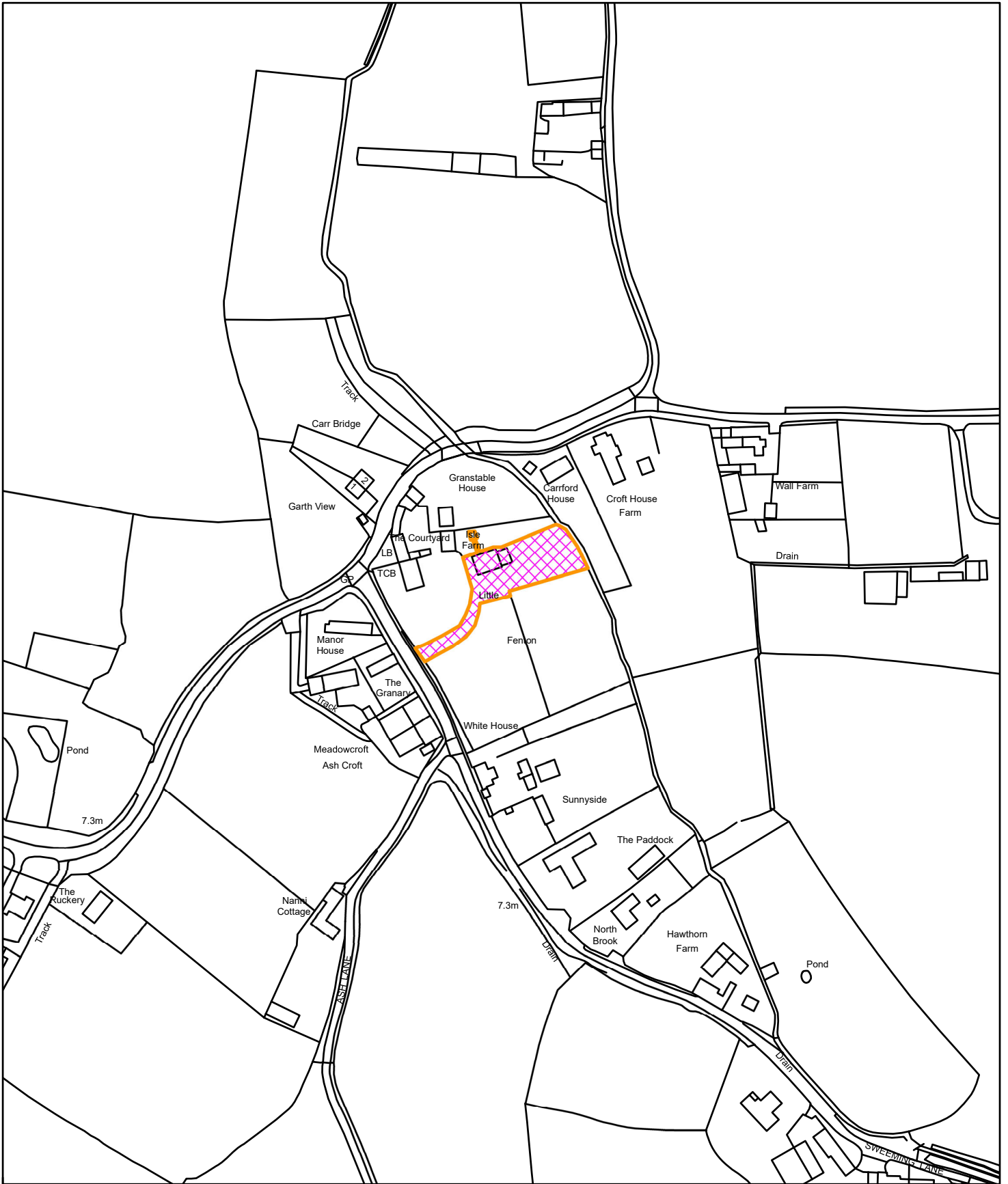
30 June 2021

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2021/0129/S73	Willow Barn, Sweeming Lane, Little Fenton	Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020	YVNA	27 - 58
5.2	2018/0657/FUL	Honeypot Field, Hillam Common Lane, Hillam	Proposed erection of an agricultural storage barn	GAST	59 - 76
5.3	2021/0400/FULM	Just Paper Tubes, Cliffe Common, Cliffe	Construction of a new warehouse building (B8) adjoining an existing warehouse building and formation of new parking area	GAST	77 - 96
5.4	2020/0225/FULM	Land South of Gloster Close, Busk Lane, Church Fenton	Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park	FIEL	97 - 122
5.5	2020/1094/DOV	Land at Station Road, Carlton	Request for a Deed of Variation to Section 106 agreement of approvals 2014/1130/OUT - Outline application with all matters reserved for a development of up to 67 no. dwellings, together with associated infrastructure and open space provision; and 2014/1129/OUT - Outline application with all matters reserved for a development of up to 66 no. dwellings, together with associated infrastructure and open space provision at Land at Station Road, Carlton	JETY	123 - 128

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Agenda Item 5.1

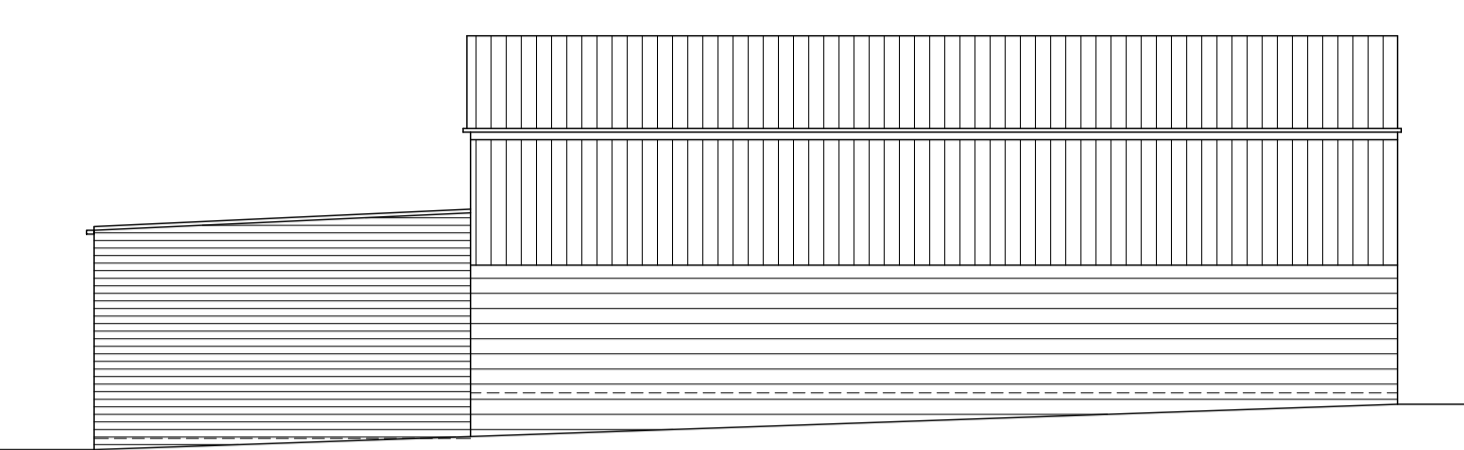
Willow Barn, Sweeming Lane, Little Fenton
2021/0129/S73



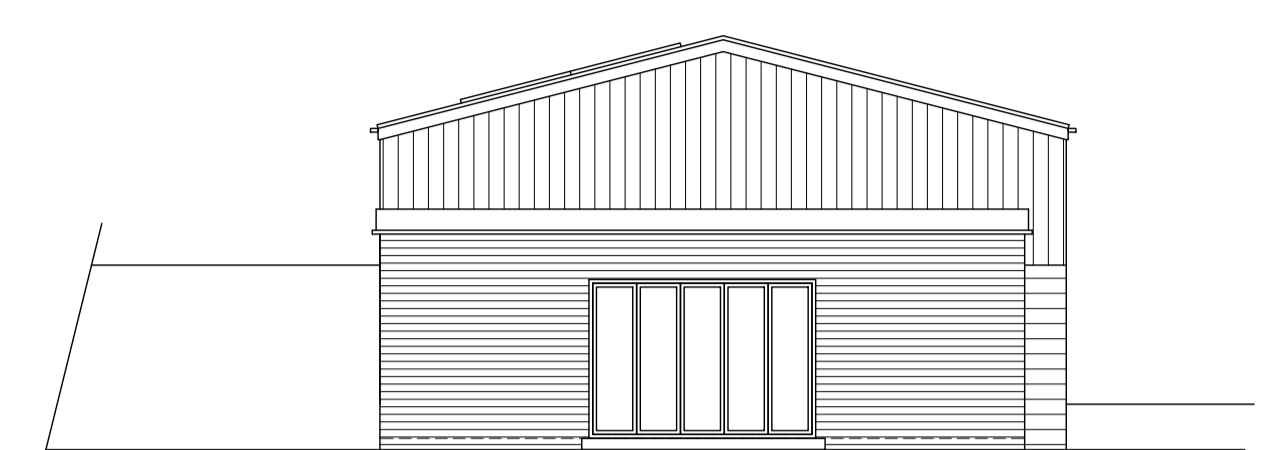
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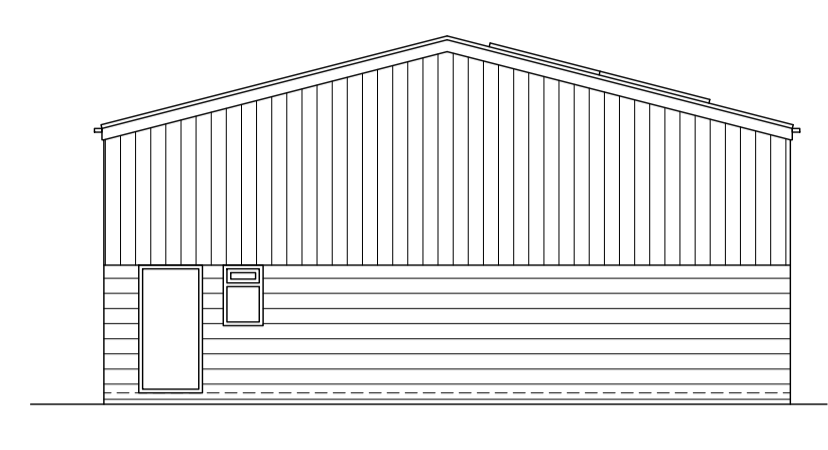
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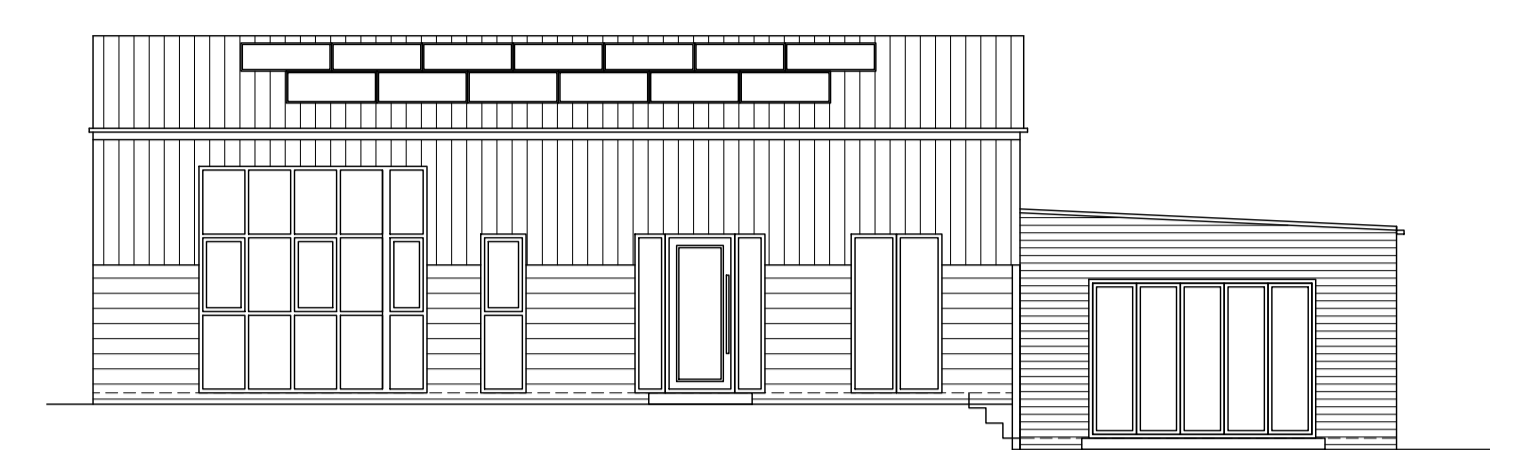
Approved Northern Elevation



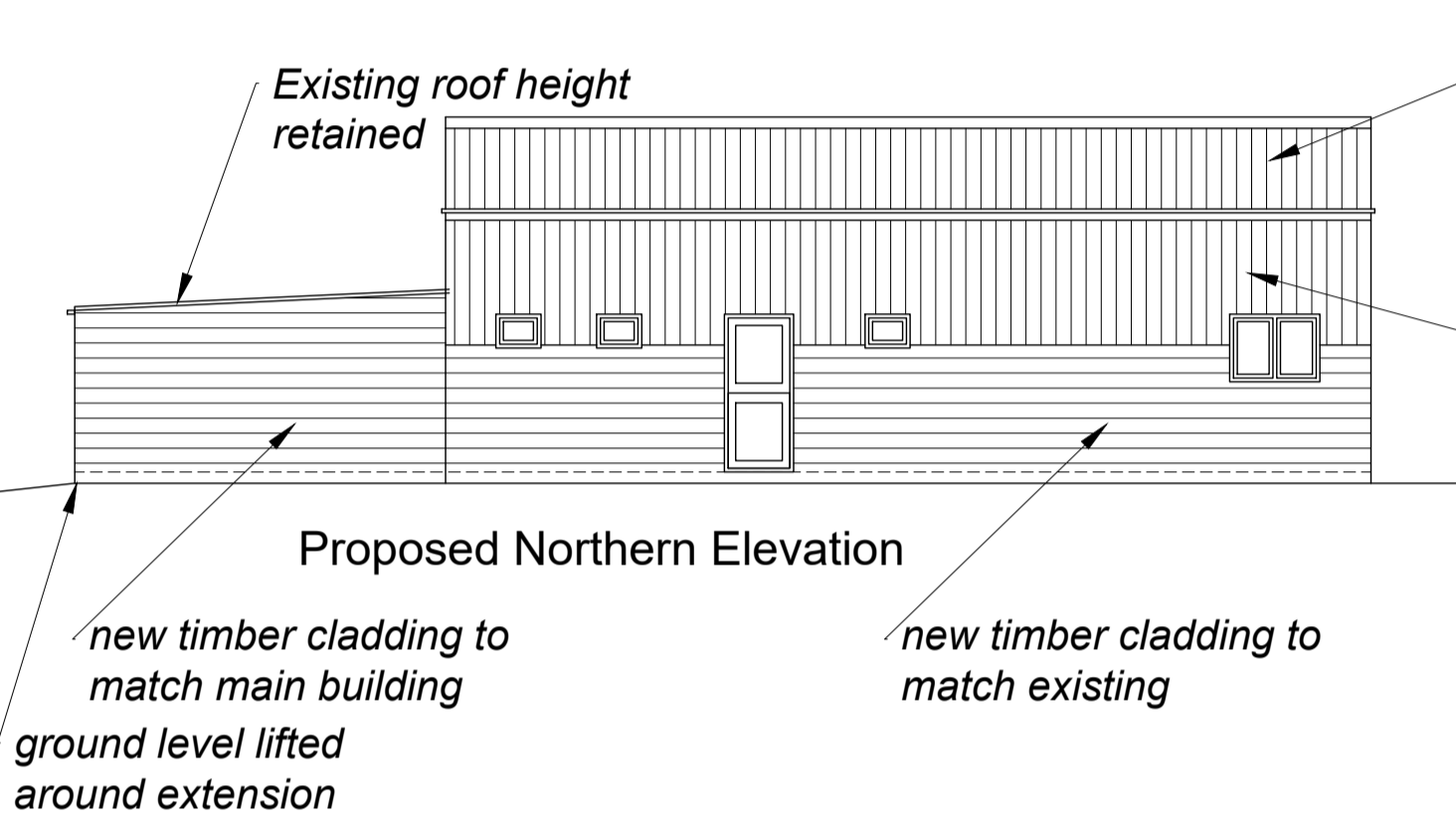
Approved Eastern Elevation



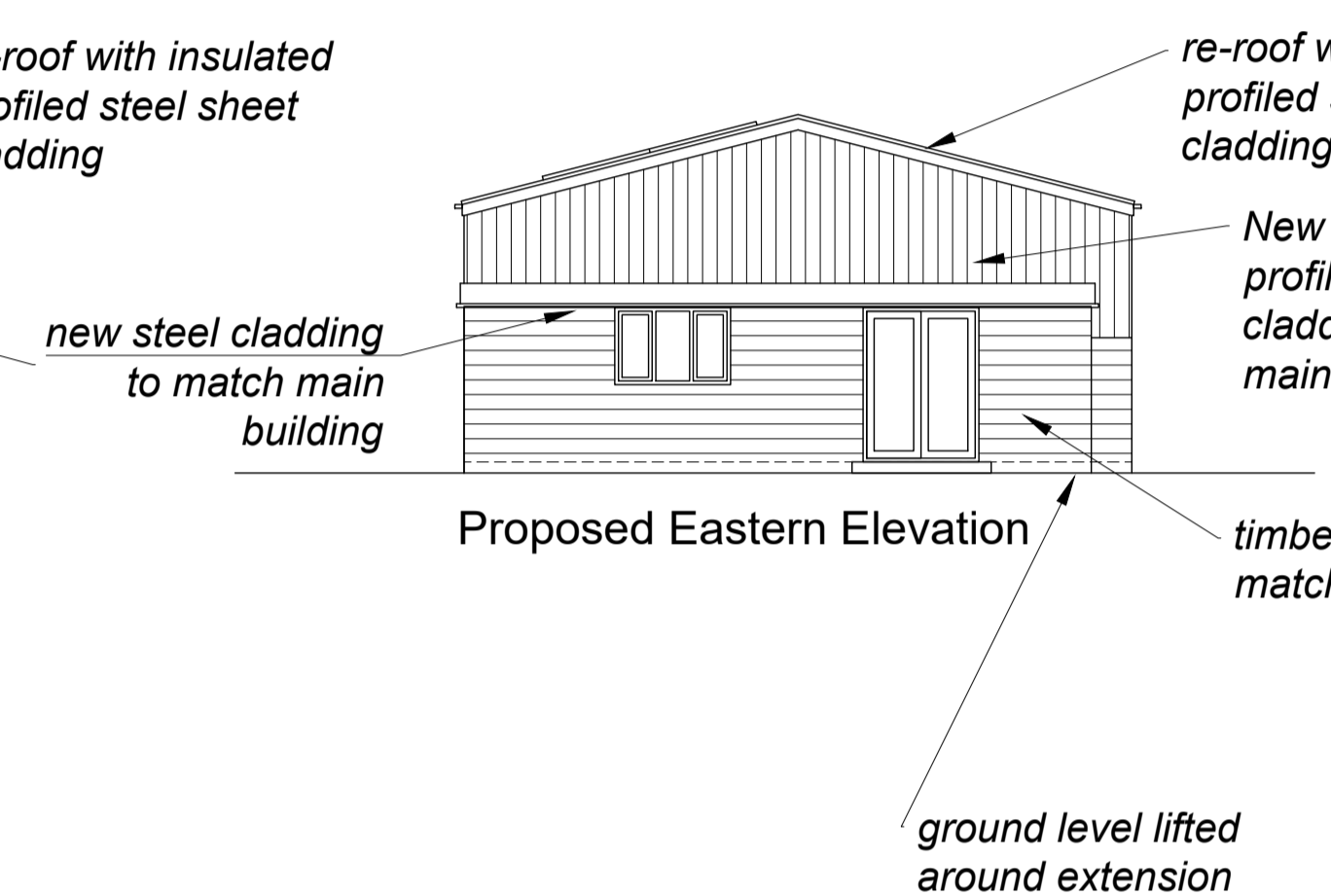
Approved Western Elevation



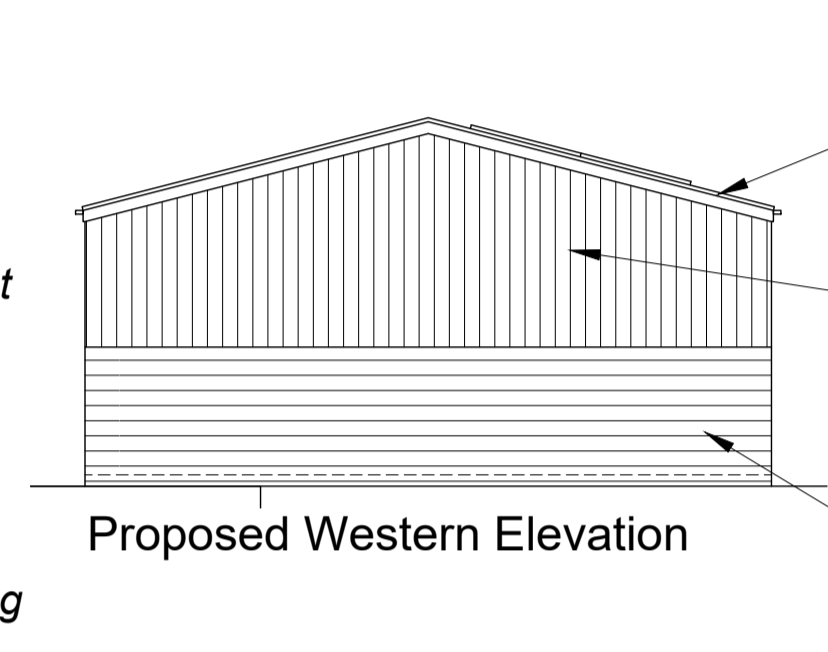
Approved Southern Elevation



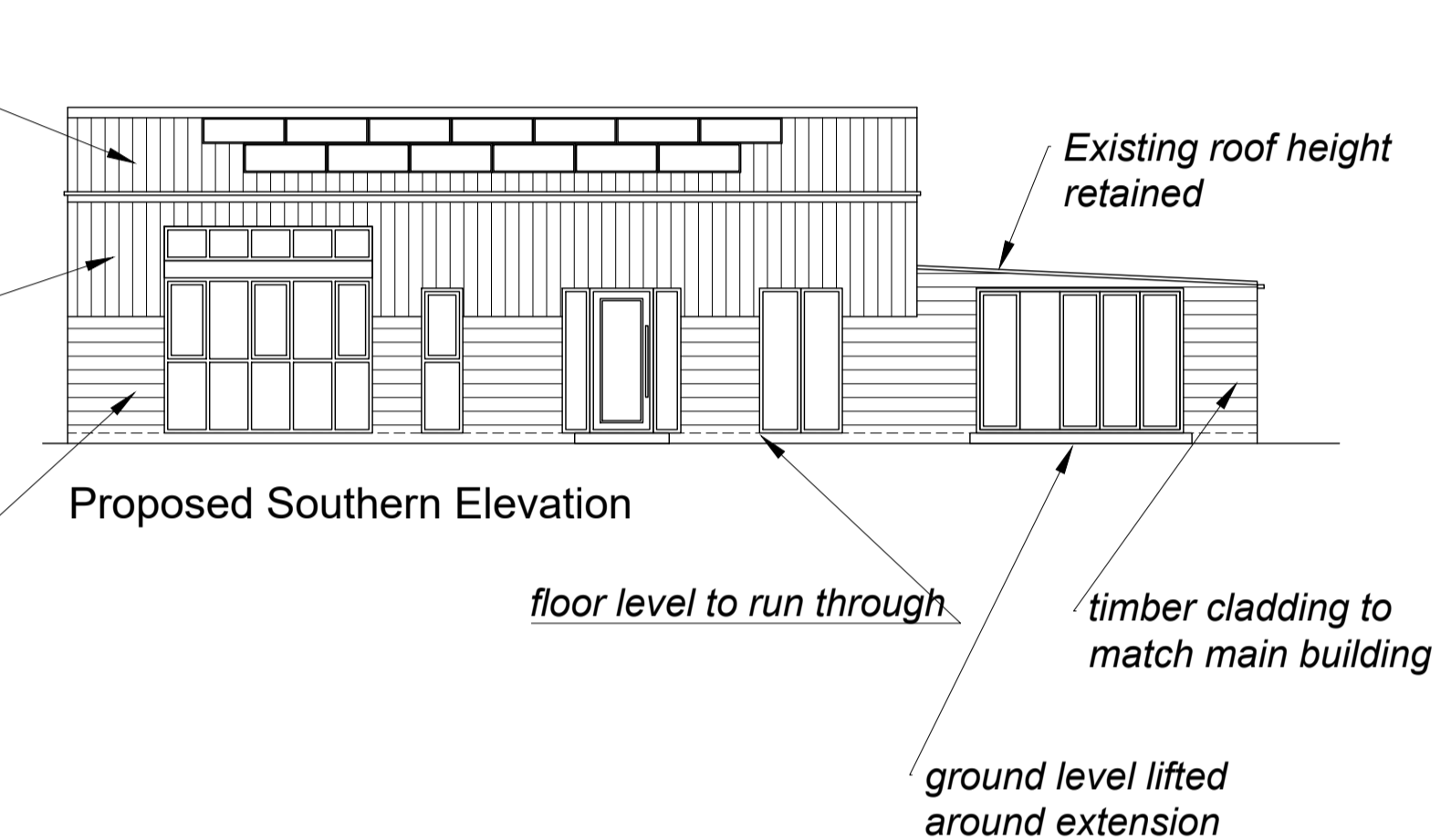
Proposed Northern Elevation



Proposed Eastern Elevation

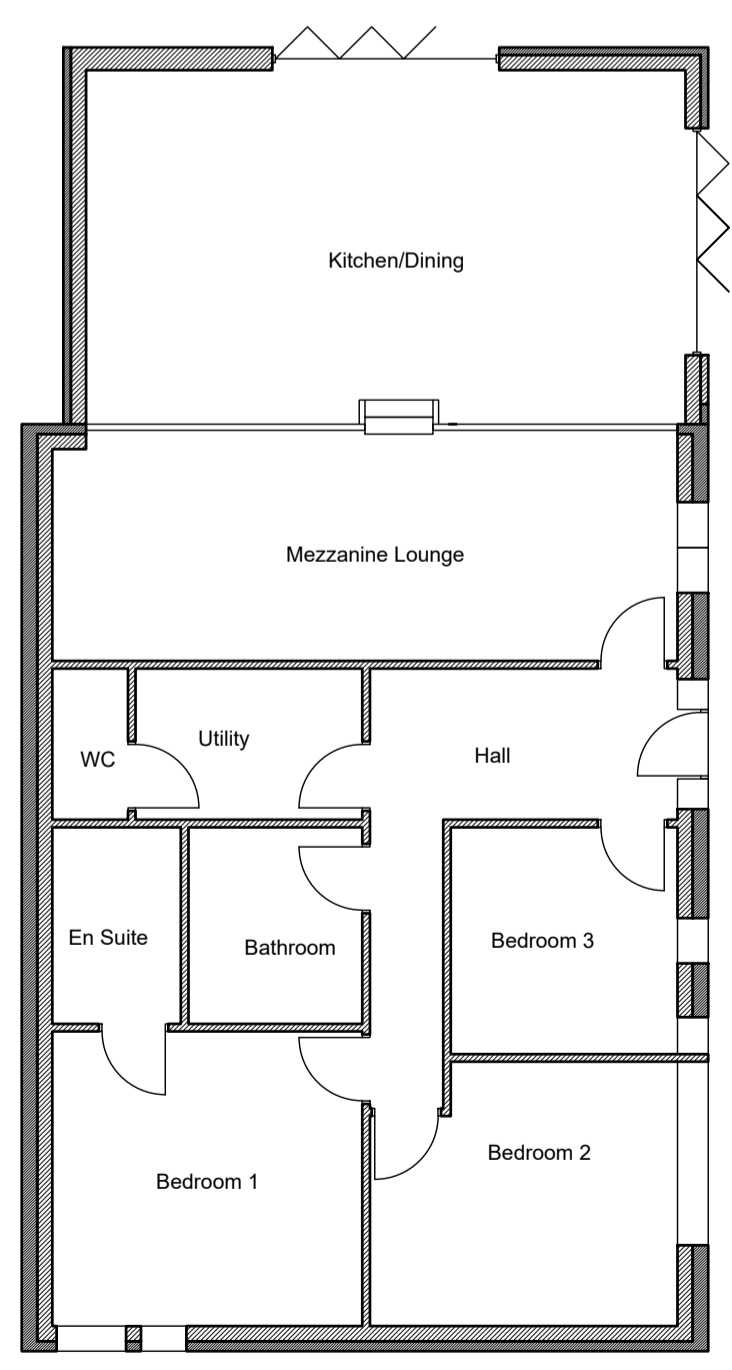


Proposed Western Elevation

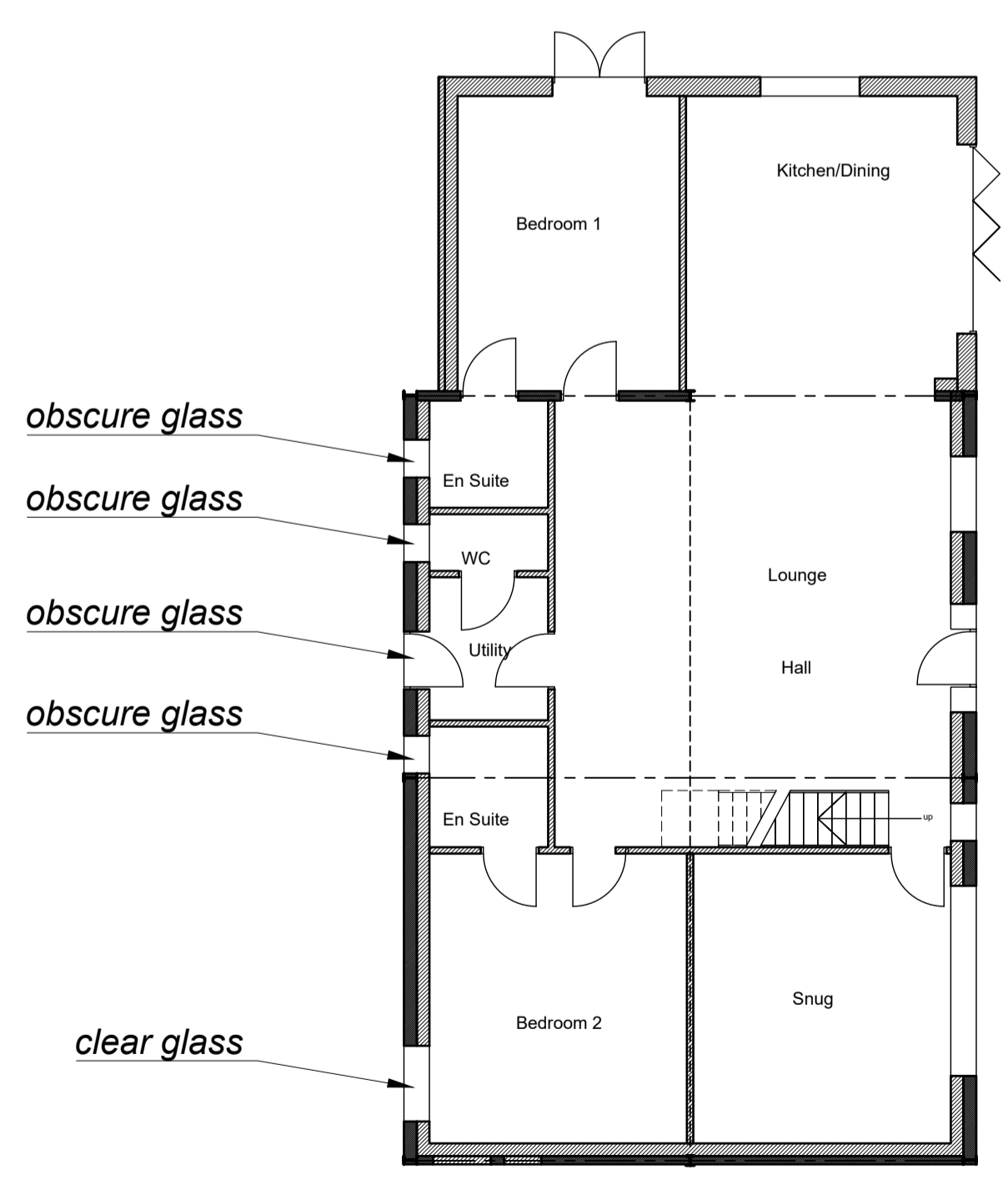


Proposed Southern Elevation

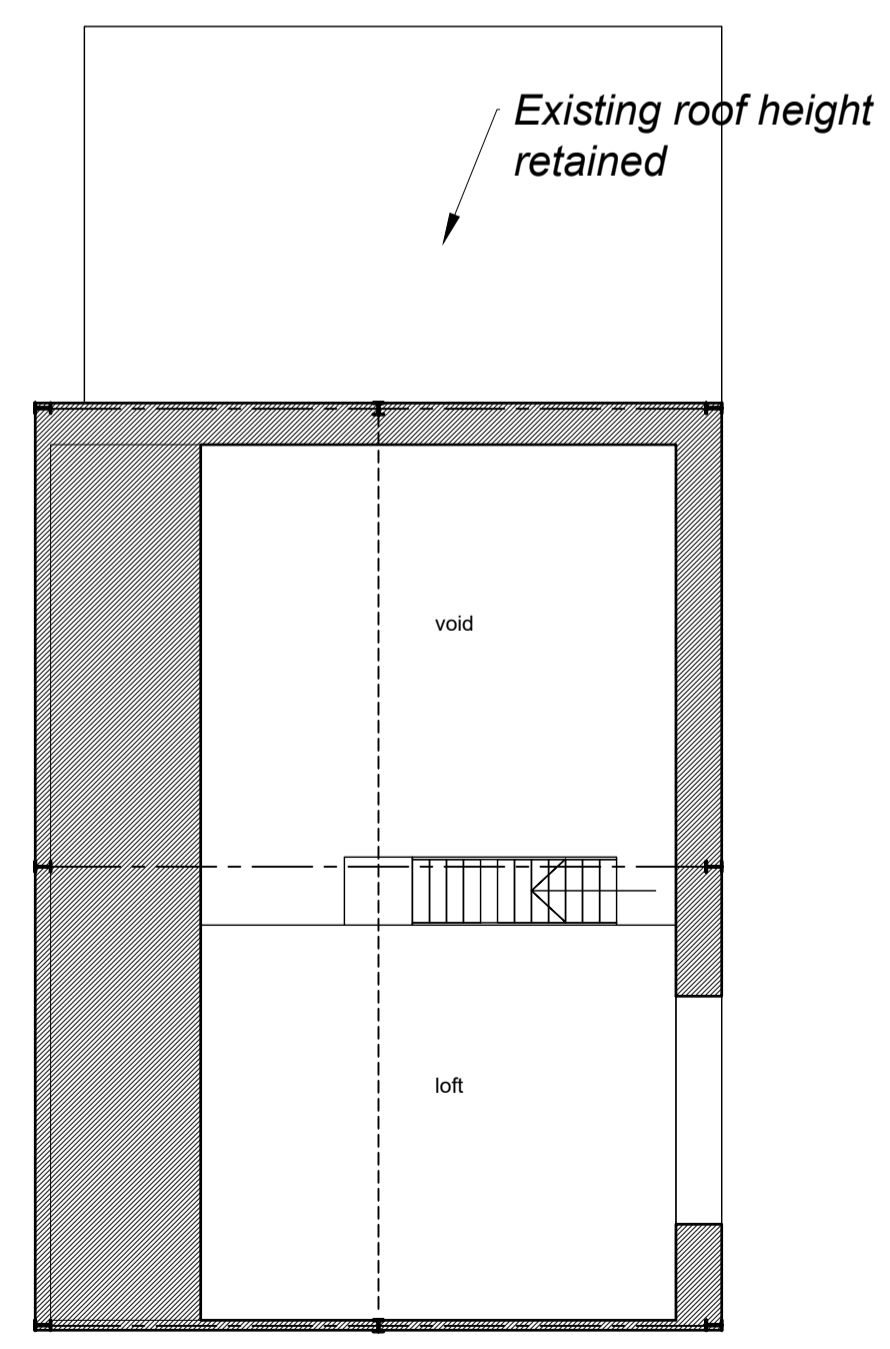
Page 29



Approved Ground Floor Plan



Proposed Ground Floor Plan

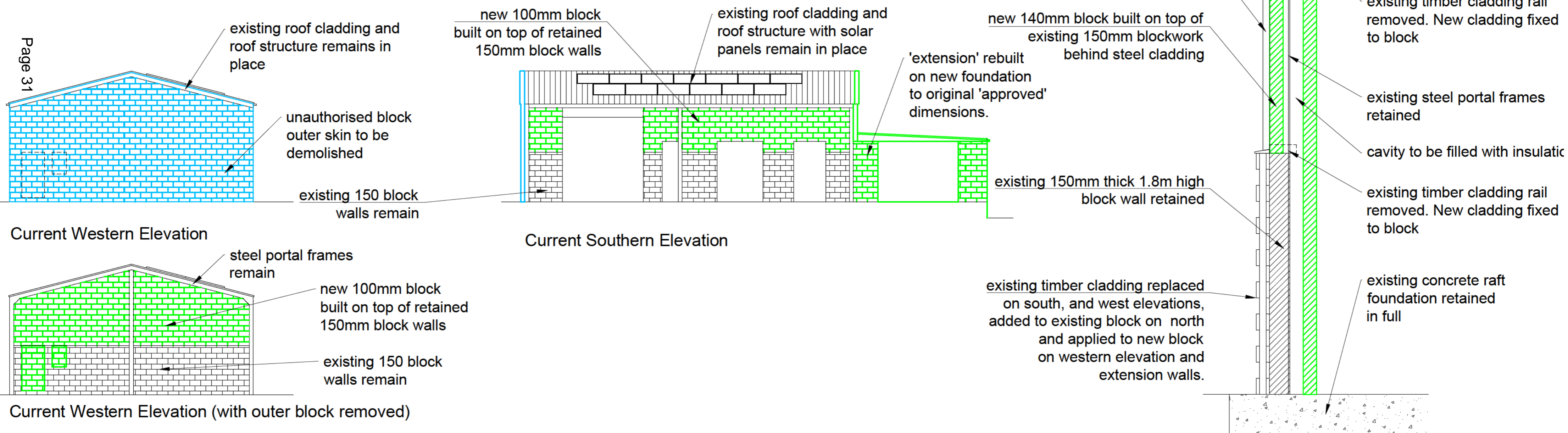
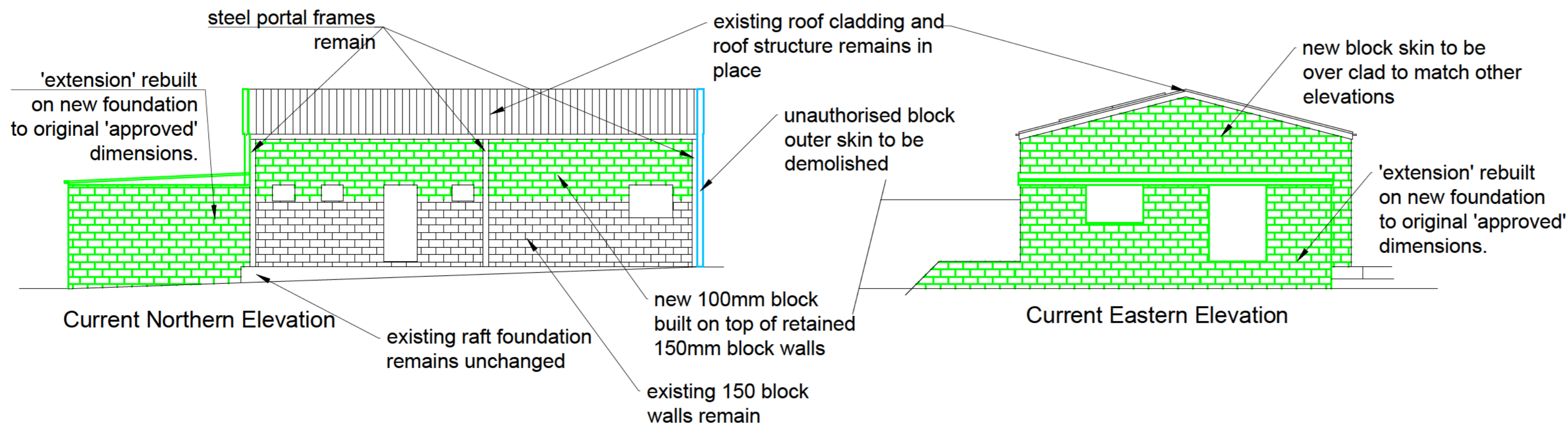


Proposed Mezzanine Floor Plan

- Principle differences between Approved and proposed.
1. Proposed new block-work inner leaf built behind existing retained block-work with insulation between.
 2. Plan internal layout changed to 'open plan'.
 3. Mezzanine/loft floor added.
 4. Roof over Kitchen - roof level retained.
 5. Floor to be level throughout and external levels adjusted.

AMENDED DRAWING

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Rev A 1/6/21 New Block on section revised to 140mm (from 100mm).

Mr & Mrs Watson
The Courtyard Sweeming Lane Little Fenton LS25 6HF
Current site works compared scale 1:100, 1:20 at A1 26/05/2021 drwg. no.2781-02-04A

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Report Reference Number: 2021/0129/S73

To: Planning Committee
Date: 30th June 2021
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0129/S73	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr and Mrs Watson	VALID DATE: EXPIRY DATE:	2nd February 2021 30th March 2021
PROPOSAL:	Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020		
LOCATION:	Willow Barn Sweeming Lane Little Fenton Leeds North Yorkshire LS25 6HF		
RECOMMENDATION:	APPROVAL		

The application has been brought to Committee as a result of a call-in request from Cllr Richard Musgrave and the proposals are contrary to Policy H12 of the Local Plan.

This application was previously considered by Committee on the 12th May 2021 and was deferred for a Site Visit by Members.

In addition, since the consideration of the application further information has been received from the Applicants in support of the scheme by way of Drawing 2781-02-04A which sets out the works done on site and those aspects that will be removed and an Updated Construction Progress Statement (dated 28th May 2021) alongside a letter dated the 1st June 2021. Upon receipt of this information a re-consultation was undertaken with third parties who supported or objected to the application previously and with the Parish Council. The report has been updated accordingly and to consider aspects addressed in the Officer Update note from the meeting on 12th May 2021.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The site is also identified as potentially contaminated on the basis of its use for agricultural purposes and within the consultation zone for the Leeds East Airport at Church Fenton.
- 1.2 At the time of the granting of the original consent on the site under Application 2019/0578/FUL the site contained a mainly block built single storey building with a profile sheet steel roof. The eastern part of this was constructed of a block and steel portal frame which at that time accommodated a store area and there was an open fronted timber walled store both of which have a profile roof. At this stage, the land to the east of the existing ancillary building was occupied by a range of other structures including a polytunnel and sheds as well as grassed areas. This area was currently defined by a fence / metal gate and was shown to the garden area to the new dwelling. At this stage there was also an existing access which served the subject building and also "The Courtyard", as such the access from Sweeming Lane was shown to be the vehicle access to serve the dwelling via the existing gravel driveway. The land to the south of the access driveway is not within the application site.
- 1.3 Works have commenced on site in terms of the works to the host building, and there has been further construction works undertaken within the eastern part of the site in terms of garaging and a new access has also been created from Sweeming Lane.
- 1.4 Since the initial consent was issued a new 2 metre fence erected to the north of the building that is to be constructed to define the boundary to land now owned by the occupiers of The Courtyard and Willow Barn. This is considered to be permitted development given its location and height.

The Proposal

- 1.5 Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5th March 2020.
- 1.6 The site is shown on **Plan 2781/01/03E** with access from Sweeming Lane, parking is to be to the front of the dwelling and garden area to the east. The plan has been updated from that submitted initially and that provided prior to the last Committee to account for the sale of The Courtyard, thus removing some of the land previously within the blue line. The red line is consistent with the consent issued under 2019/0578/FUL and referenced on the Decision Notice and all of the land in the red line is in the control of the applicants with rights of access being in place for the new occupiers/owners of The Courtyard.
- 1.7 The elevational changes under this S73 submission (as shown on **Plan 2781-02-01E** scale 1:100 at A2) can be summarised as follows:-

- Front / Southern Elevation – change in the ground levels for the single storey element but height retained to match consent issued under 2019/0578/FUL.
- Side / Eastern Elevation – windows changed to utilise a three-pane window and double doors rather than a five-pane glazed door.
- Side / Western Elevation – door and small window removed and elevation now showing as blank.
- Rear / Northern Elevation - addition of 3 small windows, 1 larger window and a door. The 3 small windows are to be obscured glazed, but the larger window will be standard glazing.

The ground levels are also shown as consistent throughout the building on the revised plans.

1.8 Further internal changes have also been shown on the revised **Plan Ref 2781-02-01E** to the internal layout as follows:

- Reorganisation of internal floor plan to reorientate and create open plan layout with lounge area facing towards south rather to the east and to reorganise internal rooms;
- Addition of staircase accessed mezzanine floor; and
- Creation of a single floor level within the building.

1.9 The external finish is confirmed as being mix of timber cladding and steel cladding for the walls and a profiled steel cladded roof. The wall cladding would be timber cladding for the lower section of the main building and the single-story element on the eastern side of the building and the steel cladding on the upper section.

1.10 The updated “Construction Progress Statement” (dated 28th May 2021) updates the previous submissions in terms of the works that have been undertaken on site and is cross referenced with **Drawing 2781-02-04A**. The report outlines that works that were undertaken prior to the submission of the S73 Application (i.e. as of the 12th January 2021) as being as follows:

Demolitions and removals:-

- All external cladding (timber and profiled steel sheets)
- The majority of the main building’s eastern lower level blockwork gable wall between the main building and the existing eastern extension.

The following elements of the existing building were observed to be retained:-

- All of the concrete slab foundation
- All of the steel portal frame including steel bracing and gable posts.
- Timber edge beam
- All roof cladding
- Most lower level concrete blockwork
- The existing steel roller shutter door and runners

The following new construction was observed:

- Blockwork outer leaf
- Additional blockwork on top of existing lower level blockwork
- Insulation sandwiched between new outer leaf and retained inner leaf.

- Demolition of the timber framed extension had been demolished and had been partly rebuilt using blockwork cavity wall construction.

- 1.11 The Report then goes on to outline that since the preparation of the initial report in January 2021 the applicant has demolished the unauthorised external block skin from the northern and southern elevations. The unauthorised blockwork skin on the western elevation will be demolished when work commences. The Agent has confirmed that this blockwork has not been demolished to date as it will require temporary closure of the access which serves 'The Courtyard' and access cannot be impeded without agreement which would be sought should the S73 be granted. The updated Report also confirms that the high level blockwork outer-skin which sits over the kitchen and bedroom at the eastern end of the main portal framed building is proposed to be retained" by the S73 application.
- 1.12 The submission also includes a drawing showing how works were proposed under 20198/0578/FUL, i.e., the use of an internal skin within the wholly retained structure to that now proposed which is a new external skin on the side elevations, and an internal skin which will be part retained structure and part new structure. In addition, on the 23rd March 2021 the Agent provided a photo showing how the roof structure would be constructed to the beam on the wall.
- 1.13 The Construction Report includes a series of photographs of the site as of 13th May 2021, so the day after the Committees last consideration of the application and to justify why the applicant undertook the works to add the outer skin which have been supported on other schemes in the District, notwithstanding the fact that the approach they confirmed to be construction approach at the application stage. However, it is accepted in the Report that "The applicant understands and acknowledges his error in changing the method of construction without seeking permission. He will remove the external skin from the western elevation and has already removed the skin from the north and south elevations."
- 1.14 The Applicant also seeks to respond to the comments of objectors within the Construction Report.
- 1.15 The submission also includes a drawing showing how works were proposed under 20198/0578/FUL, i.e., the use of an internal skin within the wholly retained structure to that now proposed which is a new external skin on the side elevations, and an internal skin which will be part retained structure and part new structure. In addition, on the 23rd March 2021 the Agent provided a photo showing how the roof structure would be constructed to the beam on the wall.
- 1.16 The **Applicants Cover letter dated 1st June 2021**, also outlines the reason for the changes as being as follows in terms of layout and construction methodology changes, taking these in turn the explanation outlined by the Applicants is summarised as follows:-

Layout

- The proposed layout changes came about as a result of a design review when considering how to accommodate a single consistent floor level throughout the building. The original approved design had a 600mm difference in level between the eastern 'extension' and the main building. The flood risk assessment mitigation measures (condition 7 of consent ref 2019/0578/FUL) gave a minimum floor level above OSD which the extension was below. This was not

noticed at the time the FRA was prepared and the engineer preparing the report did not point out that he had made this mitigation offer despite having a design drawing which clearly showed a step in the floor level. The difference in level had been accommodated by having an open plan living room / kitchen with the steps dividing the space. With all the building on the same level we were able to locate a bedroom in the eastern extension with an en-suite within the main building. The original difference in level prevented this on the approved design.

- The relocation of this bedroom and shuffling around the original rooms allowed us to utilise a large open plan living space in the main building facing south
- The reorganisation of windows onto the northern elevation was a result of this design change. Utility and bathroom windows with a single bedroom window facing a boundary which is approximately 14m away was not expected to provoke the objections which were subsequently made. This bedroom had its approved window looking directly onto the drive and its relocation to the rear will improve the amenity of this room. This window will be shielded by existing mature vegetation. So far as the Applicant can tell the neighbouring first floor southern elevation is slightly over 20m from the nearest corner of the barn. Whilst Selby do not have a specific design guide it is generally accepted that 21m is a minimum distance between lounge windows. Some authorities allow bedroom windows as close as 15m apart. The space between the barn and the neighbours property has always been and remains a private garden to 'The Courtyard'. It is the proximity of the neighbouring property to the boundary which reduces the privacy of this private garden.
- The applicant has erected a 2m boundary fence in front of this proposed window so it is not considered that this window will cause any loss of amenity to the neighbour.
- None of these changes affect the size of the building.

Construction Changes

A) Blockwork lining in place of light-weight lining.

- This application now seeks permission to build a new block skin inside the building in place of the light-weight lining system approved in 2019/0578/FUL.
- This change is being made partially as a result of the layout change where it is considered a block wall extending right up to the roof in the open plan living space will be more stable but also because it is a method of construction preferred by the applicant who is constructing the work himself. In any event this internal form of construction reduces the living space as it occupies a greater area of the existing floor than the light-weight lining system.
- It will also have no bearing on the appearance of the outside of the building.

B) The existing cladding panels

- Certain panels had to be removed on the southern elevation to accommodate the approved windows. When these panels were removed the screws holding them onto the building were found to have corroded and had caused damage to the holes in the panels. This could not be seen until the screw fixings were removed.
- The applicant has retained all the panels on site and although these could physically be refixed, being in excess of 20 years old, they are becoming close to the end of life. It does not make construction sense to refix panels of this age so this application seeks to replace them with new cladding panels.

- Similarly the timber cladding at the bottom of the building was found to have rotted in places. It makes construction sense to replace these while works progress.
- All of this cladding provides a visual finish to the building so renewing it will enhance the visual amenity. These are not structural elements.

C) Roofing panels

- The existing roof comprises the same cladding panels as the external walls. It is presumed there is likely to be a similar deterioration of the screw fixings. Some delamination has been observed at the edges which was concealed by the cutters.
- Retention of these panels is possible but given the expectation of the same problem as the vertical cladding the applicant wishes to replace them with modern insulated panels. This makes construction sense. The new insulated panels will provide an extremely high level of insulation and will vastly improve the visual amenity and reduce the need for replacement in the short-term future.

- 1.17 **Drawing 2781-02-04A**, (received on the 1st June 2021) shows the building in both elevation and cross section. It outlines the works those elements of the building that are as original and are to be retained, those elements that have been replaced on all elevations and those elements that have been constructed unlawfully and are still in situ on site. The elements that are accepted as being unlawful are on the western elevation and where it adjoins the northern elevation and the drawing confirms that these will be removed. This drawing also confirms the approach to the roof cladding / retention, wall cavity construction and external surface treatments.

Relevant Planning History

- 1.18 Consent for the building was granted as an agricultural building under Application Reference CO/1998/0077 (Alt Ref 8/60/5G/PA) on the 12 March 1998 when it was in the curtilage of Isle Farm and Condition 3 noted that the building could only be used for purposes incidental to the enjoyment of the dwelling and not for any commercial purpose.
- 1.19 The original consent for the conversion of the building to a dwelling was considered under Application Number 2019/0578/FUL, with consent being issued subject to conditions following consideration of the application by the Planning Committee on the 5th March 2020. This application was considered by Planning Committee on the basis that the proposal was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it was considered there were material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable. The initial consent was considered to be acceptable on the basis that it was a conversion / re-use of redundant or disused building which was considered acceptable in the countryside. The building was considered to be structurally capable of conversion within the fabric and not to require extensive alteration, rebuilding and / or extension. The side extension was considered to tie in with the main building to be converted and replicated the character and form of the structure that was to be removed. As such, the scheme was considered to result in a proposal that would generally take place within the fabric of the existing building and be acceptable as a conversion with a limited extension.
- 1.20 There is also an application pending with the Council (under Application Number: 2020/1221/FUL) for the erection of an oak framed car port, field access and

domestic drive (retrospective) adjacent and part within the application site. These building and the access are proposed to serve the dwelling known as “Willow Barn” but these will be considered on their merits separate to this application.

2. CONSULTATION AND PUBLICITY

2.1 **NYCC Highways** – Confirmed no objections to the submission.

Yorkshire Water Services Ltd – No response received.

Selby Area Internal Drainage Board - No response received.

Environmental Health – No objections.

Enforcement Team – No response received.

Environment Agency (Liaison Officer) – No response received.

Little Fenton Parish Council – No response received.

Publicity – the application was advertised via a site notice and in the Press (as a Departure) erected on the 26th February 2021. As a result, comments were received from **one** nearby property in objection to the scheme and **ten** submissions of support have also been received from a mix of neighbours and other third parties who do not live within the immediate vicinity of the site.

Objections

Initial comments (26th February 2021) related specifically to the submitted “Construction Progress Report” and the scheme shown within this, which has been subsequently changed by the latest drawing. The comments made at this stage can be summarised as follows:

- The new window and door openings on the northern elevation have been partially concealed in the applicant’s photos even though these are on the drawings – these impact on upper bedrooms of the objector’s property.
- There is no information of what has been built on site and the plans do not reflect the reality – if it was built in accordance with that approved would not object and it is considered that the proposal aims to build outside of the original barns’ footprint with blockwork walls, clad with steel and timber.
- There is no justification given for the alternative and fundamentally different approach to the construction and why the internal cladding approach that was proposed was not used.
- Materials samples should be supplied as part of the S73 application for all walls and the roof.
- Windows on the northern elevation can see directly into the upper floors of the neighbouring property, and vice versa.
- Reference to the requirements of the Building Inspector not evidenced.
- The FRA does not require floor levels in single storey element to match main so no justification for changing and impacts on roof height which impacts further on neighbours.

- The original building is not retained it is built around on the outside and it is not a conversion.
- The only part of the superstructure being retained now is the "Portal Frame". The existing cladding is going to be replaced with a traditional blockwork wall construction which is being re-clad.
- The extension is 100% new build, so it is not a conversion and it has a changed roof design making it visible to neighbours especially when combined with the ground level changes.
- No detail on how the existing roof structure will be tied into the new external blockwork walls and this should be sought at this stage.
- The structural evidence is not credible, and the information is not detailed so as to establish that the building frame is not being compromised by the works.
- The integrity and professionalism of the information should be questioned.

Subsequent comments received (12th March 2021) post submission of Drawing Number 2781-02-01-D to the Council added the following comments, which can be summarised as follows: -

- The drawing includes no dimensions.
- Use of obscure glass does not address impact of the window / door on the northern elevation.
- The introduction of a new skylight on the scheme will result in overlooking into bedrooms even if obscured.
- The revised plan still does not show the detailing correctly in terms of the relationship to the steel frame.
- The submitted drawing is misleading as Note 1 shows the insulation is between the new built external breeze block walls and the existing inner steel / existing breeze block, and complete opposite of the drawing.
- The overall plan footprint of the extension is also not as currently constructed.
- If the single pitch roof is such and the height is as previously consented, then objection is removed.
- The now proposed finished floor level is driven by the Flood Risk Assessment findings, and evidence of the AOD should be provided.

Further comments (29th March 2021) noted comments of other parties in terms of the proposed windows on the northern windows and notes that none of the neighbours will be affected by these windows and restating that the windows will impact on the privacy of upper floors.

Additional comments were received post the publication of the 12th May 2021 Officers Report (dated 10th May 2021), which can be summarised as follows:

- Section 5.4 of the 12th May 2021 Officers Report makes reference to material considerations that made the application as a conversion acceptable in the original planning application "In considering the original application under reference 2019/0578/FUL, then the scheme was supported by the Local Planning Authority on the basis that although it was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) it was considered that there were material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable". The material considerations mentioned in this statement have now been removed with this retrospective S73

application to discharge just one consent of the original proposal, namely the drawings and form of construction.

- Sustainably developed – previously the barn was to be converted internally only, using an internal bespoke cladding system to retain the external features of the Barn. How is therefore the proposed form of construction in this current proposal considered sustainable?
- No new window openings – The original application used the original openings in the barn, however the current drawings wish to block up some of the original openings, but install several new windows and a door. The applicant acknowledged in their original design statement that new windows on the northern elevation would compromise privacy (their own document!), and in this submission they wish to block up some existing openings to protect their own Privacy but install other new windows that compromise our privacy. Further in Officers Report of the 12th May 2021 it states, “it is important to keep the character and form of the existing structure and a series of new openings can often change its character”. Again in 5.21 of your original officers report it makes reference to the importance of not overshadowing or oppression between existing and proposed dwelling. How is it therefore considered by the officer that this material consideration has not significantly changed?
- Retaining the existing external materials – The original form of construction was that the original Portal frame, clad in steel sheeting and was to be 100% retained. Further all conversion works to make the property habitable where to be done internally using a bespoke insulation system. The current S73 application changes this form of construction and none of the existing materials are being retained. How does the current proposal meet this key material consideration, when the building will be 100% new materials on the outside if constructed in the currently proposed way ?
- Highway Safety – This was not a consideration in original application, as the applicant proposed to use the existing shared driveway, therefore there was no requirement to consider the Highway requirements. The applicant has illegally constructed a new access road, never considered under the original application, and the applicant was having to apply for a retrospective planning application for this access road to join the highway. Further PD rights are specifically removed, yet this builder has ignored this and constructed this new access that they are also currently using to access the site. This S73 does not cover this access road, however now that you are aware of them requiring a new access, then this now must become a material consideration, as strangely your officers report is now incorporating a Highways constraint in their conditions for this S73 application. How has this highway safety matter been determined in this S73 application?
- All of the original considerations have now been removed from the proposals, and a further one (highways) been overlooked, therefore how has your officer determined that these original considerations have been carried forward this application?
- Photographs show that the Officers Report of the 12th May 2021 is incorrect, and that the applicant has built outside of the Fabric of the original barn. This demonstrates that this fails one of the key tests of a barn conversion.
- The 12th Many 2021 Officers Report makes reference is made to the H12 requirements that form the basis of determining if a Barn could be converted. Comments made by the Objector on the following sections:-
 - H12 (2) states “The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building” - There will be no

- existing fabric of the building remaining, once rebuilt in blockwork, and outside of the footprint of the original barn, and re-roofed with new materials, there will be 0% of the existing anticultural features of the existing building remaining. How does the officer consider how this requirement has now been met?
- H12(3) The building is structurally sound and capable of re-use without substantial rebuilding - The key word here is “Substantial” the current proposal is a 100% rebuilding of the external structure of the barn requiring new walls, new insulation, new windows, new roof, new footings (see evidence supplied by applicant on Building Inspectors requirements). If new footings are required, then how can existing building be structurally sound. In your original report you state that a structural report has not been provided (one is still not provided), therefore how have you satisfied yourselves that the existing structure is structurally sound to support these proposals? The only statement made on structural integrity is by the Architect in the original design statement, and thus based upon the original proposals of re-using the portal frame and clad internally with a lightweight insulated system. Given these facts, what are the officer determinations that conclude that the current proposals of entirely new materials and a different form of construction, are not “substantial rebuilding”?
 - H12(4) The proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension. - This building is extended on the eastern elevation, in addition the building is being 100% rebuilt and needs a different form of construction support the now proposed mezzanine floor, otherwise how would the mezzanine be supported, as the Portal Frame in the original proposal was not structurally surveyed for this Mezzanine floor. The existing portal frame building will now be encapsulated in blockwork (see photos of work to eastern gable end). In addition, other elevations of the building have also encapsulated the existing portal frame, as new footings have been installed at the direction of the building inspector. How has the officer determined that the current works are generally taking place within the fabric of the building, and do not require extensive alterations or rebuilding?
 - H12 (5) The conversion of the building and ancillary works, such as the creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside;- The key words in this requirement are “The Conversion of the building” however as indicated above, there is no conversion now taking place, and the S73 proposals are new form of construction, new roof, new external cladding, new windows openings. How has the officer determined the current proposals against this H12 requirement?
 - Section 5.3 of the 12th May 2021 Officers Report includes the statement included “However, the applicants have now removed the external blockwork outer leaf and reinstated the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme on top of the lower sections that were never removed.” This is factually incorrect. The applicant has removed a limited amount of the outer skin erected without consent, however much remains. The northern elevation has had its external skin removed, however the inner skin that remains does not reflect the original state of the building. From photographs supplied previously (and can be supplied again if required), the recently erected inner skin with the window

openings remain. If the building works had been re-instated to that which existed prior to the works taking place, then in this location, there would be a solid breeze block wall to a height of 1.8m (from original planning application), and the original steel cladding would be in place. Further, the eastern extension has continued to be built during the first quarter of 2021, resulting in a new eastern gable end being constructed, and outside of the original fabric of the building and encapsulating the portal frame, as can be seen from the attached photographs. How has the officer satisfied themselves, that what is written in the officers report is factually correct. Has the officer visited the site to validate their statements, or have they received a “unvalidated” report from the applicants to allow this statement to be made?

- Section 5.7 – “These are all shown on the submitted drawings as being obscured glazed in response to comments from the neighbour”. This statement is factually incorrect, as one of the windows is shown as “clear glazing”. Please can the officer confirm what is shown on the current drawing.
- Section 5.8 of the 12th May 2021 Officers Report – The key item here is the removal of PD rights in the original application, “in the interests of amenity of adjacent occupiers the consent did not remove permitted development rights for any further outbuildings, extensions and new windows other than those shown on the submitted drawings.” The internal amenities that now require openings, are largely unchanged from the previous plans, on the original application internally along the northern elevation there were 1 WC, 1 En Suite, 1 Bedroom, 1 Lounge. The current proposal removes the lounge, but adds an additional En Suite, and a Utility. Therefore if the original plans did not require windows into Lounges, WC’s, Bedrooms, En Suites. Why does the officer now consider that there has been Amenity changes that now requires 4 new windows and 1 new door opening, when this would be against H12 requirements?
- Section 5.10 of the 12th May 2021 Officers Report – Check the drawings please, the windows are not all shown as obscured glass. What weighting has the officer given to the original statements provided by the applicant, relating to privacy, in the applicant own design statement document. “9.5 The proposed conversion will have no windows or doors in the side elevations which will enhance privacy between the dwellings.” Notwithstanding, the applicant is claiming that the current opening in the Bedroom 2 (that was Bedroom 1) needs to be blocked up due to privacy issues from the shared driveway, but then locates the new window of clear glazing directly opposite our master bedroom window. Please can the officer provide their rationale for this statement “would not result in a significant adverse impact on residential amenity so as to warrant refusal”
- Section 5.13, of the 12th May 2021 Officers Report states that “. . . if the scheme had been considered still to be a conversion, which is clearly not accepted”. In the officers own words they are stating that this conversion isn’t acceptable, therefore why is this not been reflected in the officers recommendation?
- Section 5.18 of the 12th May 2021 Officers Report states “There are no external changes required to facilitate this element and the roof windows that will provide light for this area were shown on the original consent”. And 5.19 makes this statement “to maximise light from the rooflights, which were part of the initial consent“. Please can the officer clarify using extracts and drawings and design statements from the original planning application that makes any reference to existing skylights, as I cannot find these. Also the current proposals do not make any reference to existing or proposed skylights. The roof on our side is solid metal roofing, as on the other side. The other side has solar / water heating panels. These can be seen on photographs supplied by the applicant

themselves. Therefore again specifically on this S73 application, where are these skylights proposed ? These skylights are therefore a key material consideration to considering the inclusion of a Mezzanine floor, so without them, what how would this change the officers recommendation, and if it does not change the officers recommendation, please provide the rational.

- Section 5.19 of the 12th May 2021 Officers Report notes the existing barn structure would simply not support the inclusion of a mezzanine floor; therefore they have to change the form of construction to support this new floor. Using the original form of construction, internally clad with insulation would not give the building structural strength to support a new floor. Therefore, what consideration has been given by the Officer to the changing requirement, by way of an implied requirement, to change the form of construction to now support the construction of the mezzanine floor?
- Condition 4 in the of the 12th May 2021 Officers Report - Where within this S73 application or any previous planning application for this development is there any provision for making changes to the highway / access road that is being given permission in condition 4 of this S73 application. Suggesting that this illegally created access could be used if "The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details". Please can the officer therefore provide a detailed clarification to myself and the planning committee on the previous application, this application, the retrospective application that has been withdrawn that grants permission for this access road that your officer is alluding to. This condition appears to be granting consent for something that isn't included in this S73, nor has yet to be applied for, let alone granted. Please can the officer provide clarity as to why this has been added to the conditions of this S73?
- Photographs show that they have not demolished the walls built, as the wall with windows in did not exist prior to work commencing, as such if they had demolished this wall, there would be nothing to see, as the original structure at that height was just steel cladding.

Support

As noted above ten submissions of support have been received on the application, including from some immediate neighbours and others from outside the settlement, these can be summarised as follows:

- The development will allow the applicants to remain in the village.
- The scheme is sympathetic to the area and context and is not a new build and it will not impact on adjacent neighbours.
- The new windows on the northern elevation will not impact on the neighbouring properties, are at ground floor level and are behind a fence to the immediate neighbour so maintain the privacy into adjacent gardens. In addition, these windows are obscured.
- Design and specification of the proposed property is outstanding and totally in keeping with the surroundings.
- The layout and elevational treatment appear to have been carefully considered, without affecting the privacy of any neighbouring structures.
- The scheme will enhance the area.
- Changes focus on re-roofing and some changes to the windows, primarily to the northern elevation – both are minor amendments to the original planning and unobtrusive.

- The roofing works are beneficial and may mean don't need as much maintenance.
- The buildings are very sympathetic to the style and feel to our hamlet and enhance the overall ambiance.
- The conversion has already massively enhanced outlook, with no overlooking windows, and a promised finish to the building is appreciated.
- Cannot see that the amendment will incite any issue to any surrounding properties due to their location and taking into account the height of all fences and bushes, it would be unreasonable to state otherwise.
- Reduces the carbon footprint of lighting what would be dark rear rooms whenever inhabited and also seeks to protect the privacy of the neighbour affected.
- Scheme is a sustainable design and will be an aesthetic improvement on what was existing to make an old eyesore into a modern and beautiful home. There should be the option to replace outdated ugly and old materials to match the new design.
- The amendments noted are going to improve the look and feel of the whole property. Allowing more light into dark areas whilst being obscure so there are no privacy issues This makes the back corners more usable. Light is such an important feature for people's mental health and well-being.
- Replacing the roof cladding will improve not only the functionality from the delapidated panels but also improve the look of the whole house. This will also be improving the outlook to neighbours as the rusted panels are only deteriorating.
- The scheme accords with the National Framework and should be supported.
- The new insulated roof cladding with a higher thermal insulation value has been requested because the current roofing has deteriorated. In line with Standard Assessment Procedures (SAP) calculations and promoting eco-friendly buildings, it clearly makes sense to build the property with the best thermal materials and fits with the overall design.

A re-consultation was sent out on the **1st June 2021**, and as of the **16th June 2021**, no further comments of objection had been received, however **eight** comments in support had been received which can be summarised as follows:

- The development can only enhance the area
- The proposed building work is sustainable, eco-friendly, fits in with the various types of houses in Little Fenton and is hidden away.
- Clear that Mr & Mrs; Watson and their architect have gone to every length to satisfy all parties concerned after some initial errors and conflicting advice.
- Believe that the proposed new access onto Sweeming Lane should not present any difficulty for the Highways Authority there is good visibility in both directions onto this unclassified road.
- The applicants have contributed significantly to community life and wellbeing in this tiny hamlet over nearly 20 years.
- This property and amendments to uphold and preserve the local agricultural style building.
- Agree and support based upon this but also the section 73 highlights that the old building is not fit for materials and the new materials to be procured and used will be in line with this style of building, we need this building to be safe and support the family that dwells within hence the need for improvements and safer materials.

- Including an improved visual aesthetic will be beneficial to all neighbours in the village as well as the local housing market.
- The North Elevation of Willow Barn is some distance away from a 2m high fence, which happens to be the boundary fence between Willow Barn and the Courtyard. There is then a further distance of garden before reaching the boundary fence of Granstable House. The distance between the proposed windows and Granstable House being approximately 20m as estimated in C.Finn's Architectural report
- The view from these North Elevation windows of Willow Barn do not pose a privacy problem given the line of sight, fence and vegetation and as such, therefore, Support the proposed addition of the North Elevation windows.
- Regarding the access, this has been an agricultural access into the fields for over 50 years, which to my knowledge has not caused any problems in the past. Therefore, provided the line of sight is kept clear to ensure safety for those egressing the drive and other road users, also support this proposal
- The proposal to use new modern, insulated materials on Willow Barn at this stage makes environmental sense. It is fair to say that if they are not replaced now, they will need replacing in the not too distance future due to decomposition
- Deem it pertinent to replace now as this practice inextricably falls within remit of Selby District Council's Council Plan 2020-30, 'A Great Place to Enjoy' objectives to foster local resilience and assurance through identifying and promoting low carbon - including aiming for the Council to be Carbon neutral before 2050 and identify and promote public and private sector low carbon projects, initiatives and funding schemes to support the District's transition to a low-carbon economy.
- Were initial comments considered by the councillor - can't understand why this request has not been approved when it is supported by the planning department. It is a right for all homeowners to renew defective aspects of their property.
- It would seem that there is significant bias to the 1 objection and reports from the architect and in fact the planning department are not being considered in the panels decision making
- Still support the application having watched the Planning Meeting.
- As a neighbour and resident of Little Fenton, am aware that there were a number of letters in support of this development but did not hear these mentioned during the meeting.
- The Committee meeting appeared to be focused on the previous breaches in planning, and although accepted, the panel called for a site visit. Cannot see what benefit such a visit will have, as the issues are clear. It will now only delay matters further.
- Consider that with no objections from the Planning Officer and conditions which can be imposed to protect the privacy of a direct neighbour, the meeting should have been focused on resolution and paving a way forward by applying the appropriate conditions to safeguard all parties concerned. Request that that this matter is resolved at the earliest convenience so as to allow all parties concerned to move on with their lives.
- Wish to reiterate original letter of support, having watched the last meeting left wondering where was my view and the other supporters views considered by what should be the impartial committee members. This has been fully supported by Selby planning department along with many members of the village and the local community.

- Following my earlier comments and level of local support, am confused that this application is still only at this stage, especially when Planning has already been approved. - am adding further support in the event that my previous comments have not been included.
- As a neighbour sharing a boundary with the applicants, would much prefer the building to be completed to the high standard am confident it will be and in a timely manner, rather than completing construction at this juncture, then undertaking remedial works to renew defective aspects at a later date.

Should any further comments be received prior to Committee, then Members will be updated at the meeting through the Officer Update Note.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 2, which has a medium probability of flooding.
- 3.3 The site is also identified as potentially contaminated on the basis of its use for agricultural purposes and within the consultation zone for the Leeds East Airport at Church Fenton.

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 took place early in 2020. Consultation on preferred options took place in early 2021. 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
- SP9 - Affordable Housing
- SP15 – Sustainable Development and Climate Change
- 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
- H12 – Conversion to Residential Use in the Countryside
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

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."

As such the only consideration of this application is in relation to the proposed variation to the plans and the impact the proposed changes would have and

whether a new planning consent for the development with the proposed variation to Condition 2 (plans) of consent 2019/0578/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.

5.2 As noted above the original consent for the conversion of the building to a dwelling was considered under Application Number 2019/0578/FUL, with consent being issued subject to conditions following consideration of the application by the Planning Committee on the 5th March 2020. This application was considered by Planning Committee on the basis that the proposal was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but that there are material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable. The initial consent was considered to be acceptable on the basis that it was a conversion / re-use of redundant or disused building which would be considered acceptable in the countryside. The building was considered to be structurally capable of conversion within the fabric and not to require extensive alteration, rebuilding and / or extension. The side extension was considered to tie in with the main building to be converted and to replicate the character and form of the structure that was to be removed. As such the scheme was considered to result in a proposal that would generally take place within the fabric of the existing building and be acceptable as a conversion with a limited extension and consent was accordingly issued.

5.3 The works that occurred on site prior to the submission of the S73 to the Council which was made following input from the Enforcement Team were as follows: -

1. Removal of the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme.
2. The removal of the side elevation wooden lean to element which was to be removed to facilitate the new single storey extension.
3. Addition of a new external blockwork outer leaf which was not part of the consent as the conversion was to be undertaken using an internal skin with external wall retained
4. Addition of openings over those consented on the original scheme.

However, the applicants have now removed the majority of the external blockwork outer leaf and reinstated the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme on top of the lower sections that were never removed. The only remaining added outer block work is that on the western elevation which can be seen in profile on the front / rear elevation. This has been shown on **Drawing 2781/02/04A** as submitted on 1st June 2021.

5.4 As such the scope of the changes under this S73 submission (as shown on **Plan 2781-02-01E**, scale 1:100 at A2) can be summarised as -

- Front / Southern Elevation – change in the ground levels for the single storey element but height retained to match consent issued under 2019/0578/FUL.
- Side / Eastern Elevation – windows changed to utilise a three-pane window and double doors rather than a five-pane glazed door.
- Side / Western Elevation – door and small window removed and elevation now showing as blank.

- Rear / Northern Elevation - addition of 3 small windows, 1 larger window and a door. The 3 small windows are to be obscured glazed, but the larger window will be standard glazing.

The ground levels are also shown as level across the building on the revised plans specifically to provide a single floor level through the building.

Further internal changes have also been shown on the revised **Plan Ref 2781-02-01E** to the internal layout as follows:

- Reorganisation of internal floor plan to reorientate and create open plan layout with lounge area facing towards south rather to the east and to reorganise internal rooms; and
- Addition of staircase accessed mezzanine floor.

5.5 It is the scope of the work undertaken on site and the scope of the changes to the scheme that need to be considered under this S73 submission. In terms of both the principle of the development and the acceptability of the detailed design changes and whether these are acceptable as a conversion and also whether the resultant scheme is acceptable in design and amenity terms against the relevant Development Plan policies.

Taking these aspects in turn.

Is the scheme still a conversion of a building that can be supported under Policy H12 of the Local Plan?

5.6 In considering the original application under reference 2019/0578/FUL, then the scheme was supported by the Local Planning Authority on the basis that although it was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) it was considered that there were material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable.

5.7 As noted at Paragraph 5.3 then there have been works undertaken on site to the original structure which were not wholly in accordance with the consent but since the issues were first investigated by the Council, the applicants have sort to rectify matters and have not only removed the majority of the outer leaf blockwork wall but have also rebuilt the walls in the original locations on top of retained blockwork. There are elements of the added outer blockwork still in place on site as shown on **Drawing 2781/-02-04A** but the applicants have reinstated key elements of the building and other than the changes to the window opening the building now on site is of a scale and character that was expected to result from the original consent other than in terms of the western elevation which is shown to be removed on the submitted drawing. The applicants have not removed this to date pending the determination of this application.

5.8 Objections made to the application and comments made in terms of Policy H12 are set out above arguing in summary that the scheme is not a conversion and therefore is contrary to Policy H12, but also that the scheme as now proposed impacts on residential amenity.

5.9 The applicants have set out the changes that have been made to the scheme under the S73 in terms of the internal changes and outlined the changes to the approach

on the conversion works as part of the information submitted on the 1st June 2021 as outlined above noting that many of the external cladding elements of the building were upon closer investigation in poor condition and that the approach now shown does not materially alter the resultant external appearance of the building and will ensure that the materials will not need replacement in the short-term. The submitted plans also confirm that the works will take place within the skin of the original building and how works will be undertaken.

- 5.10 As such having assessed the approach against Policy H12 Officers consider that the scheme can still be considered to be reuse of a building, and the changes that are shown to the construction approach are acceptable and have been justified. The scheme as consented included a single storey extension element and this was considered to acceptable given the only change is that on the ground level then this is also considered acceptable. In addition, even with the construction changes the building will be largely as consented and will reflect that which was shown on the initial scheme granted. On this basis it is the view of the Officers that on balance the scheme can be considered to accord with Policy H12 of the Local Plan and is acceptable as a change to the original consent under S73.

Are the changes to the windows / opening acceptable in design and residential amenity terms?

- 5.11 The changes to the scheme in terms of windows has not only changed the window detailing on the eastern elevation facing towards the garden area for the conversion but also on the western elevation. A series of windows and an entrance door to the northern elevation which adjoins neighbouring residential properties are shown on the revised drawings and space has been left in the elevation for these in terms of the work undertaken on site to date. the smaller high level windows and the door are shown on the submitted drawings to be obscured glazed in response to comments from the neighbour.
- 5.12 The Officers Report on the original consent noted that all windows on the scheme faced away from the adjacent residential properties and as such it was concluded that there would not be a significant adverse impact on the amenity of these dwellings. However, in the interests of amenity of adjacent occupiers the consent did remove permitted development rights for any further outbuildings, extensions and new windows other than those shown on the submitted drawings without consideration by the Local Planning Authority. The removal of Permitted Development Rights via a Condition on the permission does not mean that a later application for such works would not be supported by the Authority, such conditions are utilised to allow for control only and to allow schemes to be assessed should consent be sought.
- 5.13 Objections have been made on the S73 submission to the inclusion of these windows as part of the changes to the scheme.
- 5.14 Having considered their siting, the relationship to the neighbouring property, boundary treatments and having taken account of the fact that they are obscured glazing of all but the bedroom window, it is the view of Officers that their inclusion would not result in a significant adverse impact on residential amenity so as to warrant refusal, and the obscured glazing which is confirmed on the plans can be controlled via a condition to ensure that a minimum obscurity level was utilised and that this was retained for the lifetime of the development.

Are the proposed materials acceptable in design and character terms to the Local Planning Authority?

- 5.15 The mix of materials to be utilised on the external skin of the building are noted on the submitted drawings although no specific colours have been stated nor have the details of any colour stain for the timber cladding been shown.
- 5.16 The Application Form on the initial submission noted that materials for the walls and roof would match existing and the host building was at this stage a mix of profiled steel sheeting, over cladding and block work, with the timber single storey side extension.
- 5.17 The materials shown on the S73 plans would reflect the mix of materials that were present on the original building at the time of the granting of the original consent and before works were undertaken.
- 5.18 The applicants Agent has outlined the issues with the cladding that was on the building and the issues with the roof and have set out a justification for the revised approach. This is considered to be acceptable and it is not considered that the proposed approach now shown on the S73 plans would result in an external appearance that would be unacceptable but details of colour finishes for all materials can be controlled via condition so as to ensure that the colour palette of the scheme is appropriate and reflects that which was previously on the building.

Are the changes to the floor levels acceptable in design, amenity and character terms to the Local Planning Authority?

- 5.19 The S73 plans have been amended to show a single floor level across the building as a whole, and the roof heights have been retained at a level to reflect that of the original consent.
- 5.20 This has been argued by the applicants to be required as a direct result of the FRA context, a fact disputed by the Objectors.
- 5.21 The Officers Report on the original consent confirmed consultations with the EA on the submitted FRA and that the FRA included a range of measures on flood resilience. Condition 6 on the consent also required development to be undertaken in accordance with the measures in the FRA.
- 5.23 The applicants Agent has in their 1st June 2021 submission noted that the change to the floor levels within the building arose as part of the consideration of this FRA after the consent was initially issued but also as a result of the review of the internal layout.
- 5.24 The change to the scheme shown on the S73 plans and thus the single level floor is considered to accord with the measures in the FRA and the use of a single level floor without any increase in the roof height of the single storey element is considered acceptable in design, amenity and character.

Is the addition of the mezzanine floor acceptable?

- 5.25 As part of the changes to the internal layout, the revised drawing shows the provision of an internal mezzanine floor which is a partial floor and does not create

a full floor within the upper part of the building. There are no external changes required to facilitate this element.

- 5.26 The addition of a mezzanine floor would have been possible as an internal alteration once the building was occupied without the need for any additional planning permission. As an internal change, the LPA would have no control over this. However, as this is shown as a change as part of the S73 plans it should however be assessed at this stage and it is considered that the introduction of this element within the unit there would be no impact on neighbouring amenity and is acceptable.

Are there any other aspects arising from the Neighbour Comments or Consultations that mean the Scheme is unacceptable to the Council on any other grounds as a S73 submission?

- 5.27 The objector has made a series of additional points relating to the works that have been undertaken on site to date and noted that they consider the drawings are not to scale. The applicants have accepted that the works initially undertaken on site are not in accordance with the 2019/0578/FUL consent hence the external blockwork outer leaf and reinstated the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme on top of the lower sections that were never removed and the submission of the S73 application to the Council. In terms of the submitted drawings then these are scale and sufficient detail it is considered that these are sufficient for planning purposes where we do accept that a conversion was being undertaken, which we do not.
- 5.28 In terms of the structural integrity of the building, a concern raised by the Objector, when application 2019/0578/FUL was consented then the Council had no reason to request additional justification for the scheme and details were provided that showed the use of an internal structure to facilitate the construction. This was reported to Members as part of the assessment of the application and the scheme was assessed on its own merits accordingly. The approach shown for the conversion has not been what has occurred on site hence the S73 submission, but the external blockwork outer leaf has now been largely removed and a commitment is in place to remove what remains which is confirmed on the submitted plans. Again, as shown the applicants have reinstated the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme on top of the lower sections that were never removed and as a result the scheme will as be as was expected under the original consent in appearance and scale except for the minor changes shown on the submitted drawing.
- 5.29 In terms of the accuracy of the plans and what has been built on site to date, then it is considered that the plans are sufficient to ensure that works are undertaken in accordance with the plans.

Other Matters arising from Comments on the Application

- 5.30 Comments from the Objector to the application have noted that the change to the access. Under the original consent improvements were sought via Condition to the access point from Sweeming Lane to serve the conversion. The approach to the access is not being changed through the S73, and the use of an alternative access is being considered under a different application. There is a need for the condition to be used as this is the access to the site until such time as an alternative is consented.

- 5.31 The Objector has raised matters pertaining to creation of a new access further along Sweeming Lane, The S73 can only consider changes within the red line of the original consent. The Officers Report is clear in explaining this and advises that there is a separate retrospective application with the Authority relating to this unauthorised access.
- 5.32 Comments from the Objector to the application have noted that works have continued on site. The Council has received assurances from the Applicants that work ceased on site on the 19th May 2021 and that they will not undertake any works to the building till such time as this application is determined. Whether work has been undertaken on site is not a matter that can be taken into account in considering the S73 submission as this an enforcement matter.
- 5.33 The Agents letter of the 1st June 2021 states that the applicant has erected a 2m boundary fence in front of this proposed window so it is not considered that this window will cause any loss of amenity to the neighbour. This fence is outside the red line of the S73, but it is considered that this would be permitted development as within the curtilage of The Courtyard and not immediately adjacent to a highway.

Conditions

- 5.34 In terms of the proposed Conditions set out below then as development has commenced on site there is no condition noted requiring commencement of development within 3 years of the date of the 2019/0578/FUL consent as would be the case had development not commenced.
- 5.35 The proposed Condition 01 also references the latest plans as follows
- Proposed Plans and Elevations (Ref 2781-02-01E),
 - Construction Work Plan has been added as a referenced plan (Drawing 2781-02-04A, received 1st June 2021)
 - Amended Location Plan (Drawing Reference 2781/01/03E received 9th June 2021)
 - Amended Block Plan (Drawing Reference 2781/01/02E received 9th June 2021)

The Amended Location Plan and Block Plan take account of the ownership changes for land in the blue line as outlined earlier in the Officers Report.

- 5.36 Condition 02 removing Permitted Development Rights is as per the approach on the initial consent. The removal of Permitted Development Rights via a Condition on the permission does not mean that a later application for such works would not be supported by the Authority, such conditions are utilised to allow for control only and to allow schemes to be assessed should consent be sought.
- 5.37 There is also a noted change to the wording of what is now noted as Condition 04 to state that the works to improve the access should be undertaken prior to the occupation of the dwelling.
- 5.38 In addition, as noted above Conditions have been added on materials and obscure glazing in proposed Conditions 07 and 08 for the avoidance of doubt and in the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

6 CONCLUSION

- 6.1 It is the conclusion on balance that Officers consider that the revisions that will result from the S73 submission are acceptable as the eventual building will be as consented and will reflect that which was shown on the initial scheme granted. The application is therefore recommended for approval subject to the revised plans list and with the addition of Conditions pertaining to agreement of materials and the use of obscure glazing to the additional small windows on the rear / northern elevation that would be required to be retained for the lifetime of the development. So, it is the view of the Officers that on balance the scheme can be considered to accord with Policy H12 of the Local Plan and is acceptable as a change to the original consent under S73.

7 RECOMMENDATION

This application is recommended to be **APPROVED** subject to the following conditions and informatives:-

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

- Location Plan (Drawing Reference 2781-01-03E, received 9th June 2021)
- Existing Block Plan (Drawing Reference 2781-01-02E, received 9th June 2021)
- Existing Floor Plan and Elevation (Drawing Reference 2781-01-01) as submitted under Application 2019/0578/FUL
- Existing Layout Plan (Drawing Reference 2781-01-02A) as submitted under Application 2019/0578/FUL
- Proposed Plans and Elevations (Ref 2781-02-01E)
- Works Completed Elevation (Drawing 2781-02-04A, received 1st June 2021)

Reason:

For the avoidance of doubt.

02. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan.

03. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

04. The dwelling shall not be occupied 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

- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6d.g. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 and ENV1 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

05. The site shall be developed with separate systems for surface water and foul water.

Reason:

In the interest of securing satisfactory drainage of the site.

06. The development shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment submitted with the application received by the Local Planning Authority on 20th January 2020 as submitted under Application 2019/0578/FUL.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

07. Within three months of this consent full details of all external materials to be used for the construction of the external surfaces of the shall be submitted to the Local Planning Authority for agreement. The agreed materials should then be used and retained for the lifetime of the development.

Reason:

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

08. The development hereby permitted shall not be occupied until all windows on the rear ground floor northern elevation (with the exception of the bedroom window) have been fitted with obscure glazing. The obscure glazing shall be to a minimum of Level 5 obscurity. These shall thereafter be retained for the lifetime of the development.

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

INFORMATIVES

01. NPPF – The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in Condition 4.
03. You are advised that separate consent will be required from the Internal Drainage Board for any discharge into an existing watercourse of surface water and there shall be no development within 9m of any such watercourse.

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 2021/0129/S73 and associated documents.

Contact Officer:

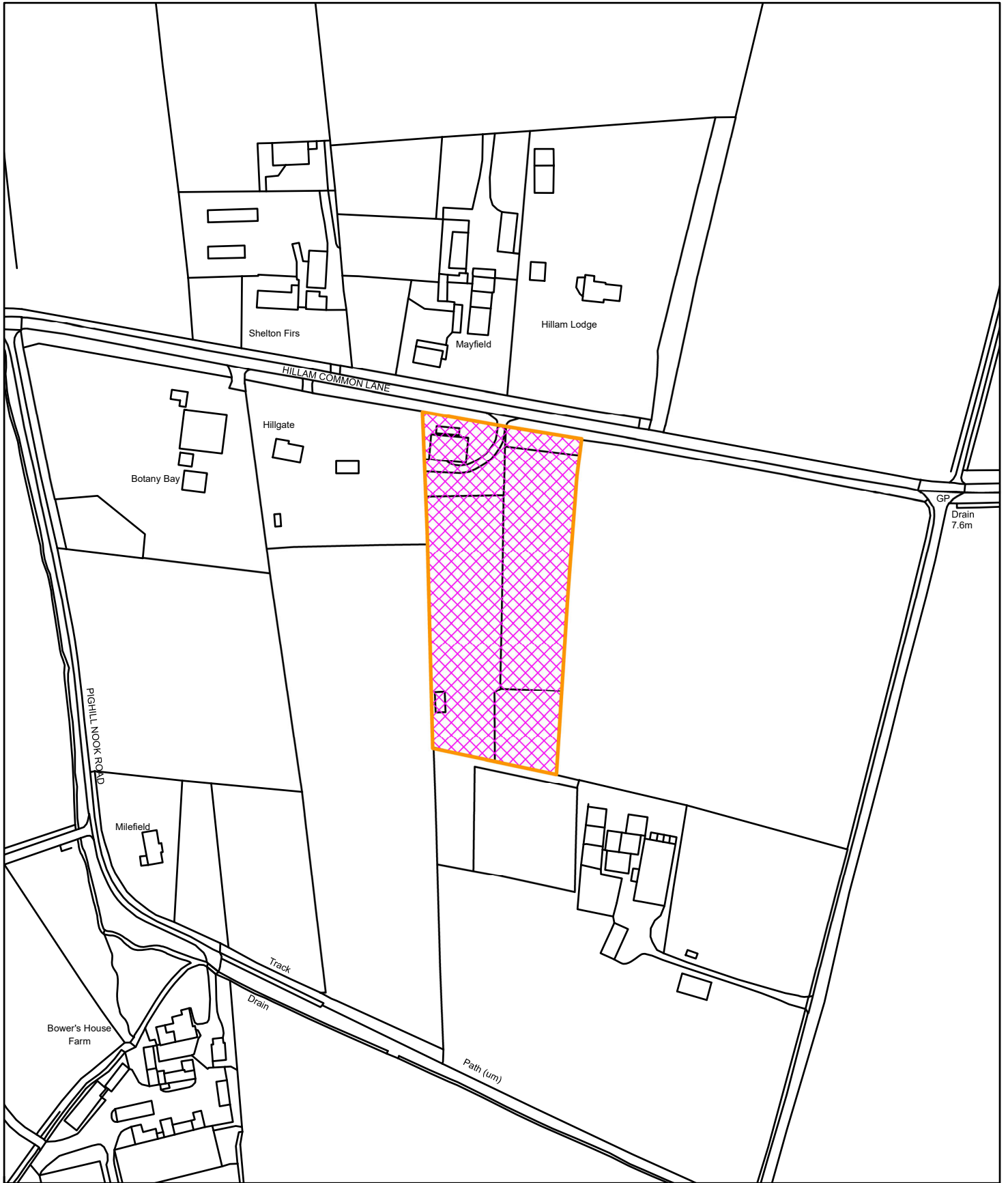
Yvonne Naylor (Principal Planning Officer)

ynaylor@selby.gov.uk

Appendices:
None

Agenda Item 5.2

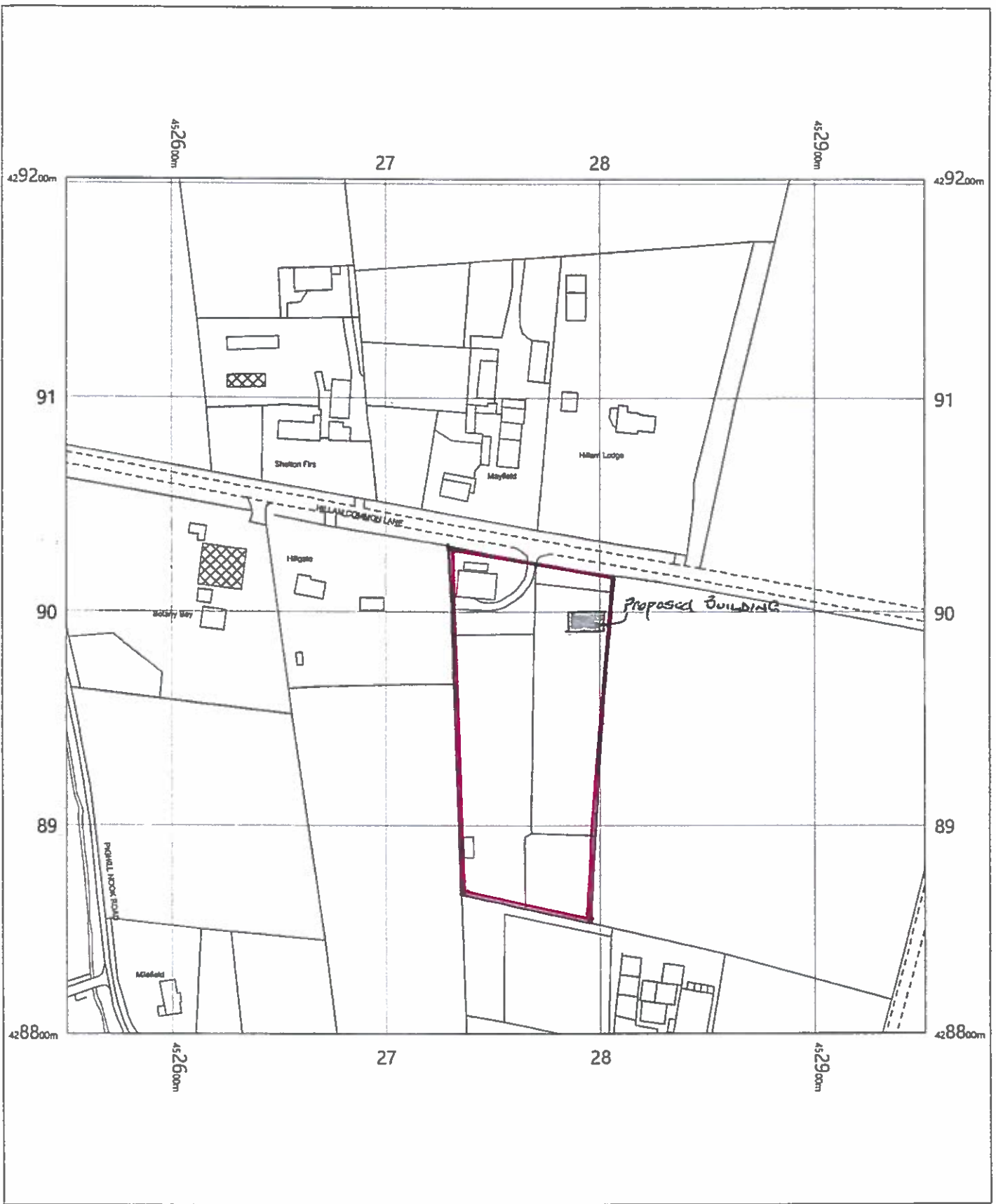
Honeypot Field, Hillam Common Lane, Hillam
2018/0657/FUL



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Report Reference Number: 2018/0657/FUL

To: Planning Committee
Date: 30th June 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0657/FUL	PARISH:	Hillam Parish Council
APPLICANT:	Mr Anthony Thompson	VALID DATE: EXPIRY DATE:	4th July 2018 29th August 2018
PROPOSAL:	Proposed erection of an agricultural storage barn		
LOCATION:	Honeypot Field Hillam Common Lane Hillam Leeds West Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as it was deferred from the 8th July 2020 Planning Committee for a site visit to enable Members to view activities on the site and assess the impact on the Green Belt. It was originally presented to Committee due to the 11 letters of representation received which raise material planning considerations and officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application is for a free-standing portal framed general purpose agricultural building, at Honeypot Field, Hillam Common Lane, Hillam, Leeds, West Yorkshire.
- 1.2 The application site lies to the south of Hillam Common Lane, on a small holding owned by the applicant. The small holding already has an agricultural building on the western roadside corner of the site and a series of other structures on the site, some of which are unauthorised. The small holding is divided into smaller parcels of land that are fenced.

- 1.3 A large twin unit mobile home is positioned on the eastern part of the site and this is currently being investigated by enforcement over alleged unauthorised living accommodation. The applicant claims this is permitted as an agricultural chattle to shelter from inclement weather and service the small holding. This is however a separate matter and should be discounted for the purposes of assessing this application.
- 1.4 The site is screened from the roadside and adjacent land by a combination of a close boarded fence, mature hedge and the access is walled and gated to prevent views into the site.
- 1.5 In terms of the wider context, the site lies amongst a small group of dwellings/small holdings and farmsteads to the north and west of the application site. These are predominantly screened from the road and set back. To the east is an arable field and open countryside beyond.

Minutes from 8.7.2020:

- 1.6 Due to the length of time when the application was previously considered the minutes of that meeting are below:
- 1.7 *During the first consideration of the application at the 8.7.2020 committee members asked questions relating to a number of matters, including potential conditioned protection of the hedgerow near the proposed site for the building, and whether checks had been undertaken to ensure that the use of the site was agricultural. Officers explained that ongoing activities on the site were being considered by Planning Enforcement, but that in terms of the current application, the site's use had been taken at face value by Officers.*
- 1.8 *The Committee also asked about screening of the site by trees and vegetation, which could be minimal in the winter months. Officers agreed that screening in the winter would be lessened, but that by virtue of the size of the proposed barn, it would have been difficult to screen it in most circumstances.*
- 1.9 *In response to some other Member questions, Officers confirmed that the site was relatively small and that the proposed barn would be open on one side, which would allow air circulation to the hay and straw storage facility and allow any water to drain through during potential future flood events.*
- 1.10 *The Committee debated the application, with some Members expressing the view that the site was adequately screened and that the visual impact was minimal, particularly as there were other large agricultural buildings nearby. However, some Members felt that a site visit should be undertaken and was in the public interest for various reasons, such as the number of letters of objection received, the site's size, visibility and location within the Green Belt, identification of the activities taking place on the site and to provide Members with the opportunity to see it first-hand.*
- 1.11 *The Committee also emphasised the need for a wider assessment and verification of the activities on the site, as detailed by the applicant. Some Members of the Committee did not agree that a site visit was needed and felt that the proposal sat within the landscape appropriately. It was suggested that potential impacts on the green belt could be mitigated, and that the Officer report was detailed enough for a decision to be taken on the matter at the meeting.*

- 1.12 *It was proposed and seconded on the Officer recommendation as set out in the report that the application be granted; a vote was taken on the proposal and was lost. It was proposed and seconded that determination of the application be deferred in order for a site visit to be undertaken; a vote was taken.*

The Proposal

- 1.13 The proposed general purpose agricultural building is positioned to the east of the site access on a grassed paddock area. The building is portal framed, with a floor area of 166.5 sq m (9m x18.5m). The eaves extend to 5.4m and ridge to 7m in height. The exterior of the building is concrete panels to 3.3m and then UPVC coated aluminium sheeting from the upper part of the walls and cement based panels for the roof.
- 1.14 The proposed barn is to be used for general purpose agricultural storage and would mainly accommodate hay and straw for the applicant's current agricultural activities on the land.

Relevant Planning History

- 1.15 The following historical application is considered to be relevant to the determination of this application.
- 2004/1282/OUT – Outline application for the erection of 1 No.3 bed and 1 4 bed detached dwellings, to include means of access and landscaping. Refused.
 - 2005/01342/FUL –Reposition of field entrance
 - 2010/00577/FUL –Creation of hard core access. Refused 29.7.2010. This was for a 3m access running through almost the entire length of the site north to south.
 - AP/2010/0045/REF Creation of a hardcore access – Dismissed at appeal.
 - 2011/0737/FUL - Agricultural store and livestock housing. Granted 25.01.2012. This is constructed and positioned to the west of the access alongside the road. This had a ridge height of 5.8m and 4.2 to eaves.

2. CONSULTATION AND PUBLICITY

2.1 Parish Council – 7.7.2020

- The council is concerned that development and activity seen to be taking place on this site is not agricultural. The hardstanding has been extended gradually to accommodate a range of large vehicles, but not the expected farm machinery you would associate with an agricultural site.
- Residents regularly report that the static accommodation has lights on in the evenings and is clearly being used as residential, for which there is no permission.
- The land is Green Belt, and although a Barn in Green Belt is not necessarily inappropriate development, the proposed size of this barn seems excessive and the

proposed location of the barn will mean yet another bit of Green Belt will no longer be open space; all with concerns about how much agricultural activity is actually taking place.

- 2.2 NYCC Highways - There are no local highway authority objections to the proposed development.
- 2.3 Yorkshire Water - As surface water is proposed to soakaway, no observation comments are required from Yorkshire Water.
- 2.4 Selby Area Internal Drainage Board - The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. This can be controlled by condition.

Neighbour and 3rd Party representations

- 2.5 The proposal was publicised by a site notice and direct neighbour notification of residents. 13 letters of objection were received mainly from local residents.

Visual Impact

The Honeypot Field has over the years become an eye sore - old large static caravan, large shipping container, piles of rubble, unused farm machinery and other general rubbish.

Another store on this small green field site would make the area look more like an industrial estate and be detrimental to the Green Belt. If granted the new build would compromise the openness of what used to be a beautiful part of Hillam.

Existing Barn and need

There is already a large agricultural live stock barn, which has been built on site and hasn't had any live stock in it for years just a dog which barks most of the night. This barn should be adequate for whatever agriculture is carried out on a site of this size it would not warrant two large barns for the size of the plot of land.

We feel another agricultural barn store could only be used for other purposes creating more activity and noise on site example large wagons coming and going. There is no demonstrable need for yet another barn.

Hardstanding

The hard standing area on the field stretches a long way into the field and it's use to has been steadily extended and is used to park large vehicles but they are not farm equipment.

Access

The site entrance has just been widened and large brick pillars built, without planning approval. The entrance is now wide enough for a very large HGV to be reversed in. The entrance is domestic in its appearance and not that of a farm entrance.

Unauthorised uses

- The site is used to store heavy machinery and some old vehicles with minimal if any farming activity. The work being undertaken on the site has nothing to do with agriculture use.

Waste

- There seems to be no provision for animal waste (15-20 cattle). I presume proper DEFRA licences for this site are held? In addition, there is no provision for human waste at this site.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within Green Belt which runs east to west along Hillam Common Lane to Roe Lane to the east. To the north of the site is open countryside.
- 3.2 The site lies within Flood Zone 2.

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
SP3 - Green Belt
SP15 - Sustainable Development and Climate Change
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
EMP13 - Control of Agricultural Development
T1 - Development in Relation to Highway

5 APPRAISAL

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

- Principle of development within the Green Belt
- Agricultural need
- Impact on the character and appearance of rural environment (including Green Belt)
- Impact on Residential Amenity
- Highway Safety
- Nature Conservation interests
- Flooding and drainage.
- Other matters

Principle of development within the Green Belt

5.1 The site lies beyond any settlement limit and within the designated Green Belt. The Selby and District Core Strategy in Policy SP1 promotes a presumption in favour of sustainable development which accords with the NPPF and is a material consideration. Policy SP2 entitled 'Spatial Development Strategy' establishes the locational principles for guiding development within Selby District, with the focus on Selby as the Principal Town, Sherburn in Elmet and Tadcaster as Local Service Centres, and identified Designated Service Villages. As the application site is positioned outside these locations Policy SP2(d) is of relevance, which requires conformity with Policy SP 3 of the Core Strategy.

5.2 Policy SP3 guides the development principles for proposals within the Green Belt in line with Paragraph 133 of the NPPF which states 'the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Core Strategy Policy SP3(B) states: “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”

- 5.3 Policy SP13 ‘Scale and Distribution of Economic Growth’ supports continued economic diversification within the extensive rural areas of the District. Policy SP13(C) Rural Economy supports sustainable development in rural areas which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise. Policy SP13 (D) further states that “In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.”
- 5.4 Likewise the Selby and District Local Plan has an overarching policy for agricultural buildings EMP 13 which states “Agricultural development will be permitted provided the proposal:
- 1) *Is necessary for agricultural purposes;*
 - 2) *Is well related to existing farm buildings or situated on a site which minimises its visual impact;*
 - 3) *Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
 - 4) *Is of a scale and design appropriate to its setting;*
 - 5) *Is adequately screened and landscaped; and*
 - 6) *Would not harm acknowledged nature conservation interests or a historic park or garden.*
- 5.5 Section 13 of the NPPF details the decision making process when considering proposals for development in the Green Belt and this is in three stages:
- a. It must be determined whether the development is appropriate development in the Green Belt. The NPPF and Local Plan set out the categories of appropriate development.
 - b. If the development is appropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than the preservation of the Green Belt itself.
 - c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.6 NPPF Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states when considering planning applications, Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.7 Paragraphs 145 and 146 of the NPPF states the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions to this are;

a) buildings for agriculture and forestry;

- 5.8 This building is being applied for is to be used for agricultural purposes and thus falls within the exception to new development within the Green belt in paragraph 145 a). The portal framed design is commensurate to the stated intended use. As such the proposal would constitute appropriate development within the Green Belt and is therefore in accordance with SP 3 of the Core Strategy and Section 13 paragraph 145(a) exception of the NPPF.

Agricultural need

- 5.9 The building will only be appropriate development in the Green Belt and compliant with Local Plan Policy EMP 13 and NPPF paragraph 145(a) if it is necessary for agricultural purposes. There has been significant representation within the consultee responses in respect of need and comments have been made about the type of operations the applicant is undertaking at the site. Comments from the objectors indicate the existing building on the site has over recent years been allegedly sporadically used for agricultural purposes. Objectors have stated that another building would only compound the issue and a genuine need does not exist.
- 5.10 The applicant states that the reason for the building is the same as originally stated i.e. "the storage barn is required for agricultural purposes, this being the storage of hay grown on Honeypot field and straw for livestock kept on Honeypot field as well as up to 8 tonne a year of fruit produced from the yielding orchard and vegetables also grown on Honeypot field, which are used for human consumption." The applicant also states his straw and bedding for the animals was constantly being ruined by the wet weather if not undercover.
- 5.11 The applicant in 2018 had thirty head of cattle at another location within the borough. These were on land at Newthorpe and the agent supplied details of this land holding. The applicant has also recently explained that he has 20 cattle on another site he rents on a 'bed and breakfast' basis due to not having appropriate facilities on Honeypot field. Animals (pigs) were present on the site when officers visited in January 2020 and a variety of unauthorised buildings were being used to store straw on the site.
- 5.12 The applicant explains that he tends to keep a selection of animals and buys and trades them as he see fit. The operation is small scale, however he plans to develop the enterprise. The applicant also explains that since the January 2020 planning officers visit;

"some of the pigs being kept in the existing building which had been raised from summer have now gone and been replaced with cattle. This is how stock farmers work. I gave notice on one of the buildings I have been renting to keep cattle in and brought 15 cows back to my own holding to reduce my outgoings and save on rent. Nothing seems to be moving forward and I am yet again, in a situation whereby the cattle will need to be moved due to insufficient facilities and health and safety concerns."

- 5.13 Whilst it is also difficult to monitor activities on the site due to the screened roadside gates (which are unauthorised), officers have no reason to doubt the information provided and it is accepted that some undercover storage would be required for the

bedding if animals are kept on the site. Given the size of the site it is not thought that animal operations could significantly increase, as there isn't sufficient land for this. More land would have to be purchased by the applicant for the agricultural operation to increase. Also, no details of the acreage or type of animals is detailed by the applicant, as the applicant indicates this is a fluid activity where stock numbers constantly change. The existing building on the site is used mainly for animal rearing and the other grass paddocks host a small number of other animals on the land. A small orchard exists at the rear of the rear where the fruit is grown. Also, during officers January 2020 site visit an unauthorised small shed like building near the gate was being used for storage of straw as was the mobile home on the site. Concerns have been raised in the objections over the future use for the proposed building. This is noted, however the legitimacy of the future use of the building would also be a matter for the enforcement team to control. On this basis 'on balance' officers are satisfied that the applicant has shown that the building is necessary for the purposes of agriculture and is therefore compliant with EMP 13 1).

Impact on the character and appearance of rural environment (including Green Belt)

- 5.14 In order to assess whether the proposal would result in 'any other harm' it is important to undertake the 'normal tests' applied to any planning submission in considering the impacts of the proposal. The visual impacts of the building are therefore important as is the overarching aim of Green Belt policy to preserve openness.
- 5.15 Policy EMP13 (2) requires that buildings are - well related to existing farm buildings or situated on a site which minimises its visual impact; criteria 4) states that Agricultural development will be permitted provided the proposal is of a scale and design appropriate to its setting. Policy EMP13 (5) of the Local Plan which states that *Agricultural development will be permitted provided the proposal is adequately screened and landscaped.*
- 5.16 Policy ENV1 (4) of the Selby District Local Plan requires the Council to take account of " the standard of layout, design and materials in relation to the site and its surroundings". Policy ENV1 (1) of the Selby District Local Plan ENV1 of the Local Plan requires the Council to take account of " the effect [of the proposed development] on the character of the area".
- 5.17 The application site is well screened by hedges on all four boundaries. The hedging is approximately 3-4m in height and therefore the proposed building being 7m to the ridge will be visible from the roadside and across long distance view from the east where it is flat and open. The building isn't particularly large (166 sqm) and the materials proposed are typical of a building of this nature and match to some extent those used in the other agricultural building on site, albeit this has some elements of Yorkshire Boarding on the upper parts of the building as opposed to UPVC corrugated sheeting.
- 5.18 In terms of the building's position, this is somewhat isolated from the building approved in 2011 as shown on the site plan. Officers did suggest that the applicant reposition the building towards the western boundary and alongside the existing building, however the applicant did not want to do this for the following reasons:

1. *The fruit and vegetables for human consumption and hay and straw for livestock need to be stored in a suitable hygienic area a safe distance away from the livestock to prevent the potential cause and spread of any disease. Advice from a trading standards officer during a site visit recommended siting a structure for storage in the location detailed in the original planning request as this would be a segregated area a safe distance from livestock excretion.*
2. *Cattle require somewhere that has good air circulation because they are prone to pneumonia. I have previously experienced losing cattle to pneumonia and removed a lot of panels in the existing building to improve air circulation and prevent further losses. In addition to the surrounding trees, siting a structure alongside the existing building where cattle and other livestock are kept will prevent the required circulation of air and significantly increase the risk of cattle contracting pneumonia.*

5.19 In terms of wider countryside views, the main view is as you approach the site from the road to the east. The building's gable will be visible above the hedgerow; however this is the narrowest part of the building. The current 2011 building on site will also be viewed in the backdrop giving some locational advantages. Therefore given the above and due to the building being still within the confines of the existing site, a refusal on poor siting alone and openness is not considered to be justified. Also due to the existing boundary screening it is considered that no further landscaping is capable of mitigating any inward views.

5.20 Therefore whilst some conflict does exist with EMP 13 (2) due to its siting, on balance having regard to scale of the building, the materials and the site being relatively well screened it is considered that the proposed agricultural building proposal is considered not to adversely affect the openness of the Green Belt and therefore accords with Policies EMP13 (4), (5), ENV1 (1) and (4) of the Selby District Local Plan of the Selby District Local Plan and NPPF Section 13.

Residential amenity

5.21 Policy ENV1 (1) of the Selby District Local Plan also requires the Council to take account of "the effect [of the proposed development] on the amenity of adjoining residents". EMP13 (3) of the Selby District Local Plan also requires the Council to take account of whether the proposal "would not have a significant adverse effect on local amenity."

5.22 The building is to be used for general purpose agricultural storage. The building is not intended to be used for housing livestock and no consideration has been given to this, or its potential impact on the amenities of nearby landowners. A condition is added to the recommendation to exclude the use of the building for the keeping of animals. The proposed use of the building if adhered to will function alongside the current farming operations at the site. The third party comments are noted about the historical use of the site, in particular the lack of farming activities, however the applicant has demonstrated a need for the building and any unauthorised usage would have to be investigated. The proposed agricultural building is also a significant distance away from the neighbouring properties to have direct impact with regards to overshadowing, oppression and loss of light. The proposal therefore accords with Policies ENV1 (1) and EMP13 (3) of the Selby District Local Plan

Highway safety

- 5.23 Policy ENV1 (2) of the Selby District Local Plan also requires the Council to take account of “the effect [of the proposed development] on the highway network.” EMP13 (3) of the Selby District Local Plan also requires the Council to take account of whether the proposal “would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.” Policy 109 of the NPPF states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety”.
- 5.24 Policy ENV1 (2) of the Selby District Local Plan states that "the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking". The Highways Officer has no objection regarding the proposed scheme as no changes to the access are proposed. Sufficient space exists within the site to service the barn however it is expected some hard surfacing will be necessary. A condition is added to cover this. As such it is considered that the proposal would comply with Policy ENV1 (2) of the Selby District Local Plan in terms of impact to highway safety and paragraph 109 of the NPPF.

Nature conservation interests

- 5.25 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy.
- 5.26 The site is not a protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. The area where the building is to be sited is a grassed paddock and no trees or hedgerows will need to be removed to erect the building. On this basis, it is considered that the proposal would not harm any known nature conservation interests or protected species and would therefore meet the relevant requirements of Policy SP18 of the Core Strategy, Policy ENV1 of the Local Plan and Section 11 of the NPPF in this regard.

Flooding and Drainage

- 5.27 The site lies within Flood Zone 2 and the use is regarded as being less vulnerable in the Environment Agency’s Table 2 on the vulnerability classification of different land uses. Table 3 indicates less vulnerable development in Flood Zone 2 is appropriate development. In terms of the sequential test this aims at steering new development away from flood areas. No sequential test was submitted; however, officers regard the proposal as being operationally linked to the current activities on the site and therefore the sequential test is satisfied. No exception test is needed. The application was accompanied by a Flood Risk Assessment. This confirms the site has never flooded and explains that the floor levels are 200mm above the existing road level and the internal floor level will be 250mm above that, so 450mm in total. This is consistent with ‘standing advice’ which requires buildings to be 300 millimetres (mm) above the general ground level of the site or 600mm above the estimated river or sea flood level.
- 5.28 In terms of surface water, the development will naturally create surface water run off from the building. This is to be disposed of via a soakaway however no details were

given. The IDB raised no objection to this as but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. A condition is added to cover the need for drainage details as the ground conditions haven't been assessed within this submission.

Other matters i.e. the unauthorised uses on site

- 5.29 Significant representation has been made over the alleged unauthorised uses and structures within the site, for instance the domestic gates and wall adjacent to the highway, storage of vehicles and more recently the erection of additional buildings near the gate and the siting of a twin unit mobile home on the land. The Council's enforcement team are aware of these and will be progressing these matters separately if no application is made to retain the unauthorised works by the applicant. This is of course a separate matter and should not influence the determination of this current application.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is appropriate development within the Green Belt and compliant with Core Strategy Policy SP 3 and Section 13 of the NPPF.
- 6.2 The proposed agricultural building is somewhat isolated from the existing building on the site, however given the applicant's justification for its siting, combined with the size, choice of materials and screening, it is not considered to have a detrimental effect on the Green Belt, or wider landscape setting. The proposal will have no detrimental impact on residential amenity of the occupants of neighbouring properties, highway safety, flooding or nature conservation. Nor would the development have a materially greater impact than the present use on the openness of the Green Belt. The application is considered accord with contents of Policy T1, T2, ENV1 and EMP13 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be Granted subject to the conditions listed below:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Flood Risk Assessment dated 2.7.18 containing appendix 1 and 2.

Location plan LOC01

Layout and Proposed Plan 02

Reason:

For the avoidance in doubt

03. The building hereby permitted shall only be used for general purpose agricultural storage and not for the accommodation of livestock.

Reason

To ensure that the building is only used for general storage as this is how it has been assessed in accordance EMP13 - Control of Agricultural Development of the Selby District Local Plan.

04. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be those stated below:

- Concrete wall panels - grey finish
- Composite wall sheets – UPVC coated Olive Green (RAL 6003) or Yorkshire Boarding, brown natural or green stained.
- Composite roof sheets – cement based roof panels

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

05. No development shall commence until a scheme for the drainage of surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be undertaken as approved in accordance with the timescales indicated within the approved scheme.

Reason: To ensure viability of infiltration and to inform the detailed drainage design having regard to Part 10 of the NPPF.

06. No development shall commence until details of any necessary hard surfacing around the proposed building leading to the access have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works shall be carried out in accordance with the approved details and retained for the lifetime of the development thereafter.

Reason: No details of any hard surfacing were given within the submission and to retain control over hardsurfacing in the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

Informative:

Removal of any features with potential to support nesting birds is undertaken outside of the bird breeding season, generally taken to be 1st March to 31st August inclusive. This is to ensure compliance with the Wildlife and Countryside Act 1981 (as amended). If any works need to take place during this time then the habitats

must first be checked by a suitably qualified ecologist and if birds are found to be nesting then works will have to be delayed until chicks have fledged.

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 2018/0657/FUL and associated documents.

Contact Officer:

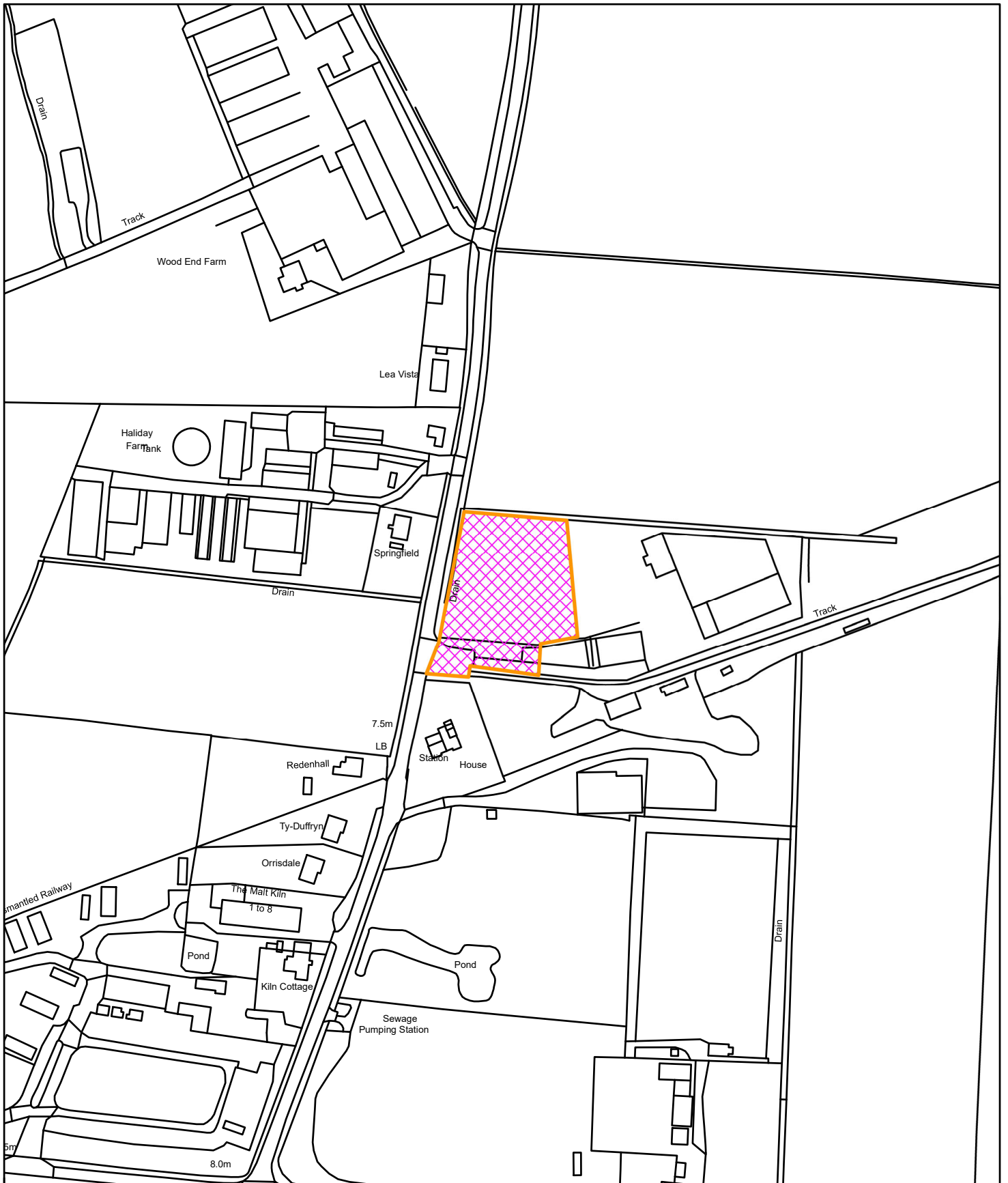
Gareth Stent (Principal Planning Officer)

gstent@selby.gov.uk

Appendices: None

Agenda Item 5.3

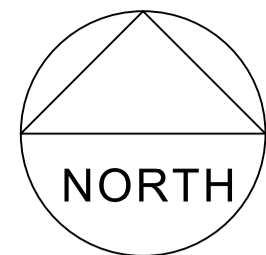
Just Paper Tubes, Cliffe Common, Cliffe
2021/0400/FULM



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EXISTING NEIGHBOURING BUILDING

Page 79

Existing Surface Water Discharge Connection into the Dyke Moved

Existing Surface Water Discharge Connection into the Dyke

LOWMOOR ROAD

NEW WAREHOUSE BUILDING
23m x 45m x 33m.
ATTACHED TO EXISTING WAREHOUSE AND
POSITIONED 5M AWAY FROM TOP OF BANK
ON BOTH NORTH AND WEST ELEVATION

EXISTING CAR PARKING
PROVISION MOVED
4 Spaces

EXISTING CAR PARKING
PROVISION
10 Spaces

EXISTING FACTORY
PRODUCTION BUILDING

EXISTING OFFICE
BUILDING

EXISTING
28m Diameter Turning
Circle for Delivery and
Dispatch Vehicles

EXISTING WAREHOUSE

EXISTING YARD
LEVEL +7.410

EXISTING CONCRETE
SERVICE YARD

EXISTING WAREHOUSE
BUILDING

EXISTING WAREHOUSE
BUILDING

EXISTING ENTRANCE/
PULL IN AREA TO SITE

PROPOSED NEW SITE
CAR PARKING
8no. SPACES

TARMAC

EXISTING SITE CAR PARKING
15no. SPACES

EXISTING TARMAC
ACCESS ROAD

NEW SURFACE WATER DRAINAGE ATTENUATION
STORAGE FOR 1 - 100yrs, 123 + 80 cu nett VOLUME CAPACITY
TO CONTROL SURFACE WATER RUN OFF INTO DYKE.

TANK POSITIONED ALONG WEST BOUNDARY: 0.55m DEEP 7.0m
WIDE and 21m LONG (Stepped)
TANK NEAR CAR PARK: 0.55m DEEP 4.0m WIDE and 20m LONG

COMBINED ATTENUATION VOLUME AS PER CALCULATIONS 172m³

EXISTING NEIGHBOURING
BUILDING

GENERAL NOTES:

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ALL DIMENSIONS IN MILLIMETRES

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DATE	REV	INT	COMMENTS
-	-	-	-

REVISIONS

Drawing Title
PROPOSED SITE PLAN

Project
Proposed New Warehouse Building

Client
Just Paper Tubes LTD. YO8 6EF

Scale: 1:200 @ A1 Drawn By: ANS
1:400 @ A3 Checked by: JM

Date: 08/12/20

LEE & MICKLETHWAIT LTD.

THE OLD STATION
NABURN
YORK
YO19 4RW
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Drawing No.
PL960_03_2_A_JPT

SITE PLAN 1:200

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Report Reference Number: 2021/0400/FULM

To: Planning Committee
Date: 30th June 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0400/FULM	PARISH:	Cliffe Parish Council
APPLICANT:	Just Paper Tubes	VALID DATE: EXPIRY DATE:	30th March 2021 29th June 2021
PROPOSAL:	Construction of a new warehouse building (B8) adjoining an existing warehouse building and formation of new parking area		
LOCATION:	Just Paper Tubes Cliffe Common Cliffe Selby North Yorkshire YO8 6EF		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as 14 letters of representation have been received, which raise material planning considerations in objection to the scheme and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The premises are known as Just Paper Tubes LTD and are located on the eastern side of Lowmoor Road which runs between the main A163 to the north and Hull Road A63 to the south.
- 1.2 The site is a small manufacturing business within the open countryside. The main office, production, and some warehousing buildings are set back from the main road, with a more recent 2017 constructed warehouse on the forefront of the site.

The site comprises of a number of metal shed or portal frame structures and a single storey brick office building, all located around a concrete service yard.

- 1.3 The site surrounded to the north and west of the site by a mature hawthorn hedge and a dyke, which form a natural visual boundary and screening to the industrial buildings. On the western side of Lowmoor Road and opposite the proposal site is a detached dwelling known as Springfield, with further residential dwellings and Cliffe Country Lodges to the south and southwest. To the northwest is Halliday Farm.
- 1.4 The area is essentially rural in nature, however several medium sized employment and commercial uses are pepper potted throughout the local area, mixed amongst farms and standalone residential properties. The village of Cliffe lies 1 mile to the south of the application site and Cliffe is travelled through to access the A63.

The Proposal

- 1.5 The proposal is to construct a new warehouse building at the site, that adjoins an existing warehouse building built in 2017, built as part of the company's expansion.
- 1.6 The Design and Access Statement describes how Brexit and the recent pandemic has forced JPT to change their business model from 'Just in Time' (JIT) Manufacturing, to needing to hold great buffer stocks after struggling to maintain stockholding of goods for manufacture and finished stock to service customers. The proposed new warehouse proposal will help the business support their existing manufacturing operations, which play an essential role in the UK's food & pharmaceutical packaging industry.
- 1.7 The Design and Access Statement stresses that this development would not result in an increase in traffic through Cliffe. The additional storage is as a buffer for goods to manufacture and goods ready for dispatch.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
 - 2016/0792/FUL - Proposed new warehouse building: (PER- 26-AUG-16).
 - CO/1997/0763 (PER – 28.11.1997) Erection of extension to existing factory to provide additional factory warehouse and office accommodation.
 - CO/1995/0792 (PER – 19.10.1995) Proposed erection of a warehouse for the storage of raw materials prior to the manufacture and tubes prior to dispatch.
 - CO/1992/0415 (PER – 15.04.1992) Proposed erection of a portakabin for temporary use as offices.
 - CO/1988/0014 (PER – 26.05.1988) Proposed change of use of existing building from civil engineering use to waste reclamation transfer station.
 - CO/1987/0422 (APPNPW – 01.05.1995) Proposed siting of a residential caravan and erection of four stables, tack room/feed store.

- CO/1987/0417 (REF – 08.05.1987) Outline application for the erection of a detached house and garage on 0.1ha of land.
- CO/1984/0341 (PER – 26.06.1985) Proposed use of land for storage and reclaiming of precious metals from computer scrap and manufacture of ingots.
- CO/1983/04828 (WDN – 05.01.1983) Erection of A Replacement Building for Use as A Bus Garage.
- CO/1981/04294 (PER – 16.01.1981) Rebuilding of Overhead Line.
- CO/1980/04829 (REF – 03.12.1980) Outline App for Detached Dwelling & Garage.
- CO/1980/04824 (PER – 02.01.1980) Outline App for The Erection Of Garage For The Storage Of Coaches.
- CO/1975/32677 (REF – 03.04.1975) Erection of A Bungalow.

2. CONSULTATION AND PUBLICITY

- 2.1 NYCC Highways – There are no local highway authority objections to the proposals.
- 2.2 Yorkshire Water Services – No response received.
- 2.3 Selby Area Internal Drainage Board - As this is slightly outside the Board's district, Selby Area IDB would have no comment to make.
- 2.4 Ouse and Derwent IDB - No response received.
- 2.5 SuDS And Development Control Officer – No response received.
- 2.6 Environmental Health – 13.5.2020 - With intensified commercial activity on this site, there is the potential this will have an adverse effect, through noise and light, on the surrounding residential properties. It is therefore recommended that the applicant is required to submit further details to demonstrate that the development will not have an unacceptable impact regarding noise, light or any other potential nuisance. It is recommended that the applicant considers conditions to control hours of operation to mitigate this potential issue.
- 2.7 Conservation Officer – No response received.
- 2.8 Historic England – No need to notify or consult HE on this application under the relevant statutory provisions.
- 2.9 Parish Council – Existing HGV traffic on York Road is already a concern as vehicles from Just Paper Tubes use the village as a route through to the A63. This issue is a major and long-standing complaint from the residents of York Road. The Parish Council are concerned that a further warehouse may increase HGV traffic. Just Paper Tubes have had polite requests from Cliffe Parish Council to exit their site towards the A163 (Market Weighton Road) rather than using a route through the village, unfortunately these requests have been ignored.
- 2.10 Natural England - Natural England has no comments to make on this application.

- 2.11 North Yorkshire Bat Group – No response received.
- 2.12 Yorkshire Wildlife Trust The trust concurs with the comment of NYCC Ecology dated 22nd April 2021 with regard to the need for a sensitive lighting plan. It is advised that a horizontal contour plan is requested which indicates how dark corridors are to be retained in the development.
- 2.13 County Ecologist – There are no significant concerns in relation to the proposed new warehouse, from the layout plan there is a standoff from the drainage ditch and this also provides a standoff from the hedgerow. One aspect that should be secured by condition is the need for a sensitive lighting design. Light spill onto the north and west boundary hedgerows and wider habitats should be avoided where possible.
- 2.14 Designing Out Crime Officer - It should be noted that rural commercial businesses are vulnerable to burglary. Consequently, it is recommended that the proposed warehouse doorsets, shutters and any rooflights fitted must be to a good security standard. For example, the doorsets to comply with PAS24:2016, and roof lights and roller shutters as a minimum standard, comply with LPS1175 Issue 8 Security Rating 2, or to the same standard of a similar rating scheme.
- 2.15 North Yorkshire Fire & Rescue Service - No objection/observation to the proposed development.
- 2.16 Public Rights Of Way Officer – No response received.
- 2.17 HER Officer – There are no known archaeological sites in the area indicated or within the immediate vicinity. No objections.
- 2.18 The Environment Agency (Liaison Officer) – No response received.
- 2.19 Waste And Recycling Officer - No response received.

Neighbour Summary - Adjoining neighbours were notified of this proposal x3 site notices displayed outside the site and a press notice appeared in the Selby Times.

14 letters of objection were received (3 from the same person) with concerns raised in regard to the following:

- Increase in traffic, in particular on the A63 junction, and lorries using York Road. The lorries already breach the 7.5T weight limit.
- The proposed warehouse detracting from the open countryside and the size of the warehouse not being in keeping with other buildings in the vicinity.
- Being detrimental to wildlife.
- Noise impacts, detrimental to residential amenity. The house constantly shakes with the amount of lorries running through the village. Some drivers do not obey the speed limits which raises noise and vibrations too. During the night these levels disturb sleep impacting upon general well being.
- Cliffe is a small rural village and young children walk along York Road to the local primary school. Any increase in traffic, particularly large HGV vehicles will increase safety concerns and endanger young lives and those of all pedestrians. Many dog

walkers use the road multiple times daily as well as usual pedestrian traffic and those walking to the local shop, post box and public house.

- Increased vehicles will mean increased pollution.
- Residents have seen a marked increase in HGV type vehicles using the route from the A63 to the A163 as a short cut.
- In addition the local shop is also adjacent to this junction and often has vehicles parked.
- There are some speed bumps to the North of the level crossing but we find HGVs are able to traverse these without necessarily slowing down, and it seems that many of them are potentially exceeding the 30mph speed limit.
- There is perfectly acceptable access to this proposed site from the A163 to the north.
- If HGV traffic could be compelled to access from this direction then any traffic safety and noise issues would be resolved.
- At present there are no restrictions on HGV s travelling through restricted area starting as early as 2 am onwards, causing sleep deprivation.
- There are two large industrial estates within approx 1 mile of Paper Tubes so no real need.
- Possible damage to old sewage system and continual repairs to railway crossing. 10.
- All issues would be resolved if HGV s were FORCED to access site via A163 only and this would disrupt no one to avoid Cliffe village.
- After reading the latest response from JPT dated replying to comments made. After speaking with neighbours wish to make clear that no one objects to the warehouse as such but objecting to the route along York Rd at all times particularly in the night. Whilst JPT claim that their business has suffered under covid and Brexit it is only to be expected that vehicles journeys would increase when things return to normal.
- The vehicle study shows that only seven lorries a day pass through but does cover their return journeys ,and it does not give times as only this morning one went through at 2.45am making it impossible to sleep with the window open. JPT claim that vehicles are not expected to intensify but WOULD NOT would be better.
- This issue needs to be resolved before any Planning approval is given it is reiterated no one objects to the warehouse only the route and times. This could easily be resolved by change of route via A163. Do not understand why a local business who claim to employ locals should wish to antagonise the locals. It is understood that no locals who work at JPT actually live on York Rd.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies outside development limits, within an allocated Employment Development Site CLF/1 and within Flood Zone 1.

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 took place early in 2020. Consultation on preferred options took place in early 2021. 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

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 Highway
EMP2 - Location of Economic Development
EMP6 - Employment Development
EMP9 - Expansion of Existing Employment Uses
CLF1 - Land for employment development at Cliffe Common

5 APPRAISAL:

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

- Principle of the Development
- Design and Impact on the Open Countryside
- Impact on Residential Amenity
- Impact in the Highway
- Drainage and Flood Risk
- Ecology

Principle of the Development

- 5.2 The proposal is for a new warehouse building to increase the storage capacity at a well-established manufacturing business within the countryside, which has its own policy designation. The following policies are therefore relevant.
- 5.3 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.4 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.
- 5.5 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

- 5.6 Policy SP2(c) of the Core Strategy states that 'Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13or other special circumstances.
- 5.7 Local Plan Policy EMP2 encourages proposals for small-scale development in villages and rural areas in support of the rural economy and the application site is allocated land for industrial/business development under Policy CLF/1. It adds that proposals for the development of allocated sites should meet the detailed requirements set out in specific policies contained in Part Two of the Local Plan.
- 5.8 Policy CLF/1 allocates land at Cliffe Common (the application site) for employment development in accordance with Policy EMP2. It states that proposals must make provision for 1) The whole site to be served by a single point of access taken from the Cliffe-Skipwith road and made up to an adoptable standard; 2) The retention and/or diversion through the site of the existing vehicular right of way; 3) The retention and strengthening of existing hedgerows on the boundaries of the site; and 4) The establishment of an effective landscaped screen between proposed development and the existing residential properties.
- 5.9 Policy EMP6 (A) supports proposals for new industrial and business development within allocated sites and established employment areas, including infilling, extension or expansion of existing firms, redevelopment of existing sites, or the change of use of land or premises provided it meets three set criteria.
- 5.10 Policy EMP9 states that Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided several criteria are met.
- 5.11 Policy SP13C supports sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprises including the re-use of existing buildings and infrastructure and the development of well-designed new buildings.
- 5.12 Section 6 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, in particular paragraph 83 which states planning decisions should enable the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well design new buildings.
- 5.13 The application site is located outside defined development limits and is located at Cliffe Common on land that was allocated for industrial/business development within the Local Plan. The allocation is now largely developed, however space does exist on the frontage of Just Paper Tubes site for the proposed building. The proposal would be regarded as an expansion and increase the business's material storage capacity. The company does not envisage any job creation (currently 34 employees) but the proposed building would help secure the long-term viability of the business.

- 5.14 The proposals are therefore considered to be in accordance with Policies EMP2, EMP6(B), EMP9 and CLF/1 of the Local Plan, Policies SP1, SP2 and SP13 of the Core Strategy and the policies contained within the NPPF.

Design and Impact on the Open Countryside

- 5.15 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4), EMP6A (3) and EMP9 (2) and (3) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy.
- 5.16 Significant weight should be attached to the Local Plan Policies ENV1, EMP6 and EMP9 as they are broadly consistent with the aims of the NPPF section 12.
- 5.17 Criteria 3 of Policy EMP6A and criteria 2 and 3 of Policy EMP9 require proposals to achieve a standard of design, materials and landscaping appropriate to the locality that complements existing buildings and would not have a significant adverse effect on the appearance or character of the surrounding area.
- 5.18 The application site is visible from Lowmoor Road and proposes to develop the only remaining part of the site alongside the new warehouse constructed in 2017. The site is mainly visible from the main access road; however, the western and northern boundaries are screened by an existing hawthorn hedge, which would remain unaffected by the proposals.
- 5.19 The proposed warehouse building would be 45 metres in length, and 23-33m in width, 6.3m to eaves and 7.4m in height to the ridge. The materials proposed, and as shown on the submitted drawing would be a concrete panel plinth to the base with plastic coated steel sheeting to the elevations and plastic-coated box profile steel sheets to the roof. The colour of the warehouse would match the other buildings on site, and this can be secured by way of condition. The proposed building would be almost identical to and adjoin the building permitted 2016/0792/FUL.
- 5.20 The siting of the proposed building would be to the north of the 2017 constructed warehouse and forward of the existing commercial buildings associated with the site and as such, would feature more prominently within the landscape. The design and access statement explains how the design and shape of the new warehouse has been carefully considered, in order to maximise space and utilise as much of the remaining land as possible to support its existing production. The proximity to the north and west boundary has also been considered having consulted with the local drainage board in order to provide access for maintenance of the watercourse.
- 5.21 The existing hedgerow and landscape screen would be retained as part of the proposal. This is also a requirement of criteria 3 and 4 of Policy CLF/1 which requires the retention and strengthening of existing hedgerows on the boundaries of the site and the establishment of an effective landscaped screen between proposed development and the existing residential properties. A building on this front part of the site has previously been found to be acceptable, as such, it is considered that this established landscaping sufficiently mitigates the impacts on the proposed warehouse on the character and appearance of the area. Some views into site will be more apparent in winter months, however equally the new building will screen views into the rear part of the site.

- 5.22 A street scene drawing has also been submitted with the application, which shows the proposed warehouse building being smaller in scale than the existing buildings to the rear of the site and would be slightly taller than the residential properties opposite. The plans show how the proposed building comfortably sits alongside the building constructed in 2017.
- 5.23 It is acknowledged that the building is in a prominent location next to the road, however given the sites existing use, its allocation, the scale of the existing buildings on the site and existing screening, it is considered that the proposed warehouse would not have a significant or detrimental impact on the character or appearance of the area. As such, the proposal is considered to be in accordance with Policies SP13 and SP19 of the Core Strategy and Policies ENV1, EMP6, EMP9 and CLF/1 of the Selby District Local Plan.

Impact on Residential Amenity

- 5.24 Policies ENV1 (1) and ENV2 of the SDLP requires proposals to take account of the effect upon the amenity of adjoining occupiers. Policy SP19 of the Core Strategy outlines that proposals for all new development will be expected to seek a good standard of amenity. In addition, one of the Core Principles of the NPPF is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings is achieved.
- 5.25 14 letters of objection were received and raised concerns over the scale of the building and many of the comments focussed around the number, and type of vehicles servicing the premises and the associated noise and disturbances these cause. Very little concern was expressed in regard to noise from the premises, particularly as the proposed building opposite turns its back on the roadside and has all of its main openings facing into the operational site. This will provide both a visual and sound screen to the activities undertaken within the main body of the site. The proposed building is also being used for B8 storage only and no manufacturing will take place within the building.
- 5.26 The Environmental Health has been consulted as part of the application and indicated that the intensified commercial activity on the site, has the potential to have an adverse effect, through noise and light, on the surrounding residential properties. Further detail was required of the applicant to demonstrate that the development will not have an unacceptable impact regarding noise, light or any other potential nuisance. It was recommended that the applicant considered hours of operation to mitigate this potential issue.
- 5.27 In terms of hours of operation, the additional warehouse constructed in 2017 did not have hours of use attached to the permission as Local Authority took the view that given the wider site was uncontrolled i.e. the warehouse in 1995 (CO/1995/0792) or factory/office extension in 1997 (CO/1997/0763), that it would be unreasonable to try and control this additional building. The applicants have reiterated this position considering it unreasonable to limit the operational hours of this building particularly when the remainder of the site is unrestricted. The applicants claim this would materially harm the organisation's prospects and be impossible to enforce when a 24/7 use currently exists on the remaining buildings. Whilst is unclear what hours the business actually operates; Officers agree that it would not be reasonable or effective to limit just 1 of the buildings on the site to a specific operating period. The objections concerning highway routing are considered in the highway section.

- 5.28 In terms of noise, the applicants reiterated that “the proposed warehouse extension is not for manufacturing and will in effect reduce the need for forklift movements within the site as raw materials will not be moved to suit the work pressures of that day. Therefore, a net reduction to the very limited, if any, noise nuisance created within the site is envisaged. The business of Just Paper Tubes has very limited industrial noise compared to other B2 and B8 uses”.
- 5.29 In terms of lighting the applicants state that the proposal encloses the manufacturing facility yard space and any task lighting used in darkness will be directed into the “compound” between the buildings and therefore this provides a tangible enhancement to the local area particularly the bungalow opposite. Details of a lighting scheme can be secured by condition which is also necessary to full the ecologist’s requirements as detailed below.
- 5.30 Finally in terms of outlook and dominance, the nearest residential property (Springfield)) is located approximately 30 metres to the west with Station House to the south located approximately 67 metres away. The proposed warehouse would be located closer to Springfield House opposite so will be more visible when compared to the existing commercial units associated with the site. However, the building comes no closer than that permitted in 2017. Also, no objections have been received from either dwelling closest to the site.
- 5.31 The building has been designed so it faces east with no openings are proposed on the rear elevation (west elevation) with the proposed roller shutter door facing towards the existing service yard (east) away from the residential properties.
- 5.32 As such, given the separation distances between the residential properties and the proposed warehouse as well as taking into account the orientation of the warehouse proposed it is considered that the proposal would not result in a significant or detrimental impact on the residential amenity.
- 5.33 It is therefore considered that the proposal would not have a significant and adverse impact on the amenity of the nearby residential properties and would therefore be in accordance with Policies ENV1 (1) and ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on the Highway

- 5.34 Policies ENV1(2), EMP6(A), EMP9 and T1 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. In addition, Policy CLF/1 states that the whole site should be served by a single point of access taken from the Cliffe-Skipwith road and made up to an adoptable standard.
- 5.35 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SP19 in respect to highway safety states that development should ' be accessible to all users and easy to get to and move through' and 'facilitate sustainable access modes'.
- 5.36 The proposal plans to create 8 new car parking spaces on the entrance to the site by extending the existing parking arrangement. This will offset the loss of 4 space

on the northern boundary which would have been in front of the proposed warehouse bays.

- 5.37 There has been significant concern from the residents of Cliffe over the routing of HGV vehicles that use the premises, particularly those that pass through Cliffe onto the A63. The concern centres around highway safety, noise nuisance, vibration all of which are detailed in the report. The Highways Officer has no objections to the proposal.
- 5.38 In terms of vehicle routing, like the hours of working issue, the routing of vehicles using the premises is not controlled by any historical permission therefore it would not be reasonable to try and control this under a single application for an additional warehouse building. The owners are keen to stress that this development is not to intensify the industrial output from the business, but to allow it to compete successfully with a buffer supply of raw materials.
- 5.39 Residents were concerned that JPT ignore weight restriction and encourage vehicles to travel north and avoid Cliffe. JPT supplied a letter from 2010 from North Yorkshire CC giving them exemption to weight restrictions so vehicles making collections and deliveries can gain access. Vehicles are therefore permitted to use this route through Cliffe.
- 5.40 The applicants also reiterated that “the village is used as ‘cut through’ by many heavy goods vehicles that are not obeying the traffic restrictions. The business would support any spot checks carried out by North Yorkshire Highways or the police to enforce the traffic restrictions. However, as the 2010 letter confirms, access for vehicles to the business via Low Moor Road (becoming York Road) is lawful. A Study of vehicle movements to and from the transport coordinator employed by the business is shown above. The business has very limited traffic to and from its premises. As illustrated, averaging less than 7 vehicles per day. This use is not expected to intensify.”
- 5.41 Residents have also pointed out that customers visiting the premises often travel in the early hours of the morning and disturb sleep. JPT acknowledges this and states they have one customer that visits once or twice a week to collect. This occurs at varying times but is within the early hours and the company records all delivery and collection times. The company state this collection is part of a trunker run JPT’s customer undertakes and is always via the A163 not the A63 as this is part of the circular run, so no traffic uses York Road Cliffe.
- 5.42 JPT has a sophisticated on-site CCTV system as part of their health and safety and quality control management. This CCTV captures large vehicle movements on Lowmoor Road simply because it monitors the yard space. There is plenty of evidence of other HGV traffic using York Road, either to Whitemoor Business Park which is outside the access only weight limit restriction (and therefore vehicles should be using the A163 only) or as a general cut through. JPT wish to reiterate that the specific complaint from the resident in Cliffe (2/6/2021 or 3/6/2021) that there were no vehicles entering or exiting JPT premises at that time, in the hours before or proceeding 2:45am on both days. Its therefore likely that the vehicles passing through Cliffe in the early hours are not associated with JPT.

- 5.43 The proposal is not therefore of a scale that would require a specific routing agreement and the proposed extension is not considered to cause any significant increase in movements. Therefore, on consideration of the application and the comments from the Highways Officer, the proposal is considered to accord with Policies ENV1(2), EMP6(A), EMP9 and T1 of the Local Plan and Policy SP19 of the Core Strategy.

Drainage and Flood Risk

- 5.44 Relevant policies in respect to drainage and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. The application site is located in Flood Zone 1 (low probability of flooding). As such a sequential flood risk test is not required. The application form and flood risk attenuation statement details that no foul drainage will be required, and the surface water will be via 2 new underground attenuation tanks to manage the outflow of surface water into the adjoining dyke.
- 5.45 The report indicates that discussions regarding surface water drainage have already taken place with the York Consortium of Drainage Boards and advice provided on the design calculations have been provided by a specialist drainage company. There have been no comments from any of the statutory drainage consultees to suggest this would not be appropriate and therefore no further control is necessary. The proposal is therefore considered to be in accordance with Policy ENV1 of the Local Plan, Policies SP15 and SP16 of the Core Strategy and the advice contained within the NPPF.

Ecology

- 5.46 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.47 The site is currently grassed and of low ecological value and none of the existing boundary vegetation is being removed. No ecological assessment was submitted; however, the county ecologist considered the application and had no significant concerns as there is a standoff from the drainage ditch and this also provides a standoff from the hedgerow. The ecologist requested details of a lighting scheme to be secured by way of condition, with light spill onto the north and west boundary hedgerows and wider habitats should be avoided. This will ensure compliance with Selby District Local Plan Policy ENV1(5) and Policy SP18 of the Core Strategy.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is appropriate in policy terms and would not have a detrimental effect on the character or appearance of the open countryside, residential amenity, highway safety, drainage, flood risk or ecology.
- 6.2 The proposal is therefore considered to be in accordance with Policies ENV1, ENV2, EMP2, EMP6, EMP9, CLF/1 and T1 of the Selby District Local Plan, Policies

SP1, SP2, SP13, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

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

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

PL960_01_2_A_JPT_Location Plan
PL960_02_2_A_JPT_Existing Site Plan
PL960_03_2_A_JPT_Proposed Site Plan
PL960_04_2_A_JPT_Site Elevations
PL960_05_2_A_JPT_Building Floor Plan
PL960_06_2_A_JPT_Building Roof Plan
PL960_07_2_A_JPT_Building Elevations 01
PL960_08_2_A_JPT_Building Elevations 02

Reason

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the warehouse hereby permitted shall match those as stated within section 7 of the application form and those permitted and used on the adjoining building permitted under 2016/0792/FUL.

Reason:

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

04. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number PL960_03_2_A_JPT_Proposed Site Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason:

In accordance with Policies ENV1(2), EMP6(A), EMP9 and T1 of the Local Plan and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

05. Prior to the use of the building becoming operational, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the lighting shall be installed in accordance with the agreed details and thereafter be so retained.

Reason:

In accordance with Policies ENV1, EMP6, EMP9 of the Local Plan and Core Strategy policy SP18 to ensure that lighting does not spill out from the application site and cause harm to the living conditions of neighbouring dwellings, the character of the countryside and the ecological value of the countryside setting.

Informative

It should be noted that rural commercial businesses are vulnerable to burglary. Consequently, it is recommended that the proposed warehouse doorsets, shutters and any roof lights fitted must be to a good security standard. For example, the doorsets to comply with PAS24:2016, and roof lights and roller shutters as a minimum standard, comply with LPS1175 Issue 8 Security Rating 2, or to the same standard of a similar rating scheme.

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 2021/0400/FULM and associated documents.

Contact Officer:

Gareth Stent (Principal Planning Officer)

gstent@selby.gov.uk

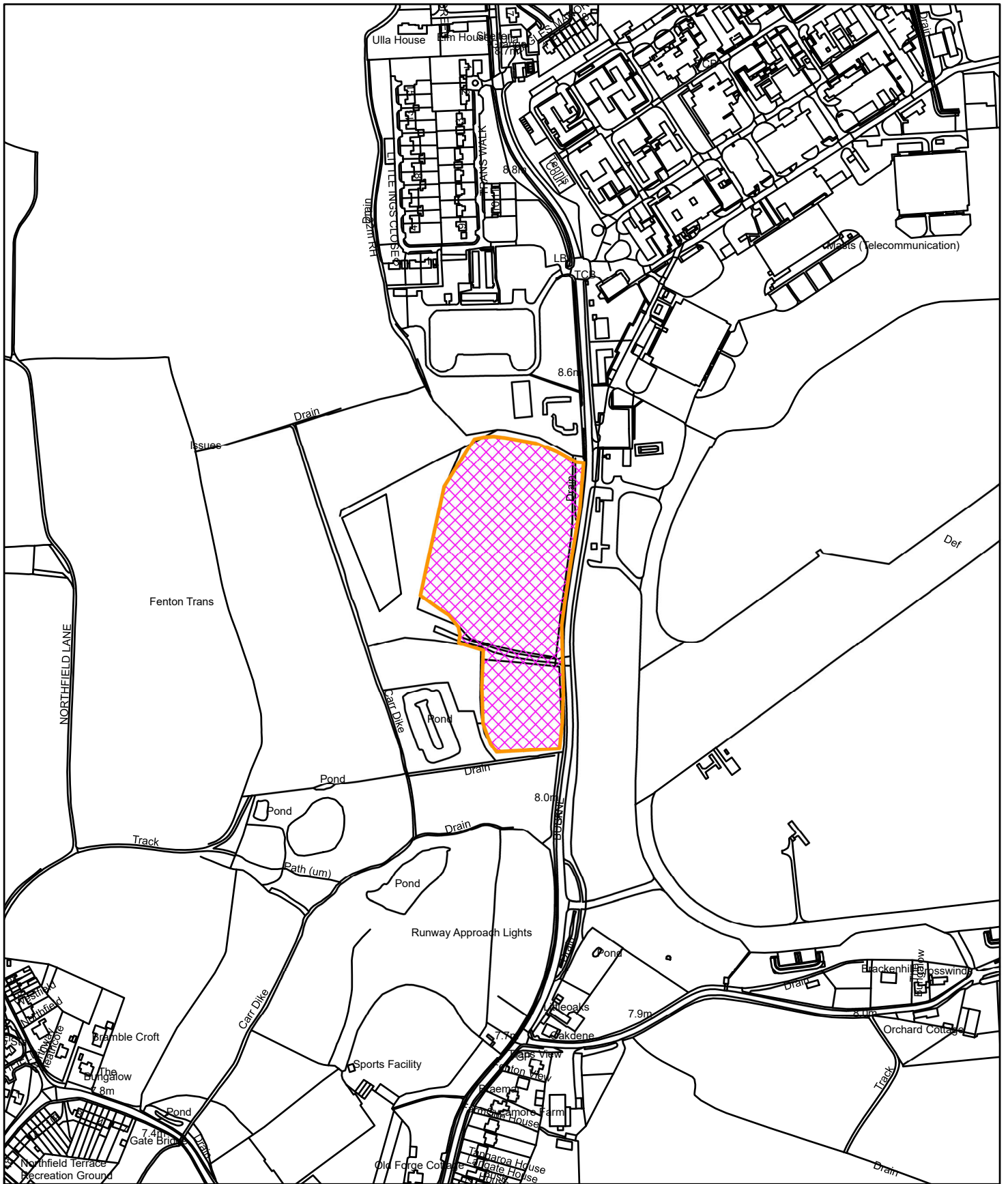
Appendices: None

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Agenda Item 5.4

Land South of Gloster Close, Busk Lane, Church Fenton

2020/0225/FULM



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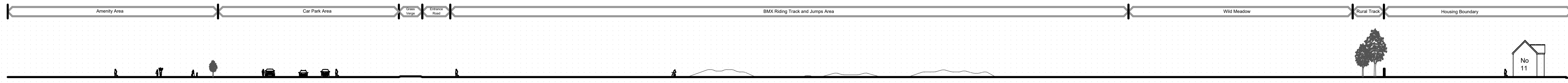
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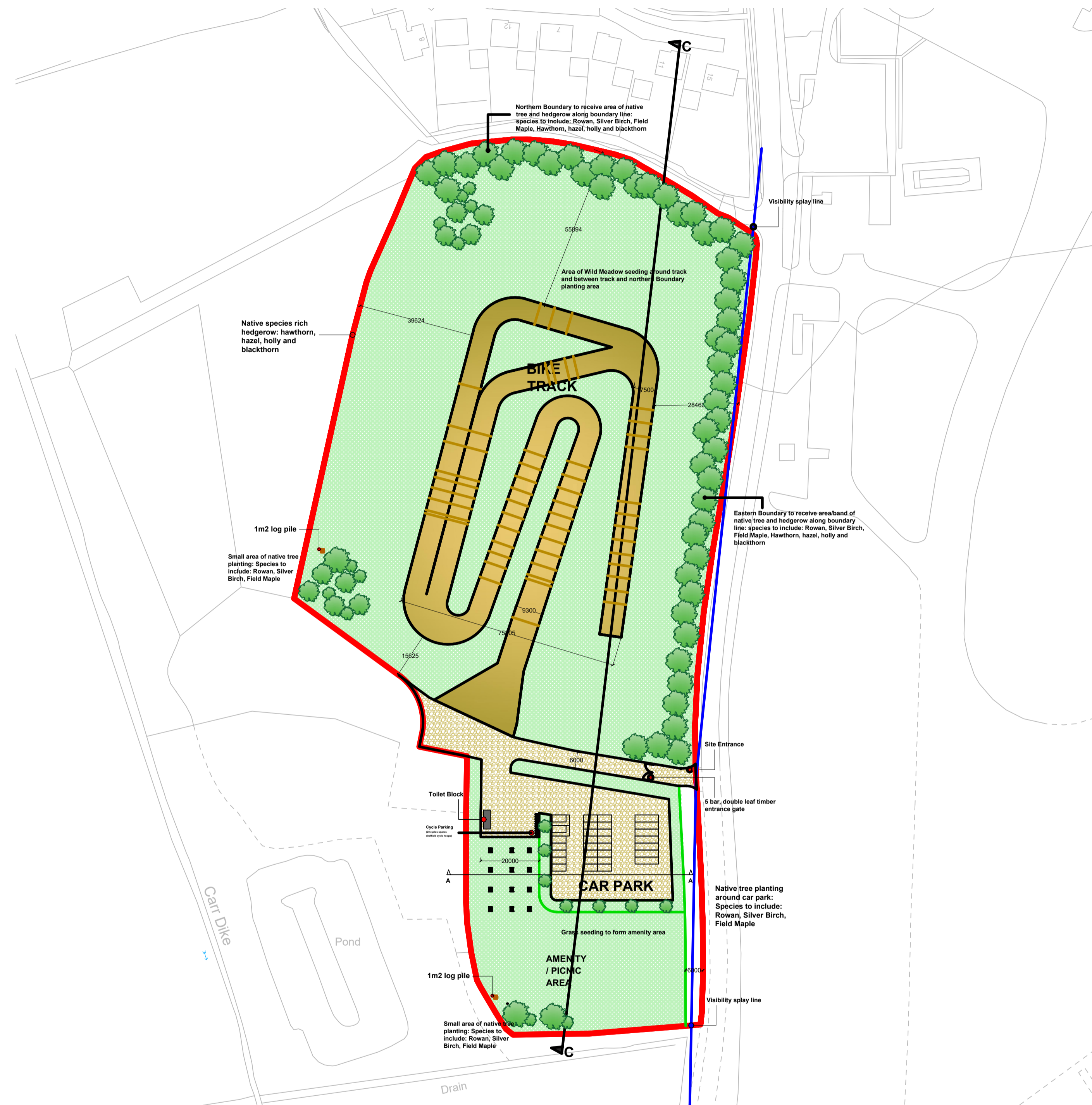


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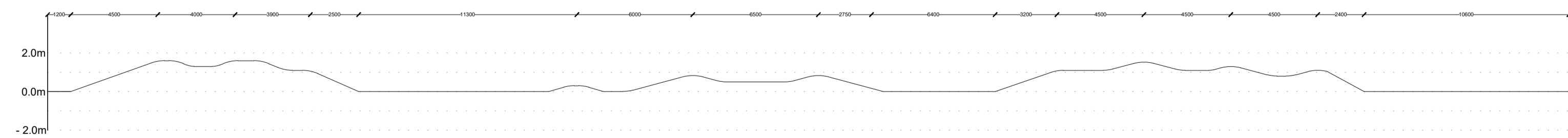
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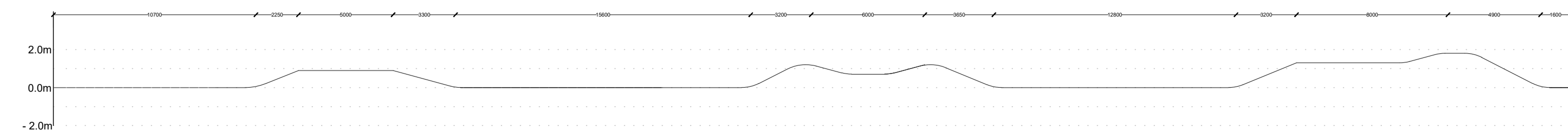
SECTION C-C - 1:500



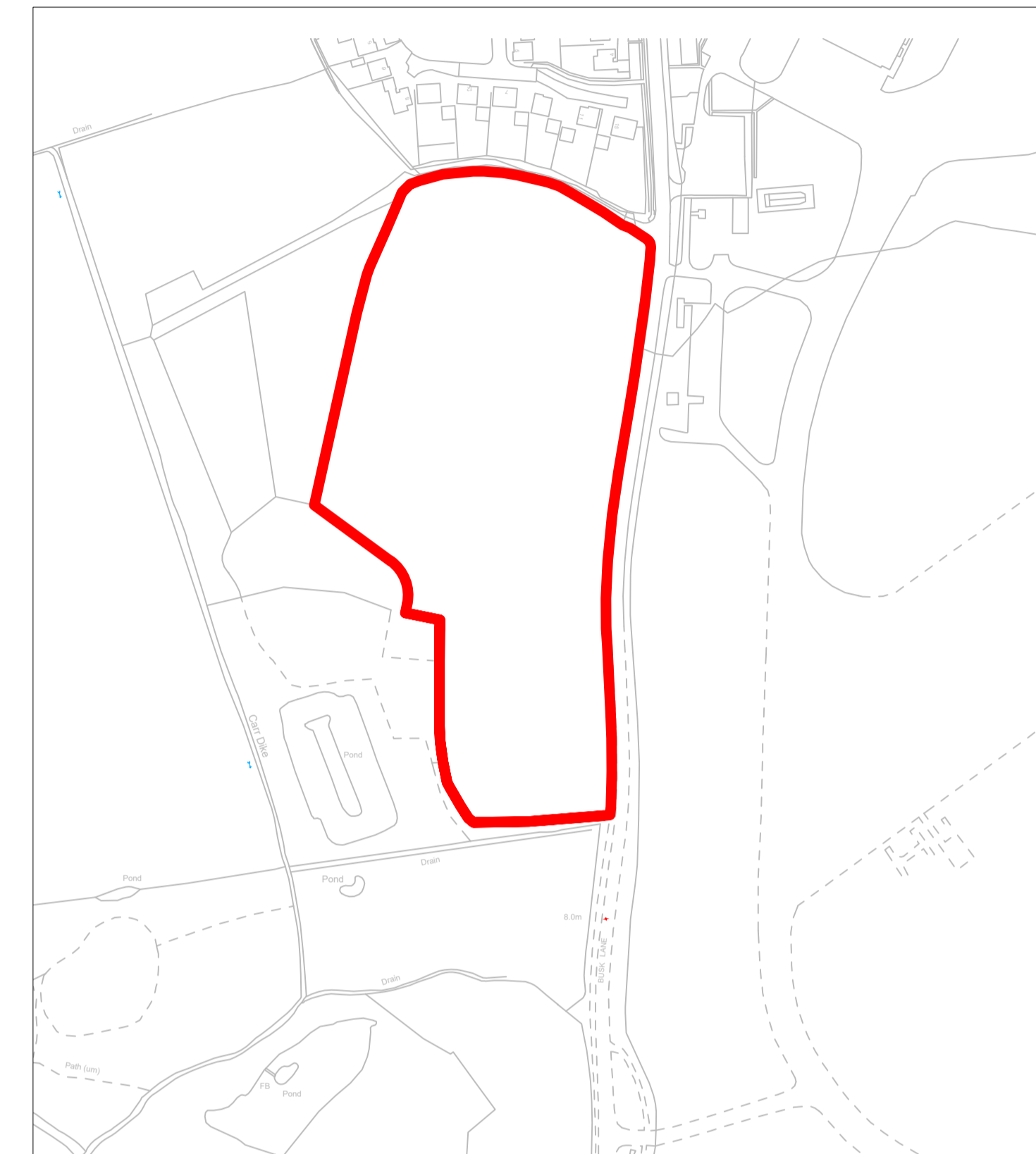
PROPOSED SITE PLAN - 1:1000



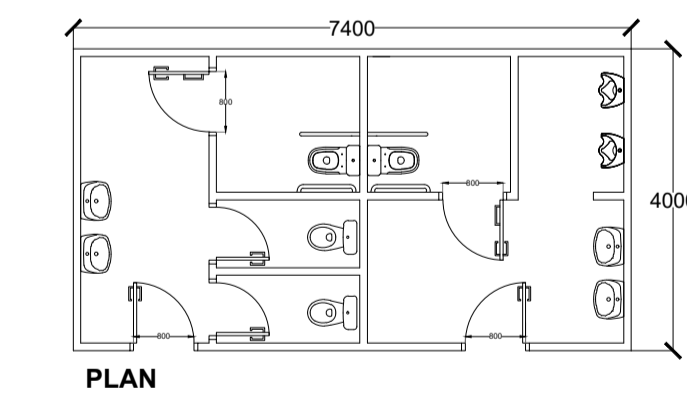
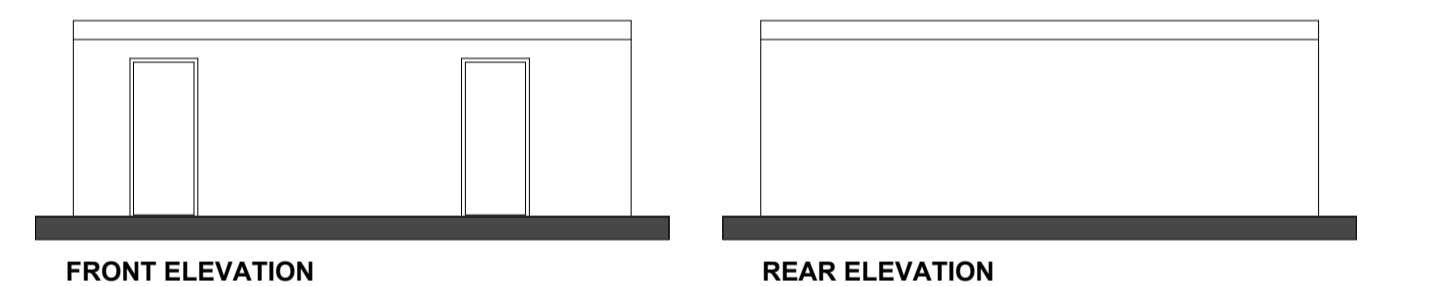
PROPOSED TRACK LEVEL INFORMATION - 1:200



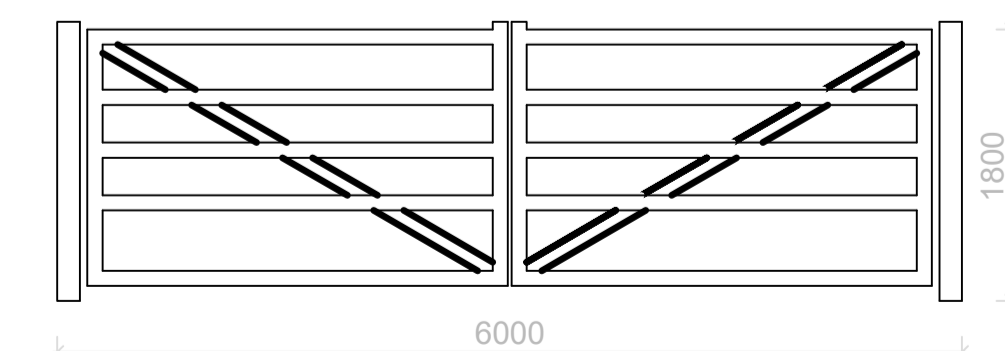
PROPOSED TRACK LEVEL INFORMATION - 1:200



SITE LOCATION PLAN - 1:2500



TOILET BLOCK - 1:100



ENTRANCE GATE - 1:50

KEY

NOTES:

Entrance Track, Parking area and Amenity area will be made good with permeable hard standing

Top soil to be imported and scultures to form outdoor cycle track

Landscaping Notes:

- Hard Landscaping: MOT Type 1 well compacted stone, compacted in layers of 150mm. Car park and track road to be self draining permeable surface.
- Soft Landscaping: Wild Meadow seed to be spread on North Side of site to provide soft screen between existing housing and proposed track area
- Small native tree line to define car park and amenity areas

5 Bar, double leaf, timber entrance gate

Sheffield Cycle Hoop

REV.	DESCRIPTION:	STATUS	BY:	DATE:
H	Landscaping areas added. Tree and Hedgerow areas added to Northern Boundary and Eastern Boundary. Wild meadow and grass seeding areas added	P1		Jan 21
G	Ecological enhancements added	P1		Nov 20
F	20 Sheffield Hoops added for Cycle Parking	P1		Oct 20
E	Track size reduced.	P1		Oct 20
D	Track size reduced. Bunds and willow removed. Wild meadow added. Site section added	P1		Sep 20
C	Car Parking reduced. Amenity space increased. Site entrance gate added	P1		Jun 20
B	Sections added. Landscaping notes added. Toilet block details provided	P1		Mar 20
A	Client track updates	P1		Feb 20

REVISIONS

DRAWING STATUS:
PLANNING

AMENDED
DRAWING

CLIENT:

PROJECT TITLE:
BUSK LANE, CHURCH FENTON

DRAWING TITLE:
PROPOSED SITE PLAN, SITE LOCATION PLAN AND LEVEL INFORMATION

DRAWING SCALE: AS INDICATED DRAWN BY: DRAWN DATE: 31.01.2020 CHECKED: PAPER SIZE: A1 APPROVED BY:

DRAWING NUMBER: BL001 SUITABILITY: P1 REVISION: H

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Report Reference Number: 2020/0225/FULM

To: Planning Committee
Date: 30th June 2021
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0225/FULM	PARISH:	Church Fenton Parish Council
APPLICANT:	Busk Lane Outdoor	VALID DATE: EXPIRY DATE:	1st April 2020 1st July 2020
PROPOSAL:	Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park		
LOCATION:	Land South of Gloster Close Busk Lane Church Fenton Tadcaster North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee due to the significant number of representations both in support and opposition to the application, which raise material planning considerations and that Officers would otherwise determine the application contrary to some of these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site area covers approximately 1.6 hectares of agricultural grazing land to the west of Busk Lane, opposite the east-west runway of Leeds East Airport. The site is roughly rectangular in shape and is relatively open being bounded by a variety of small unmanaged mounds (primarily to the road frontage), post and wire mesh or post and rail fencing. Beyond the site to the north is an unmade access track running in front of the rear garden boundary fencing of a recent housing development. A number of mature trees sit alongside the fencing.

- 1.2 The site is accessed through a metal gate and an unmade agricultural access track leading off Busk Lane.
- 1.3 The site lies outside but adjacent to the development Limits of Church Fenton Airbase and is therefore classed as open countryside.

The Proposal

- 1.2 The application seeks permission for the change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park. The proposal is being promoted as a community facility that will be managed by the landowner who lives locally. The site will be accessed from the existing access at the southern end of the site from Busk Lane. Key elements of the proposal include;
 - BMX Track and associated jumps made from soil
 - Associated access works and parking and cycle parking area
 - Boundary treatment and Landscaping
 - Small toilet block

Relevant Planning History

- 1.3 The following historical application is considered to be relevant to the determination of this application.

2017/0833/DOC: Discharge of conditions 10 (Highways), 11 (Access) and 15 (Travel plan) of approval 2015/0318/FUL Erection of 39 dwellings, construction of access roads and associated recreation open space: Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: COND, 28-SEP-17

2017/0832/MAN2: Nonmaterial amendment of approval 2015/0318/FUL for erection of 39 dwellings, construction of access roads and associated recreation open space: Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: PER, 13-OCT-17

2017/0591/DOC: Discharge of conditions 02 (materials), 03 (landscape), 06 (surface water), 07 (foul and surface water drainage), 20 (surface water watercourse), 09 (ground works engineering), 12 (groundworks), 14 (construction method), 16 (site clearance), 17 (flood risk assessment), 18 (energy renewal), 19 (noise) and 22 (lighting) of approval 2015/0318/FUL for erection of 39 dwellings, construction of access roads and associated recreation open space: Busk Lane, Church Fenton, North Yorkshire: COND, 28-SEP-17

2016/0444/FUL: Proposed erection of an accommodation block in connection with an outdoor pursuits activity centre on land west of Busk Lane, Church Fenton, North Yorkshire: REF, 15-SEP-16

2015/0846/FUL: Creation of new field access off Busk Lane, Church Fenton, North Yorkshire: PER, 19-NOV-15

2015/0318/FUL: Erection of 39 dwellings, construction of access roads and associated recreation open space: RAF Church Fenton, Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: PER, 21-DEC-15

2013/0285/FUL: Formation of a caravan and camping site in conjunction with existing fishing lake including construction of amenity block: Land off Busk Lane, Church Fenton, North Yorkshire: REF, 25-JUL-13

2012/1103/FUL: Construction of 28 dwellings, associated access road and landscaped areas on land at the former Officers Mess: RAF Church Fenton, Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: PER, 02-OCT-14

2010/0528/FUL: Erection of 9 live/work units and 4 affordable houses and associated access road and landscaped areas on land at the former officers' mess: RAF Church Fenton, Busk Lane, Church Fenton, North Yorkshire: PER, 18-FEB-11

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways** - initially considered that the information provided was not sufficient to fully assess the planning application in terms of the highway impact and sought a Transport Assessment giving details of likely vehicle trips to and from the site and accidents within the area in the last 5 years. It was noted that 102 car parking spaces were proposed and therefore it was anticipated that significant vehicle movements would be created. The existing access is deteriorating and should be brought up to NYCC's specification and, as the site is located within the 40mph speed limit, visibility splays of 2.4m x 120m are required.

Following the submission of further information and a reduction in the number of proposed parking spaces to 30, the Highway Authority has confirmed that it has no objections subject to a number of conditions in respect of improvements to the access, the provision of visibility splays and a Construction Management Plan.

- 2.2 **Yorkshire Water Services Ltd** - no comments to make.

- 2.3 **Selby Area Internal Drainage Board** - give the following comments and recommendations:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to planning permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

Following receipt of further information and re-consultation, no comments have been received from the IDB.

- 2.4 **Local Lead Flood Authority** – initially commented that the submitted documents were limited and failed to acknowledge paragraph 165 of the NPPF which states that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. It was also noted that the

submitted drainage statement stated: "Due to the nature of the proposed development a detailed drainage scheme is not proposed at this stage as it would cost a significant amount of money for what is at this stage essentially a community project. Notwithstanding this it is indicatively proposed to provide permeable surfacing of access and parking areas and with a proposed landscape and boundary treatment scheme more vegetation will be added to aid in water retention. We would be happy to enter into an appropriate condition if needed as at this point in the process we could commit to more financial expense." In the absence of any form of assessment of the baseline site conditions, or any proposed means of disposing of the site runoff, the LLFA felt unable to provide any meaningful comments and could not be satisfied that any condition attached could be discharged. As a minimum, it was suggested that the applicant should determine where and how surface water would be disposed of as the proposal will involve a significant amount of bare soil which can result in significant uncontrolled runoff from the site unless carefully managed. The LLFA recommended that the applicant provide further information.

Following receipt of further information and re-consultation, no comments have been received from the LLFA.

- 2.5 **Environmental Health** - is aware nearby residents have raised concerns over the potential impact of development on the residential amenity of the area, including impacts due to noise emissions. Alternative legislative regimes do exist in relation to noise recreational land use, mainly noise nuisance as defined by the Environmental Protection Act 1990. It is worth noting that Nuisance is broadly defined as an unlawful and/or unreasonable interference with the enjoyment of land whereas the Planning regime seeks to protect residential amenity in terms of observable effect level. In view of the differences between the regimes, it is recommended that the alternative regime should not be relied upon to achieve Planning objectives. Consequently, the applicant is required to consider the proposals with respect to noise impact in terms of the NPPF, PPG and relevant local policies and submit further information to demonstrate compliance with the relevant policies including an assessment of the likely impact together with any proposals for mitigation.

In considering the subsequently submitted Environmental Noise Assessment, which recognises that the proposed development does have the potential to have a negative impact on residential receptors, it is agreed that there is no guidance available which specifically deals with the case at hand, and it is difficult to carry out an assessment. The assessment proposes three planning conditions designed to mitigate the impacts of the development. The first condition seeks to ensure that the track is only used by bicycles and that motorcycles must not use the track which is agreed. The second condition seeks to restrict the hours of operation between 0800 and 2200 based on the assumptions contained within the assessment, mainly that operational noise is below the proposed 50dB_LA_{eq} criterion. The assessment states that "Given the community owned nature of the development it is probably not appropriate to set noise limits within a planning condition since there is no business owner who can be held responsible for the site and is therefore not really enforceable". The condition proposed therefore is based on a number of assumptions, should those assumptions prove to be an underestimate of the noise emissions then the criteria could be exceeded with no means to exercise control. This gives rise to the potential for an unacceptable impact on residential amenity in terms of noise, particularly in the evening time. It is therefore recommended that the applicant is asked to consider restricting the opening times in the evening to protect the residential amenity of the area, alternatively it may be necessary to impose a

suitably worded condition that does achieve the boundary level derived in the assessment. The third condition seeks to restrict motorised earth moving equipment between the hours of 0800 and 2200. It is questioned whether it is really necessary to use earthmoving equipment in the evening and it is recommended that the hours are restricted to between 0800 and 1800 by way of a suitably worded condition.

Further consultation with EHO

If there is no control over the operator being community-owned then Recommends use restricted to hours of 0800 to 1800 similar to non-motorised uses.

2.6 **Natural England** - has no comments to make.

2.7 **North Yorkshire Bat Group** – no comments received.

2.8 **Yorkshire Wildlife Trust** - noted that the application is supported by a Preliminary Ecological Appraisal (PEA) and that the ecologist has recommended surveys for protected species, specifically that great crested newt surveys of the four ponds close to the site should be undertaken. Given the proximity of ponds to the application site, and the presence of records in the area, The Trust considered it likely that great crested newts could be present on the site. Full landscape proposals, to allow sufficient assessment and recommendations for impacts upon habitats to be made, were also suggested. The Preliminary Ecological Appraisal states that the site offers potential habitat for ground nesting birds and brown hare, but no mitigation is proposed. The planning statement says the development will provide a significant amount of net gain which is encouraging, and any new planting should use a mix of native species appropriate to the area.

Having reviewed additional information submitted by the applicant, specifically the Drainage Technical Note and Environmental Noise Assessment, the Trust noted it is intended that runoff generated by the development will ultimately be discharge to Carr Dike via the existing drainage ditch just outside the site's southern boundary and any potential ecological implications (including to protected species) of the drainage strategy will need to be explored prior to determination. The revised plans incorporate a smaller car park area, resulting in an area which is now labelled as an amenity/picnic area which seems an ideal location for habitat creation, for example a wildflower grassland. The Trust also considered that areas between the tracks could be developed as wildflower grassland and the proposed willow planting could be replaced with a native species rich hedgerow, if appropriate to the local area. In its current form there are missed opportunities to incorporate habitat for wildlife into the design, which would enrich the environment for visitors, particularly children.

2.9 **County Ecologist**

First response-7 Sept 2020

No GCN detected. Would like to see PEA updated to reflect the details of the planning application and clarifies what the applicant is undertaking in terms of ecological enhancement.

Second response- 30 Sept 20

Further ponds identified by local resident need to be considered. But we consider it unreasonable to delay determination until next spring for these to be surveyed because:

(i) the site is poor habitat so if GCN's are present in these other ponds they would not be dependent on the application site. Therefore, in terms of the Habitat and species Regs 2017 the proposed development would not be detrimental to the conservation status of the GCN,

(ii) reasonable avoidance measure could reduce the risks but need to be set out in the Ecological Impact Assessment.

(iii) One of the three ponds contained large numbers of 3-spined sticklebacks and GCN rarely breed near these.

Adjoining habitat- land to the south contains fen and appears to be a remnant of the once extensive tract know as Fenton Trans. It could qualify for a SINC and should be considered to be of county wide value for biodiversity. The applicants ecological survey did not identify this. It could be damaged by any alteration to its current hydrology. SDC must therefore ensure any drainage arrangements do not impact upon it. Drainage requirements - same applies for toilet block.

Third Response - 11th Jan 2021

Comments on the new PEA:

- The ecological enhancements in the new PEA include planting native species trees and a species rich hedge with a wildflower area and bird nest boxes – these offer net gains for Biodiversity.
- The PEA does not include reasonable Avoidance Measures for GCN's
- More detailed spec on the meadow area needed.

Final response- 23 Feb 21-Re-consultation -The PEA has now been revised to include Reasonable Avoidance Measures to minimise risks of accidental harm to amphibians and other small wildlife during construction. As such a condition is recommended requiring adherence to the ecological mitigation and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report (*land off Busk Lane, Church Fenton, North Yorkshire- Preliminary Ecological Appraisal, January 2021 by Quants Environmental*)

2.10 **Designing Out Crime Officer** - the overall design and layout of the proposed scheme is considered acceptable. The Revised National Planning Policy Framework states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The most significant crime issues that could affect this development are auto crime and cycle theft. It is noted that no lighting is proposed for the site and that the opening hours will be based around natural daylight. However, with no opening hours being stipulated there is the potential for the site to be used well into the night during the summer, which could be to the detriment of residential amenity in the area. Consequently, it is recommended that opening hours are set to manage the impact the proposal may have on residential amenity. It is also noted that it is proposed to have three part time staff employed at the site. This is to be commended as it will provide capable guardianship at the site and help prevent crime and disorder.

2.11 **North Yorkshire Fire & Rescue Service** - the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development.

- 2.12 **Public Rights of Way Officer** - no comments received.
- 2.13 **HER Officer** - there are no known archaeological sites in the area indicated or within the immediate vicinity and there are no objections to the proposal.
- 2.14 **Waste and Recycling Officer** - no comments received.
- 2.15 **Ulleskelf Parish Council** - have considered the re-consultation of the application and, as the proposed development is on the opposite side of the road to the majority of the residential properties on Busk Lane, the Parish Council would like to request that a pedestrian crossing is installed along Busk Lane to allow residents to safely cross the road to the facility.
- 2.16 **Church Fenton Parish Council** - the application was discussed at the ordinary Parish Council meeting on 16 April 2020 and the Council are in favour of supporting the application.

18 Feb 2021 - Observations made:

- Improvement to plans acknowledged.
- Urbanisation should be kept to a minimum in line with the ethos of the River Wharfe Regional Corridor within which it is identified in NDP as falling within.
- Welcome the reduction in scale of facility, size of track, amount of car parking and additional landscaping which will help it remain a more local facility.
- Equal number of positive and negative responses within the community. Negative ones are mostly from those most directly affected.
- Newly designated SINC should be taken into consideration.

2.17 **Representation**

- 2.18 The application has been statutorily advertised by site and press notice and by letter to adjoining properties.
- 2.19 Letters of objection have been received from 28 individuals and one Business on the following summarised grounds:

General

- Conflicts with Green Belt Policy
- Contrary to the Local Plan Policy
- Planning site notices not seen
- Lack of professional application details
- Site may be contaminated and an assessment should be undertaken
- Site is a gift from a recent local resident and this use is a minority activity which benefits only a small number in this community
- Reference made to the applicants use of other sites and lack of regard for the impact of schemes on the locality
- Work has already commenced and is causing noise and disturbance.

Ecology

- Revised plans and details don't overcome previous concerns

- Latest ecology statement incorrect- re SINC now designated,
- Ecology statement -Number of ponds incorrect- at least one has been omitted.
- Newt survey incorrect, species list
- Ecology statement – not clear if Ditch 1 and Carr Dyke are one and the same
- Harm to wildlife from the development and the subsequent use.
- Lack of features to promote wildlife
- No consideration of how it might affect protected species.

Impact on Locality/management

- Adverse Impact on character and visual amenity of quiet rural countryside
- No information on the height of the jumps
- Additional vehicular traffic on an overburdened road.
- Noise and Disturbance
- Lack of noise impact assessment
- Query whether speaker systems would be installed or required
- Question the viability and need for the facility
- If it fails the land should be re-instated to former condition so it's not a lasting eyesore
- No details of proper community engagement.
- The village already has enough recreational facilities- and other facilities in the larger settlements are within easy distance.
- Focal point for antisocial behaviour
- No clarification on insurance and liability
- Permeable surfaces are stated but the site is not suitable and has been under water
- Management – the resolve for proper operation, maintenance, security and sympathetic integration with community and environment cannot be relied upon
- Reference to a community owned or community facility is not correct as the PC are not involved in the maintenance or management. Suggest planning condition to ensure community use only.
- This is not a beginners track and is unsuitable for children
- Concerns over the hours of opening and the hours when excavators can work
- Query whether the track will be lit during the evenings
- No reception or facilities which may subsequently be required
- Concerns over potential injuries and whether first aid skills are readily available
- Disproportionate for small village. It is larger than others provided for settlements the size of Selby or larger.
- other comparable sites offer less parking. The 30 parking spaces is inappropriate and excessive to the size of this site. Should be reduced to 10 or less.
- This will quickly turn into a crime hotspot for quad and off-road motorbikes adding to noise and adverse effect on quality of life for the residents
- Inadequate security
- The track design is well in excess of Olympic Standards according to the BMX Track Design Guide and is therefore excessive for a village facility.
- Current skate park in the village is underutilised and suggests there will be few interested in this facility
- Footpath which purports to link the site to the settlement is narrower than the stated 2m and is substandard
- No information on the toilet block
- No information on future maintenance

- Entrance is close to the emergency services access for Church Fenton Airfield
- Lack of economic benefit and no information on whether residents would be charged to use the facility
- Reference to a refused application 2016/0444/FUL (accommodation block and outdoor pursuits activity centre at an existing fishing lake)
- Could be used for competitions and events.

Landscaping

- Query whether the proposed planting on the N & E boundaries is in addition to the existing row of long willows and the newly planted ones?
- Bund purpose is unclear
- Planting which has occurred so far amounts to a few twigs only and is inadequate.

Drainage Issues

- Drainage is preliminary and there is a Lack of appropriate drainage investigation and planning
- Object to drainage in southern end of the site.
- Manhole cover exists in vicinity of proposed trees. Planting may have adverse effect and increase risk of flooding.
- Structures or ramps could channel and force water towards the Rowley Fields Development.

2.20 Letters of support have been received from 40 individuals on the following summarized grounds:

- An easily accessible outdoor exercise facility for the local community
- Reduced parking supported as most visitors will be local on foot.
- Support but the scale is too big
- Good to see this rather than more housing
- Suggest change 40mph to 30mph in the vicinity
- Nothing the objectors say give cause for concern, all impacts are far less than housing
- Its not designed as an Olympic BMX, rather an open space for children to learn to cycle in safety
- Better to have more car parking than not enough
- Suggest another activity such as roller skating is included
- Picnic area great for families
- Health and social Benefits to children.

2.21 Many of these comments were received prior to the revised scheme which took into account many of the issues raised.

3 SITE CONSTRAINTS

3.1 The application site lies within Flood Zone 2, which has a medium probability of flooding. The site does not contain any protected trees and there are no statutory or local landscape or heritage designations. A recently designated Site of Importance for Nature Conservation (SINC), known as Fenton Trans, lies immediately south of the application site and features species rich wetland.

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 took place early in 2020. Consultation on preferred options took place in early 2021. 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 (CS)

- 4.6 The relevant CS Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan (SDLP)

- 4.7 The relevant SDLP Policies are:

ENV1 - Control of Development

ENV2 - Environmental Pollution and Contaminated Land
RT3 - Formal Sport and Recreational Facilities
T1 - Development in Relation to the Highway Network
T2 - Access to Roads

Church Fenton Village Design Statement (VDS)

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 Appearance of the Area
- Impact on Highway Safety
- Impact on Residential Amenity
- Flood Risk and Drainage
- Ecology

The Principle of the Development

5.2 CS Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.3 The site is outside the redeveloped Church Fenton airbase site on land that for planning purposes is open countryside. CS Policy SP2 states that the majority of new development will be directed to the towns and more sustainable villages with development in the countryside being limited to “the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances”. The proposal is not considered to fall into any of the listed forms of development. However, in terms of SP2, the development is the use of the land with minimal development in the way of structures other than the toilet block. The development comprises mainly the track and the car park. It is considered that the use will contribute to the local economy and the vitality of the community given its recreation use. Moreover, given the nature of the proposal, it is appropriate to consider the Development Plan as a whole and particularly those policies dealing specifically with sport and recreational uses. The VDS for Church Fenton was adopted as Supplementary Planning Guidance in 2012 and provides useful contextual information for Church Fenton but no policies directly relevant to the consideration of this proposal.

5.4 SDLP Policy RT3 states that “Proposals for sport and recreation development will be permitted, provided:

- 1) The proposal would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise;
- 2) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;
- 3) New buildings or structures would be well designed and appropriately landscaped; and
- 4) The facilities are designed in such a way as to allow easy access and active participation by disabled people in sport.

- 5.5 The NPPF at para 83 and 84 accepts that sites may have to be found adjacent or beyond settlements sets out that Planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. However, it states that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on roads and exploits any opportunities to make a location more sustainable. The use of sites that are well related to existing settlements should be encouraged where suitable opportunities exist.
- 5.6 Overall it is recognised that, by their very nature, some forms of organized sport and recreation require extensive amounts of land and may need to be accommodated outside towns and villages in the countryside. As such this proposal which is a large site but is adjacent to and adjoining the Church Fenton Airbase settlement is acceptable in principle provided that it is not intrusive, doesn't affect sensitive landscapes, amenity or ecological interests. These aspects are considered in other sections of this report.

Design and Impact on the Appearance of the Area

- 5.7 SDLP Policy ENV1 requires the effect of new development on the character of the area and the standard of design in relation to the site and its surroundings to be taken into account when considering proposals for new development. Similarly, CS Policy SP19 expects new development to have regard to the local character, identity and context of its surroundings. Paragraph 127 of the NPPF states that planning decisions should ensure that developments; are visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and; establish a sense of place. RT2 requires proposals for sport and recreation not to be so intrusive as to seriously detract from the character of the area due to appearance or noise.
- 5.8 This scheme comprises 1.6 hectares of land on the edge of Church Fenton Airbase which has been largely redeveloped for housing. The site is currently an open grass field. The extent of the BMX track and parking area have been significantly reduced since the original submission so that a robust landscaping scheme can take place and to take account of ecological interests. The track itself comprises earth mounds around which the green appearance of the site will be maintained. Landscaping is proposed with areas of native trees and hedgerow along the northern and eastern boundaries. On the west boundary a native species hedgerow would be provided and a small copse of native trees in the southwest corner of the BMX track and another southwest of the car parking. In addition, trees would be planted around the car park. The access into the site is proposed to be re-surfaced in crushed hardcore/ aggregate rather than tarmac to avoid an urban appearance. However, the Highway Authority do require the visibilities splay to required standards and the 1st 20 metres into the site to be made up in accordance with a highway specification. Notwithstanding this the overall appearance of the site

subject to the landscaping being implemented will retain a rural and undeveloped appearance.

- 5.9 Overall, the impact of the development on the landscape and visual amenity of the area would be acceptable and meets the requirements of ENV1, SP19 and RT2 in these respects.

Impact on Highway Safety

- 5.10 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.11 Amended plans have now been received which satisfy the highway requirements in terms of the access standards and parking. The amended scheme includes a number of measures and reduces the car parking area and provides cycle parking hoops. Subject to conditions to secure that these are implemented to the required standards, the development is acceptable in these respects. In addition, due to the nature of the road network in the vicinity of the site, it is advised that a construction management plan be submitted with details of any temporary access, wheel washing facilities, parking of contractors and visitors' vehicles, storage of plant and materials and details of a responsible site manager.
- 5.12 It is noted that the PC request a pedestrian crossing due to the majority of dwellings being on the other side of the road. The Highways Authority have made a request for a pedestrian assessment to determine whether a crossing facility is required in the area. However, the Traffic Engineer has indicated that a full assessment is not possible given the anticipated pedestrian flows are not known. Given that the speed limit is to remain as a 40MPH speed limit and would not meet the criteria for reducing to a 30MPH limit, a zebra crossing is concluded to be unsuitable. This is also backed up by the fact that the BMX facility will be limited to certain opening times, a Zebra or Signal-controlled crossing would be therefore used infrequently. Caution should be exercised where pedestrian flows are generally light, or light for long periods of the day, as would occur at this location. Motorists who become accustomed to not being stopped at the crossing may begin to ignore its existence, with dangerous consequences. Given the limited information provided on vehicle trips in the Highway Statement and the level of car parking proposed on site, it is anticipated that that vehicle flows will be relatively light, and so people should be able to cross when there are gaps in the flow. Low pedestrian and vehicle flow really rule out the installation of a signal-controlled crossing. Subject to adherence to the above-mentioned conditions, it is considered that an acceptable scheme can be achieved in terms of road safety requirements and would be compliant with LP Policies ENV1, RT3,T1 and T2.

Impact on Residential Amenity

- 5.13 SDLP saved Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Paragraph 127 of the NPPF similarly seeks to ensure that developments create places that are safe, with a high standard of amenity for

existing and future users. It advocates early discussion between the community to clarify expectations and reconcile local and commercial interests. Criteria 1) and 2) of Policy RT3 seek to ensure that proposals would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise; and would not have a significant adverse effect on local amenity.

- 5.14 The applicant has in this case undertaken various community engagement with residents to gauge local opinion including a presentation in consultation with the parish council. The level of responses to this scheme suggests both positive and negative response. Many of the points raised have been taken into account in discussing a revised scheme which reduces the scale of the facility, reduces the car parking provision and increased the landscaping and biodiversity.
- 5.15 The site is located adjacent to a number of residential dwellings and has the potential to have significant impacts on the current amenity enjoyed by the occupants in terms of noise and disturbance. In particular the nearest dwelling affected will be those seven on Gloster Close whose rear gardens back on to a track running along the northern boundary of the site.
- 5.16 The layout of the proposal has been designed to minimize the impact on adjacent dwellings. The access and parking area is to the south of the site so that vehicle movements are well away from domestic curtilages. The size of the BMX track has been reduced and pulled further south into the site away from the dwellings. A belt of tree and hedge planting is to be provided along the north and east boundaries which will, in the longer term, provide both visual as well as and some acoustic screening.
- 5.17 The submitted Environmental Noise Assessment (ENA) recognises that the proposed development does have the potential to have a negative impact on residential receptors, although it is agreed that there is no guidance available which specifically deals with the case at hand, and it is difficult to carry out an assessment. To mitigate against potential noise nuisance three planning conditions are suggested. The first condition seeks to ensure that the track is only used by bicycles and that motorcycles must not use the track. The second condition suggests restricting the hours of operation between 0800 and 2200 based on the assumptions contained within the assessment, mainly that operational noise is below the proposed 50dBLAeq criterion. However, this is based on the assumption within the ENA that "given the community owned nature of the development it is probably not appropriate to set noise limits within a planning condition since there is no business owner who can be held responsible for the site and is therefore not really enforceable". The condition proposed therefore is based on a number of assumptions, should those assumptions prove to be an underestimate of the noise emissions then the criteria could be exceeded with no means to exercise control. This gives rise to the potential for an unacceptable impact on residential amenity in terms of noise, particularly in the evening time. Moreover, since a planning permission runs with the land not a particular owner, safeguards need to be in place. It is therefore recommended that the opening times are restricted in the evening to protect the residential amenity of the area. Such a condition would be reasonable, enforceable, and necessary to adequately ensure the amenity of nearby residents is not harmed from noise in the evenings when it is generally quieter in the neighbourhood. As such it is recommended that the use of the facility be restricted to 0800 to 20:00 hours only. This would still allow early evening use in the summer months whilst stopping later evening noise after 8pm when the general ambient noise levels are low, and families require more peace and quiet enjoyment

of their homes. The third condition seeks to restrict motorised earth moving equipment between the hours of 0800 and 2200. The EHO questions whether it is necessary to use earthmoving equipment in the evening and it is recommended that the hours are restricted to between 0800 and 1800 by way of a suitably worded condition in line with the opening hours.

- 5.18 Subject to the above conditions it is not considered that the proposed development would adversely affect the amenity of nearby residents and therefore the scheme complies with SDLP saved policies ENV1, RT3 and with the NPPF.

Flood Risk and Drainage

- 5.19 SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 seeks to prevent development from contributing to or being put at risk from water pollution.
- 5.20 The Environment Agency flood map for planning shows that the site is located within Flood Zone 2 and therefore has a medium risk of flooding from rivers.
- 5.21 Paragraph 158 of the NPPF states that “The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 of the NPPF states that “If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance”.
- 5.22 The application site lies within Flood Zone 2, which has a medium probability of flooding. Core Strategy Policy SP15, ‘Sustainable Development and Climate Change’ commits Selby District Council to:
- Ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within areas of flood risk that it can be made safe without increasing flood risk elsewhere.
 - Support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding, and biodiversity and amenity improvements.
- 5.23 Table 2 of the National Planning Policy Framework (NPPF) Flood Risk and Coastal Change Matrix outlines the flood risk vulnerability classification of land. These range from ‘highly vulnerable’ uses such as basement dwellings to ‘water compatible’ uses. Amenity open space and outdoor sports and recreation uses fall within this latter category. As such neither a sequential test nor an exceptions test is necessary. Given the appropriateness of the location of the site adjacent to an existing settlement and the lack of opportunity or availability of other sites for such uses, the proposed development of this facility within this site in Flood zone 2 is considered acceptable. Also due to the lack of infrastructure, buildings, or surfacing, it is not considered that this development will increase the risk of flooding elsewhere. Moreover, the proposed landscaping scheme will increase vegetation on the site and improve the sites overall water retention and biodiversity.

5.24 In terms of drainage, a condition can be imposed to meet the IDB's surface water requirements. It is noted that the County Ecologist has concerns to ensure sustainable drainage systems are in place to avoid harm to the hydrology of the Fen which is now a SINC. There is nothing to suggest these concerns cannot be addressed through the submission of a suitable scheme via a planning condition. As such the scheme is considered to be acceptable in terms of Flood Risk and Drainage and complaint with SDLP Policy ENV1, CS Policy SP19 and with the NPPF.

Ecology

5.25 SDLP Policy ENV1 states that proposals should not harm acknowledged nature conservation interests and CS Policy SP18 seeks to safeguard the natural environment and increasing biodiversity. These policies are consistent with NPPF paragraphs 170 and 175 which seek to protect and enhance sites of biodiversity value. Policy SP15 of the CS promotes sustainable development and SP15B (c) seeks to ensure development incorporates water -efficient design and sustainable drainage systems. SP15B d) seeks to protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilize biodiversity to contribute to climate change mitigation and adaption.

5.26 Following consultation, with the Yorkshire Wildlife Trust and the County Ecologist, an amended scheme and an updated new Preliminary Ecological Appraisal has been provided. This includes for the planting of native species trees and a species rich hedge with a wildflower area and bird nest boxes – these offer net gains for Biodiversity.

5.27 The PEA has also now been revised to include Reasonable Avoidance Measures to minimise risks of accidental harm to amphibians and other small wildlife during construction. As such a condition is recommended requiring adherence to the ecological mitigation and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report.

5.28 It has been noted that the adjoining habitat- land to the south contains fen and is a remnant of the once extensive tract known as Fenton-Trans. The site has now been ratified (November 2020) under the SINC guidelines for designation. The main feature is 'Rich-Fen' as in an area of species rich fenland (primarily wetland/marsh in character). Concerns were expressed by the NYCC Ecologist and Yorkshire Wildlife Trust that the applicants ecological survey didn't identify this. Further, it could be damaged by any alteration to its current hydrology and SDC must therefore ensure any drainage arrangements for the site as well as the toilet block do not impact upon it. The YW Trust also noted it is intended that runoff generated by the development will ultimately be discharge to Carr Dike via the existing drainage ditch just outside the site's southern boundary and comment that any potential ecological implications (including to protected species) of the drainage strategy will need to be explored. A revised drainage strategy has been submitted but no response has been received from the drainage Board. A further prompt has been sent at the time of writing this report and an update will be given.

5.29 Notwithstanding the submitted drainage details it is advised that a condition be imposed to ensure the full drainage details are agreed by both IDB and the NYCC

Ecologist to ensure no harm to the water course or Hydrology systems which might adversely affect the Fen.

- 5.30 Subject to the conditions mentioned above and subject to the development complying with the recommendations, mitigations and enhancements of the updated PEA the development is considered to be acceptable in terms of its ecological impact and complaint with SDLP Policies ENV1 and CS Policies SP15 and SP18.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal, whilst being contrary in principle to CS Policy SP2 it is considered to be consistent with the aims of Policies RT3, the Development Plan as a whole and with the NPPF. The development is considered acceptable subject to conditions in terms of the impacts on Highway safety, the character and appearance of the area, Residential Amenity, Flood Risk, Drainage and Climate Change, Ecology and Biodiversity and is consistent with CS Policies SP1, SP15, SP18, and SP19 together with SDLP Policies ENV1, RT3, T1 & T2, the Church Fenton NDP and the NPPF.

7 RECOMMENDATION

- 7.1 This application is recommended to be **approved** subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in complete accordance with the plans/drawings listed below: (to be inserted)

Reason:

For the avoidance of doubt.

03. The development must not be brought into use until the access to the site at Busk Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- (i) The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 20 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.
- (ii) Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

- (iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
- (iv) Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details

Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

INFORMATIVE

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out.

04. There must be no access or egress by any vehicles between the highway and the application site at Busk Lane until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 meters down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times. An explanation of the terms used in this condition is available from the Local Highway Authority.

Reason

In the interests of highway safety.

05. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
 - ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - iii) the parking of contractors' site operatives and visitor's vehicles;
 - iv) areas for storage of plant and materials used in constructing the development clear of the highway;
 - v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason

In the interest of public safety and amenity.

06. Prior to the commencement of the development full drainage plan shall be submitted for the written approval of the Local Planning Authority in consultation with the Drainage Board and the NYCC Ecologist and should provide for details of the surface water disposal in a manner which does not harm the nearby Fenton Trans. The details should include:

- Details of runoff destination
- Details of flow control
- Exceedance flow path
- Confirmation of responsibility for maintenance.

If the surface water were to be disposed of via a soakaway system percolation tests must be undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system, the Water Authority must be in agreement that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to runoff being restricted to 1.4 litres per second per hectare or greenfield runoff.

Informative -There must be no obstructions within 7 metres of the edge of an ordinary watercourse without Consent from the IDB.

Reason

To ensure the site is acceptably drained and does not harm the Fenton Trans Site of Importance to Nature Conservation

07. The BMX track and facilities hereby approved shall only be used by non-motorised bicycles. There shall be no motocross bikes or any other motorised vehicle using the tracks at any time.

Reason

In the interests of residential amenity and to accord with Policies ENV1 and RT3 of the SDLP.

08. The track and the associated facilities shall only be used during daylight between the hours of 08:00 and 20:00 hours. Outside of these hours, access to the site will be restricted through locking the entrance gates shown on the approved plans.

Reason

In the interests of residential amenity and to accord with Policies ENV1 and RT3 of the SDLP.

09. Any maintenance to the track requiring motorised earth moving equipment will only be carried out during the hours of 08:00 to 18:00 hours.

Reason

In the interests of residential amenity and to accord with Policies ENV1 and RT3 of the SDLP.

10. The development shall be carried in full accordance with the recommendations, mitigation measures and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan)

of the PEA report (*land off Busk Lane, Church Fenton, North Yorkshire- Preliminary Ecological Appraisal*, January 2021 by Quants Environmental) and shall thereafter be operated and maintained in accordance with the above report.

Reason

In the interests of ecology and biodiversity and to comply with Policies ENV1 & RT3 of the SDLP and Policies SP15, SP18 & SP19 of the CS.

11. There shall be no artificial, solar or electric lighting within the site.

Reason

In the interests of visual amenity, the character or the area and the Ecological interests of the site and to comply with Policy ENV1 of the SDLP.

12. Before any work starts on the construction of the BMX track, a fully detailed landscaping scheme in accordance with the landscaping indicated on Plan Ref BL001/P1/Revision H (Proposed Site Plan, Site Location and Level Information) which is consistent with the recommendations, mitigation measures and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report (*land off Busk Lane, Church Fenton, North Yorkshire- Preliminary Ecological Appraisal*, January 2021 by Quants Environmental), shall be submitted to and approved in writing by the local planning authority to include;

- Details of the species, location, planting density and stock size on planting of all trees and shrub and meadow planting
- Details of the measures for the management and maintenance of the approved landscaping.

The approved scheme shall be implemented in full before the BMX facility is brought into use or, if by agreement with the Local Planning Authority if the facility is ready to use outside the planting and seeding season, it shall be implemented in full in the first planting and seeding season thereafter. The approved implemented scheme shall be retained for the lifetime of the development.

Reason:

In the interests of visual amenity Ecology and to enhance the Biodiversity of the site and in order to comply with Policy ENV1 and RT3 of the SDLP and SP15, and SP19 of the CS.

13. Any trees, shrubs, plants or seeding implanted in accordance with condition 12 above which dies, fails to thrive, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure successful establishment of the approved landscaping scheme in the interests of visual amenity, Ecology and to enhance the Biodiversity of the site and to comply with Policy ENV1 and RT3 of the SDLP and SP15, and SP19 of the CS.

14. Before the facility is brought into use, details of the gates to be provided at the site entrances shall be submitted for the written approval of the local planning authority and shall be installed before the facility is brought into use and kept closed and locked outside of the hours of use as specified in condition 08 of this permission.

Reason

To safeguard the site and to prevent use outside of the operational hours in the interests of the amenity of the area and to comply with Policy ENV1 and RT3 of the SDLP.

15. Before the facilities are brought into use, the parking area and cycle parking facilities shall be installed and made available for use and shall thereafter be maintained for the lifetime of the development.

Reason

To ensure adequate parking facilities for car users and cyclists on site in the interests of amenity and road safety requirements and to comply with Policy ENV1 and RT3 of the SDLP.

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

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

10 Background Documents

Planning Application file reference 2020/0225/FULM and associated documents.

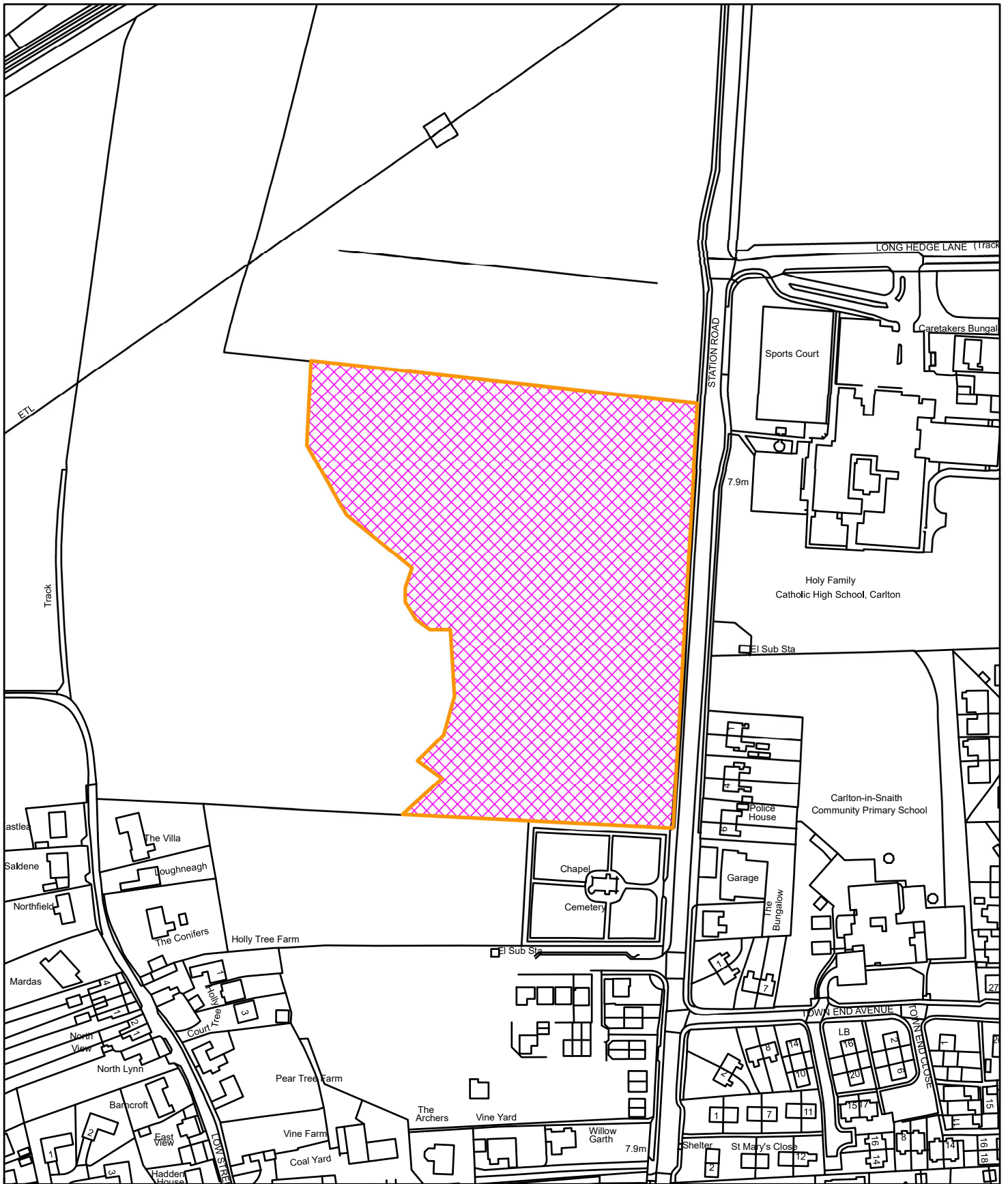
Contact Officer: Fiona Ellwood (Principal Planning Officer)
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Appendices: None

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Agenda Item 5.5

Station Road, Carlton
2020/1094/DOV



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Report Reference Number: 2020/1094/DOV

To: Planning Committee
Date: 30th June 2021
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Ruth Hardingham, Planning Development Manager

Request for a Deed of Variation to Section 106 agreement of approvals 2014/1130/OUT - Outline application with all matters reserved for a development of up to 67 no. dwellings, together with associated infrastructure and open space provision; and 2014/1129/OUT - Outline application with all matters reserved for a development of up to 66 no. dwellings, together with associated infrastructure and open space provision at Land at Station Road, Carlton

This matter has been brought to Planning Committee for consideration due to it being a proposal to vary the composition of the affordable housing provision at the site, which was agreed by Members at Planning Committee on 29 July 2015 and was subject to a Section 106 agreement.

RECOMMENDATION:

That the request for a Deed of Variation be approved and for delegation to be given to Officers to complete a Deed of Variation to the original Section 106 agreement of approvals 2014/1130/OUT and 2014/1129/OUT at Land at Station Road, Carlton, to vary the composition of the affordable housing provision such that it can be provided by Rentplus UK as affordable rent to buy. The actual total amount of affordable housing would remain unchanged from the 4.5 % previously agreed.

Reasons for Recommendation:

To allow the scheme to proceed unhindered to completion and securing its contribution to the District's 5-year supply of housing.

1. Introduction and Background

1.1 Outline planning permission (with all matters reserved) was granted for a development of up to 133 dwellings under application references

2014/1129/OUT (up to 66 dwellings) and 2014/1130/OUT (up to 67 dwellings). These permissions were subject to a Section 106 agreement which required, amongst other things, six affordable housing units to be provided on the site of outline planning permission reference 2014/1130/OUT, which equates to a 4.5% affordable housing provision across the two adjoining sites. This quantum of affordable housing (less than the 40% usually sought) was accepted following negotiations relating to economic viability associated with the development at the outline planning application stage. The Section 106 agreement required the distribution, clustering, tenure and mix of the affordable housing units to be in accordance with an Affordable Housing Plan. It also contained clauses regarding the occupation of the units and the registered provider.

- 1.2 Under reserved matters application reference 2018/0870/REMM, an Affordable Housing Plan (drawing no. 470-002) was submitted, in line with the requirements of the section 106 agreement. This demonstrated that six affordable housing units would be provided at the site. These were all to be three bedroomed properties spread across two terraced blocks of three two storey properties. One block of three two storey properties were proposed to be affordable rent and one block of three two storey properties were proposed to be shared ownership. The submitted details set out that construction and practical completion would be subject to planning approval, where after the affordable housing units would be delivered prior to the occupation of the 63rd dwelling in accordance with the section 106 agreement and that at a build at a rate of approximately 36 dwellings per annum, the affordable housing units would be practically completed approximately 2 years into the build. The applicant, Harron Homes had advised that Wakefield District Housing were lined up as a Registered Provider at this site and that the location, size and type of affordable housing units were acceptable to them. Having consulted with the Council's Housing Strategy/Rural Enabler, the Affordable Housing Plan was considered to be acceptable.
- 1.3 Subsequently, Rentplus UK contacted the Council to advise that they had been selected by Harron Homes to provide the affordable housing on the site, but that their model of affordable housing would require amendments to the section 106 agreement through a deed of variation, hence the current application.
- 1.4 Rentplus UK are an NPPF recognised affordable housing rent to buy provider. Rentplus provides a hybrid product i.e. affordable rent to buy, by providing tenants with the opportunity to purchase in year 5, 10, 15 or 20 depending upon their circumstances and aspirations at the point of letting. New homes are managed and maintained by an approved local Registered Provider and homes are allocated on 5-year renewable tenancies up to a period of 20 years. Rentplus works with the local authority to agree how they want the Registered Provider to identify and allocate Rentplus homes. Rents during the rental period are affordable – either 80% market rent or Local Housing Association (including service charges), whichever is the lower at initial let. If the home is sold on the open market, the Local Authority receives 7.5% of the sale to invest in future affordable housing.
- 1.5 This application for a deed of variation to the existing Section 106 agreement seeks to vary the composition of the affordable housing provision, which is

currently a combination of affordable rent and shared ownership. The actual total amount of affordable housing would remain unchanged from the 4.5 % previously agreed.

2. Policy Context

- 2.1. Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document (SPD) set out the affordable housing policy context for the District.
- 2.2 However, the NPPF is a material consideration in planning decisions (as set out in paragraph 2 of the NPPF) and Annex 2: Glossary of the NPPF sets out a definition of 'Affordable Housing' which must be given consideration in the decision-making process. The definition of 'Affordable Housing' as set out in the most up-to-date version of the NPPF is wider than was contained within the previous versions of the NPPF. It includes 'Starter homes', 'Discounted market sales housing' and also 'Other affordable routes to home ownership'; a broad sub-definition containing previous products such as shared ownership and equity loans, but also rent to buy and other low-cost homes for sale. There is no requirement for 'Other affordable routes to home ownership' to be retained in perpetuity or for the subsidy to be recycled (unless grant funded), and the express exclusion of 'low-cost market housing' has been removed.

3. Assessment

- 3.1 Rentplus UK are an NPPF recognised affordable housing rent to buy provider. They provide a hybrid product, i.e. affordable rent to buy, which would provide tenants with a renewable lease (up to 20 years in total) at affordable rented levels, whilst providing tenants with the opportunity to purchase their property at a discounted rate. If the tenant does not wish to purchase their property, it can be offered to other tenants within the development, or on developments within the Council area, on the same terms. If neither of these options are pursued, the dwelling would be offered to a Registered Provider, again at a reduced rate. Should no Registered Provider be forthcoming, the dwelling would be sold at open market value, but the Council would receive a commuted sum (7.5% of the sale), which would be specified within the legal agreement, and the Council would be able to use the receipt for funding off-site provision of affordable housing.
- 3.2 The Council's Housing Strategy/Rural Enabler has been consulted on the proposals and is broadly supportive of the Rentplus UK model. They see no reason why it is not acceptable for Selby District as a local authority despite not being a prescribed tenure in our existing Affordable Housing Policy. The product will provide affordable housing benefitting residents aiming to remain in the locality and eventually own their own home, contributing to a sustained local community.
- 3.3 Having regard to the above, whilst there would be some changes to the tenures of the affordable housing, the overall amount would remain unchanged at 4.5% of the total number of dwellings across the two sites. It is considered the

proposed amendments would facilitate the delivery of affordable housing within the site and thus the proposed amendments are considered to be acceptable.

4. Legal/Financial Controls and other Policy Matters

Legal Issues

- 4.1. Even though this is not an application under the Planning Acts this recommendation has been made in the context of the planning policies and other material considerations relevant to the delivery of affordable housing. If agreed, a deed of variation will be required.

Financial Issues

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

Impact Assessment

- 4.3. It is not anticipated that the proposed deed of variation will lead to discrimination or inequality in respect of any particular groups. Nor will it impact upon human rights.

5. Conclusion

- 5.1 This application for a deed of variation to the existing Section 106 agreement seeks to vary the composition of the affordable housing provision, which is currently a combination of affordable rent and shared ownership. Rentplus UK would instead provide a hybrid product i.e. affordable rent to buy. Rentplus UK are an NPPF recognised affordable housing rent to buy provider. The actual total amount of affordable housing would remain unchanged from the 4.5 % previously agreed.

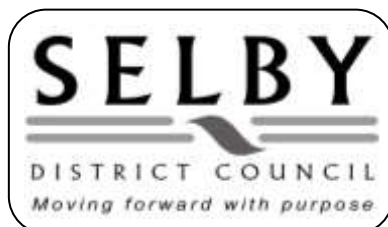
6. Background Documents

Planning Application file references 2014/1129/OUT, 2014/1130/OUT, 2018/0870/REMM and associated documents.

Contact Officer:

Jenny Tyreman, Assistant Principal Planning Officer
jtyreman@selby.gov.uk

Appendices: None



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
2018/1143/DOC	Countryside PLC	Hodgsons Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 08 (drainage), 10 (drainage), 12 (archaeology), 13 (highways), 22 (noise), 23 (contamination) and part discharge condition 15 (highways) of allowed on appeal APP/N2739/W/16/3144900 regarding 2015/0544/OUT Outline application for up to 270 residential dwellings including details of vehicular access (all other matters reserved) on land to east	CONDITION DECISION 9 Jun 2021	Yvonne Naylor
2019/1274/FUL	Masters Spreading Ltd	Former RAF Buildings Market Weighton Road Barlby Selby North Yorkshire	Proposed agricultural storage shed mono pitched for fertilizers and equipment	PERMITTED 17 May 2021	Rebecca Leggott
2019/1339/OUT	Mr Yunus Kiyak	Rose Cottage Main Road Hirst Courtney Selby North Yorkshire YO8 8QT	Outline application for erection of 1 detached and 2 semi-detached properties with off street roadside parking following demolition of existing cottage (all matters reserved)	REFUSED 9 Jun 2021	Chris Fairchild

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0055/FUL	Riding Equine Vets	Ridings Equine Vets Fields Farm Butts Lane Lumby Leeds West Yorkshire LS25 5JA	Proposed formation of horse assessment arena following demolition of existing polytunnel	PERMITTED 19 May 2021	Chris Fairchild
2020/0240/ADV	Mr Ergul Sahin	Ground Floor 45 Gowthorpe Selby YO8 4HE	Advertisement consent for 1 No externally illuminated fascia sign, 1 No non illuminated fascia sign, 1 No non illuminated hanging sign and 2 No non illuminated signs	PERMITTED 13 May 2021	Jac Cruickshank
2020/0496/TELB	Openreach	Land Adjacent Rosedene Back Lane Acaster Selby York	Erection of 7no poles for the installation of fixed line broadband electronic communications apparatus	TELECOMMUNICATIONS - NOT REQUIRED 24 May 2021	Bethany Harrison
2020/0620/DOC	Mr Freddie Whitehead	19 School Lane South Milford Leeds West Yorkshire LS25 5NA	Discharge of condition 3 (materials) of approval 2019/0560/HPA Proposed side and rear extension	CONFIRMATION OF CONDITIONS DISCHARGED 4 Jun 2021	Gareth Stent
2020/0641/FULM	Scalm Park Leisure	Scalm Park Wistow Selby North Yorkshire	New fishing pond	PERMITTED 8 Jun 2021	Mandy Cooper

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0868/DOC	Mr And Mrs D Gothard	Gothards Architectural The Willows Bishopdyke Road Sherburn In Elmet Leeds LS25 6JG	Discharge of conditions 10 (construction management plan) and 11 (Landscaping) of approval 2016/1123/FUL The erection of a new building for the architectural salvage showroom business under planning permission 2013/1119/COU and the re-location of the existing Architectural Salvage Showroom business from its existing location under planning application reference number 2013/1119/COU to the erection of the new building	CONDITION DECISION	Mandy Cooper
2020/1001/FUL	Mr Paul Ferguson	Geth I Nor High Street Carlton Goole East Yorkshire DN14 9LU	Proposed erection of a detached three bedroomed dormer bungalow on land to the rear of Geth-I-Nor	PERMITTED 20 May 2021	Chris Fairchild
2020/1071/COU	Mr Longbottom	Keepers Cottage Landing Road Gateforth Selby North Yorkshire YO8 9LG	Change of use of land to caravan and camp site including associated ground works	PERMITTED 4 Jun 2021	Chris Fairchild
2020/1091/OUT	Mr Ian Crawford	25 Steincroft Road South Milford Leeds West Yorkshire LS25 5AX	Outline application for erection of 2no semi-detached dwellings to include access and scale (all other matters reserved)	REFUSED 27 May 2021	Chris Fairchild

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/1104/COU	Mr Ronald Finney	Cliffe Country Lodges Cliffe Common Cliffe Selby North Yorkshire YO8 6PA	Change of use of land for the siting of 3 lodge style caravans	PERMITTED 2 Jun 2021	Rebecca Leggott
2020/1123/DOC	L & S Kendra & Son	Springfield House Farm Green Lane North Duffield Selby North Yorkshire	Discharge of conditions 3 (footpaths), 6 (highways) and 11 (Protected Species) of approval 2018/1050/FUL Section 73 application to vary conditions 02 (drawings), 04, (surface water from non-highway areas) 05 (access) and 09 (landscaping) of approval 2017/0687/FUL for proposed erection of 4 no. detached bungalows with integral garages	CONDITION DECISION 20 May 2021	Gareth Stent
2020/1143/FUL	Mr Andrew Parker	Junction House Heck Lane Heck Goole East Yorkshire DN14 0BL	Erection of a single agricultural storage building	REFUSED 19 May 2021	Chris Fairchild
2020/1184/FUL	Jason Thompson	Austfield Farm Austfield Lane Hillam Leeds West Yorkshire LS25 5NQ	Change of use of existing agricultural barn to an events venue, including erection of a single storey side extension	PERMITTED 14 May 2021	Jenny Tyreman
2020/1207/FUL	Mr Craig Lawrence	Land To Rear Of 45 Fairfax Avenue Selby	Change of use of land for leisure/recreational use, construction of a wooden cabin, garage and storage unit and laying of hardstanding (retrospective)	PERMITTED 21 May 2021	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/1208/FUL	Mr Philip Montgomery	Old Willow House West Park Selby YO8 4JL	Erection of 1 No 3 bed detached dwelling and detached outbuilding	PERMITTED 20 May 2021	Chris Fairchild
2020/1297/HPA	James Crickmore	The Cart Shed Thorpe Hall Farm Dam Lane Thorpe Willoughby Selby North Yorkshire YO8 9LU	Erection of a single storey side extension and porch	REFUSED 28 May 2021	Irma Sinkeviciene
2020/1329/HPA	E Bakes	3 Church Hill Rise Sherburn In Elmet North Yorkshire LS25 6FH	Erection of rear extension	REFUSED 14 May 2021	Mandy Cooper
2020/1340/HPA	Mr Simon Hewitson	Cherry Tree Cottage Church Lane Stutton Tadcaster North Yorkshire LS24 9BH	Demolition of conservatory and replacement single storey rear and 2 storey side extension with repositioning of garage and construction of a porch	PERMITTED 25 May 2021	Irma Sinkeviciene
2020/1367/TPO	Mr Giles Richell	Saxon Holme Coldhill Lane Saxton Tadcaster North Yorkshire LS24 9TA	Application for consent to remove 1no Norway Maple covered by TPO 5/2016	PERMITTED 3 Jun 2021	Will Smith

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/1404/FUL	W A Hare & Son	Bay Horse Inn York Road Barlby Selby North Yorkshire	Erection of 2 detached dwellings (substitution of one dwelling at plot 11 to form two dwellings Plots 11 and 11a)	PERMITTED 3 Jun 2021	Rebecca Leggott
2020/1409/HPA	Mrs Janice Hunter-Rose	Little Holme Main Street Bilbrough York YO23 3PH	Erection of a two storey side and single storey rear extension	PERMITTED 21 May 2021	Irma Sinkeviciene
2021/0022/TPO	Mrs Sheila Adamson	1 Beckwith Gardens Riccall York North Yorkshire YO19 6SX	Application for consent to crown reduce from approx 12m to 9m to 1no Yew tree, 1no Holly and 1no Intertwined Yew and 1no Cherry tree and to crown reduce from approx 15m to 12m to 1no Beech tree covered by TPO 5/1980	PERMITTED 14 May 2021	Will Smith
2021/0053/HPA	Matthew Paskin	The Paddock Bungalow Sutton Lane Sutton Knottingley North Yorkshire WF11 9NB	Demolition of existing garage and erection of replacement garage, roof lift and loft conversion to provide additional living accommodation	PERMITTED 18 May 2021	Jac Cruickshank
2021/0098/HPA	Mr & Mrs Ledson	8 Broadacres Avenue Carlton Goole North Yorkshire DN14 9NE	Erection of two storey side extension, new pitched roof over existing flat roofed dormers and front porch extension	PERMITTED 27 May 2021	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0119/PPP	Mr & Mrs Murphy	47 Maypole Gardens Cawood Selby North Yorkshire YO8 3TG	Lawful development certificate for proposed single storey rear extension	PERMITTED 25 May 2021	Bethany Harrison
2021/0120/FULM	Perfectly Fresh Limited	P3P Energy Management Brigg Lane Camblesforth Selby North Yorkshire YO8 8HD	Development of an existing horticultural facility for indoor farming and agri-tech, including the construction of 3 No halls with associated process, service and administration buildings, landscaping, access improvements and additional car park access and associated infrastructure following partial demolition of existing buildings	PERMITTED 7 Jun 2021	Diane Holgate
2021/0126/DOC	Mr Byron Ward	Camblesforth Hall 1 Brigg Lane Camblesforth Selby North Yorkshire YO8 8HJ	Discharge of condition 03 (external joinery works) of approval 2020/0951/LBC Listed building consent for general repairs to North Barn, including window, door and hatch replacement, masonry repairs, rainwater gutter and pipe repair/replacement	CONDITION DECISION 20 May 2021	Chris Fairchild
2021/0135/CPE	David Johnson	Heck Hall Farm Heck And Pollington Lane Heck Goole East Yorkshire	Lawful development certificate for existing use of land and buildings for storage and distribution, general industrial, business and ancillary car parking for buildings	PERMITTED 3 Jun 2021	Chris Fairchild
2021/0142/FUL	Mr Shaun Hymes	Claypit Gatehouse Low Street Carlton Goole East Yorkshire DN14 9PR	Erection of new brick stable block to replace existing timber stable block which is in need of repair	PERMITTED 19 May 2021	Chris Fairchild

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0145/TCA	Mr Daniel Hardy	Old Manor House Main Street Bilbrough York YO23 3PH	Fell 1 No Blue Atlas Cedar (T1), 1 No Laburnum (T2) and 1 No Varigated Holly (T3) in the conservation area	OBJECTION	Will Smith
2021/0148/LBC	Mr & Mrs Wilcox	Bank House 78 Church End Cawood Selby North Yorkshire YO8 3SN	Listed building consent for Installation of heritage style roof lights to rear and reinstating of gable end window	PERMITTED 27 May 2021	Gareth Stent
2021/0165/FUL	ZCS Investments	Cedars Old School Lane Barlby Selby North Yorkshire YO8 7JF	Change to access to serve development under previous approved application 2019/0258/FUL (Retrospective)	PERMITTED 14 May 2021	Mandy Cooper
2021/0166/S73	ZCS Investments	Cedars Old School Lane Barlby Selby North Yorkshire YO8 7JF	Section 73 application to vary conditions 02 (Plans), 04 (Access); 05 (Visibility Splays); 06 (Parking, Manoeuvring & Turning); 07 (Site Compound); 09 (Surface Water); 10 (Tree Protection) and 11 (Landscaping) of planning permission reference number 2019/0258/FUL Demolition of existing dwelling and redevelopment to create 4no dwellings with associated access, external works, drainage and landscape granted on 09.07.2019	PERMITTED 14 May 2021	Mandy Cooper

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0168/HPA	Mr Tim Smith	3 Barnet Chase Sherburn In Elmet Leeds North Yorkshire LS25 6QJ	Single storey rear extension	PERMITTED 26 May 2021	Bethany Harrison
2021/0170/DOC	Golden Ventures Ltd	54 Millgate Selby YO8 3JZ	Discharge of conditions 07 (boundary treatments), 08 (contamination) and 10 (bin storage) of planning permission 2019/0967/FUL Proposed erection of 3 No. dwellings and renovation of existing dwelling including demolition of existing rear single storey extension and detached double garage	CONDITION DECISION 3 Jun 2021	Chris Fairchild
2021/0174/HPA	Mr Gareth Rhodes	34 The Haven Selby YO8 8BJ	Garage conversion	PERMITTED 25 May 2021	Jac Cruickshank
2021/0188/COU	Mrs Laura Simpson	Land Off Hirst Road Carlton Goole East Yorkshire	Change of use of land to dog exercise area and erection of field shelter (retrospective)	PERMITTED 21 May 2021	Chris Fairchild
2021/0199/HPA	Mr Geoff Thornton	The Four Thorns 70A Main Road Drax Selby North Yorkshire YO8 8NT	Erection of single storey rear extension and first floor extension	PERMITTED 3 Jun 2021	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0201/HPA	Mr Julian Hunter-Jones	4 Cherrytree Drive Wistow Selby North Yorkshire YO8 3SE	Erection of a single storey extension to the front and side of the dwelling	PERMITTED 4 Jun 2021	Bethany Harrison
2021/0216/TPO	Mr Peter Whike	1 Manor Farm Close Brayton Selby North Yorkshire YO8 9QX	Crown thin by approx 15% to 1 No Lime tree for general health and safety of tree covered by TPO 3/1982	PERMITTED 14 May 2021	Will Smith
2021/0219/DOC	Mrs C Oades	Whitefield Farm Whitefield Lane Whitley Goole North Yorkshire DN14 0HX	Discharge of condition 03 (access), 04 (access), 06 (materials), 07 (contamination), 08 (remediation scheme) and 11 (foul and surface water disposal) of approval 2020/0526/ATD prior notification for the change of use of agricultural building to 3 dwellings (Use Class C3) and associated operational development	CONDITIONS PART DISCHARGED 28 May 2021	Mandy Cooper
2021/0224/HPA	Hayley Wright	74 Manor Garth Kellington Goole East Yorkshire DN14 0NP	Erection of single storey rear extension	PERMITTED 25 May 2021	Bethany Harrison
2021/0225/TPO	Mr Phil Morris	3A Green Lane Selby YO8 9AN	Application for consent to remove 1 no mature Robinia tree covered by TPO 8/1978	PERMITTED 8 Jun 2021	Will Smith

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0230/TPO	Karen Crawford	Hathaway House Doncaster Road Brayton Selby North Yorkshire YO8 9EG	Application for consent to remove 1 no White Beam tree that is in decline covered by TPO 4/2000	PERMITTED 14 May 2021	Will Smith
2021/0232/DOC	Mrs Cathryn Robson	Blackthorn Howden Road Barlby Selby North Yorkshire YO8 5JE	Discharge of condition 16 (contamination) of planning permission 2017/0720/FUL Proposed demolition of existing buildings and the erection of a single dwelling at land and buildings adjacent to Bloom Hill Farm	CONDITION DECISION 19 May 2021	Elizabeth Maw
2021/0242/DOC	Mr Byron Ward	Camblesforth Hall 1 Brigg Lane Camblesforth Selby North Yorkshire YO8 8HJ	Discharge of condition 03 (Joinery Works) of planning permission 2020/1247/LBC Listed building consent for general repairs to North East Barn, including window, door and hatch replacement, masonry works, rainwater gutter and pipe repair/replacement	CONDITION DECISION 20 May 2021	Chris Fairchild
2021/0246/HPA	Mr Sean Simister	1 Bartlett Grove Sherburn In Elmet Leeds North Yorkshire LS25 6FT	Conversion of attached garage in additional into living accommodation	PERMITTED 7 Jun 2021	Bethany Harrison
2021/0248/HPA	Mr Andrew Knowles	45 The Fairway Tadcaster LS24 9HL	Side and front extension to form study, utility and kitchen extension	PERMITTED 3 Jun 2021	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0249/HPA	Mrs Blakey	15 Little Ings Close Church Fenton Tadcaster North Yorkshire LS24 9RZ	Erection of first floor side extension over carport with porch, utility and storage	PERMITTED 21 May 2021	Irma Sinkeviciene
2021/0258/TPO	Mrs Ruowei Xu	Park House 6 The Crescent Selby YO8 4PU	Crown reduction by 15% to 1 No Beech tree (T2) covered by TPO 10/1999	PERMITTED 1 Jun 2021	Will Smith
2021/0265/MAN2	Mr Harry Foster	1 Cat Lane Bilbrough York YO23 3PJ	Non material amendment of 2018/0054/HPA Erection of a two storey extension to the side & rear of dwelling and a single storey side extension	PERMITTED 17 May 2021	Irma Sinkeviciene
2021/0274/FUL	Sherburn In Elmet Parish Council Margaret Gibson	Sherburn Rugby Club Low Street Sherburn In Elmet North Yorkshire LS25 6AP	Erection of single storey extension to existing rugby club to provide additional training facilities	PERMITTED 19 May 2021	Irma Sinkeviciene
2021/0275/COU	Ms Wendy Tomlinson	Field House Farm York Road Skipwith Selby North Yorkshire YO8 5SN	Change of use of land to allow siting of 1 No static caravan for holiday use	REFUSED 19 May 2021	Rebecca Leggott
2021/0290/HPA	Mr James Beynon	5 Brunswick Crescent Sherburn In Elmet Selby North Yorkshire LS25 6GE	Erection of a part single storey/ part two storey extension to rear and installation of a 2m high wall with fence panels on the south boundary.	PERMITTED 7 Jun 2021	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0293/HPA	Mr & Mrs Jackson	23 Moat Way Brayton Selby North Yorkshire YO8 9RA	Two storey side extension, single storey rear extension & removal of chimney breast	PERMITTED 2 Jun 2021	Jac Cruickshank
2021/0296/DOC	Mr Byron Ward	Camblesforth Hall 1 Brigg Lane Camblesforth Selby North Yorkshire YO8 8HJ	Discharge of Condition 03 (external joinery works) of approval 2020/0952/LBC Listed building consent for general repairs to West Barn, including window, door and hatch replacement, masonry repairs, rainwater gutter and pipe repair/replacement, new concrete slabs and external cladding	CONDITION DECISION 20 May 2021	Chris Fairchild
2021/0299/HPA	Mr & Mrs R Collyer	Chestnut House Main Street Thorganby Selby North Yorkshire YO19 6DA	Proposed demolition and re-construction of existing garage (slightly higher)	PERMITTED 18 May 2021	Jac Cruickshank
2021/0306/S73	Mr Richard Fearby	Wendlo House 38 Main Street Escrick York YO19 6UQ	Section 73 application vary condition 18 (approved plans) of approval 2018/0711/FUL Section 73 application to vary condition 18 (approved plans) of approval 2017/0788/FUL for Section 73 application for variation of condition 10 (highways) to amend radius kerb from 6 metres to 3 metres of approval 2017/0005/FUL for proposed erection of 1 No. dwelling in the garden of Runmidd with shared access from Main Street, relocation of existing garage and minor alterations to existing dwelling	PERMITTED 1 Jun 2021	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0310/HPA	Mr Shaun Hughes	Meadow View Fryston Common Lane Monk Fryston Leeds West Yorkshire LS25 5ER	Installation of sliding aluminium gate to internal wall of driveway entrance	PERMITTED 3 Jun 2021	Irma Sinkeviciene
2021/0321/HPA	Mr Harry Jackson	38 Ferry Close Hemingbrough Selby North Yorkshire YO8 6YX	Proposed two storey side extension to create additional ground floor space and bedroom over	PERMITTED 24 May 2021	Jac Cruickshank
2021/0323/HPA	Mr Martin Chambers	Manor Croft Water Lane Hemingbrough Selby North Yorkshire YO8 6QL	Single storey extension to the west and south facing orientation of Manor Croft to include double garage, kitchen diner, utility room and additional bedroom, existing flat roof garage and utility room to be demolished along with existing conservatory	PERMITTED 8 Jun 2021	Jac Cruickshank
2021/0325/HPA	Mr & Mrs Roberts	7 Escrick Park Gardens Escrick Selby North Yorkshire YO19 6LZ	Single storey rear extension	PERMITTED 8 Jun 2021	Jac Cruickshank
2021/0331/HPA	Mr Chris Brown	1 Cottage Gardens Green Lane North Duffield Selby North Yorkshire YO8 5RR	Single storey extension from kitchen, located in rear garden	PERMITTED 24 May 2021	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0338/MAN2	Barchester Healthcare Homes Ltd.	Highfield Nursing Home Scarthingwell Park Barkston Ash Tadcaster North Yorkshire LS24 9PG	Non material amendment of 2020/0294/FULM Proposed demolition of existing two storey care home (Class C2), and erection of replacement two storey care home (Class C2) together with associated car parking (50 spaces), access arrangements and landscaping	PERMITTED 3 Jun 2021	Mandy Cooper
2021/0341/HPA	Mr Adrian Wright	4 Broadacres Garth Carlton Selby North Yorkshire DN14 9QD	Erection of single storey rear extension to existing bungalow	PERMITTED 24 May 2021	Jac Cruickshank
2021/0351/HPA	Mr Hatton	1 Firs Court Garden Doncaster Road Whitley Selby North Yorkshire DN14 0HZ	Proposed workshop/gym to the side of the property	PERMITTED 24 May 2021	Jac Cruickshank
2021/0352/HPA	Mrs Lauren Johnson	4 St Marys Avenue Hemingbrough Selby North Yorkshire YO8 6YY	Erection of 2 storey side extension, car port at ground floor with 2 bedrooms at first floor	PERMITTED 28 May 2021	Jac Cruickshank
2021/0353/TPO	Mrs Leonie Smith	1 Ravenscroft Close Back Lane Bilbrough Selby North Yorkshire YO23 3PL	Application for consent to prune by retrenchment by up to 2m to 1no Willow tree (T2)	PERMITTED 3 Jun 2021	Will Smith

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0355/DOC	Miss S Leeman	Jackadory 37 York Road Riccall Selby North Yorkshire YO19 6QG	Discharge of condition 03 (materials) of approval 2018/0263/FUL Proposed erection of 1No. dwelling	CONDITION DECISION 17 May 2021	Jenny Tyreman
2021/0358/DOC	Mr Roy Holmes	Land Adjacent Elmstone House Low Street Carlton Selby North Yorkshire	Discharge of Condition 06 (vehicular access) of approval 2018/0186/FUL Proposed erection of two storey dwelling and detached garage	CONDITION DECISION 17 May 2021	Elizabeth Maw
2021/0363/DOC	Wistow Parish Council	Land Off Pasture Way Wistow Selby North Yorkshire	Discharge of condition 02 (ecology enhancement) and 07 (alternative playing space) of approval 2016/1081/COU Proposed change of use of land from reserved sports field to a village cemetery	CONDITION DECISION 20 May 2021	Gareth Stent
2021/0371/TCA	Mrs Christina Stainton	Rivermead Water Lane Kirk Smeaton Selby North Yorkshire WF8 3LD	Application for consent to pollard 3 no Willow trees within the conservation area	PERMITTED 1 Jun 2021	Will Smith
2021/0377/DOC	D & J Poulter Building Contractors	Hall Farm Butts Lane Lumby Selby North Yorkshire LS25 5JA	Discharge of conditions 04 (Contamination) and condition No 05 (Remediation) of approval 2019/1263/ATD Prior Notification for the Change of Use of agricultural building to 3no dwellings (Use Class C3) and associated operational development	CONDITION DECISION 2 Jun 2021	Chris Fairchild

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0386/HPA	Mr Patel	Wingate Hill Farm Wingate Hill Stutton Tadcaster North Yorkshire LS24 9NF	Demolish existing conservatory and replace with single storey extension (amendments to previously approved planning application 2019/0505/HPA)	PERMITTED 19 May 2021	Irma Sinkeviciene
2021/0394/HPA	Miss Cox	Meadowcroft Cobcroft Lane Cridling Stubbs Selby North Yorkshire WF11 0AZ	Proposed rear single-storey extension and adaptations	PERMITTED 27 May 2021	Chris Fairchild
2021/0406/HPA	Mr & Mrs S Birch	32 Leeds Road Selby North Yorkshire YO8 4HX	Proposed alterations and extensions (update to previous approval 2017/1069/HPA)	PERMITTED 28 May 2021	Jac Cruickshank
2021/0409/TCA	Mrs S Ratcliffe	Scholars Cottage Church Hill Stillingfleet Selby North Yorkshire YO19 6SA	Application for consent to fell 1No Conifer tree in the conservation area	PERMITTED 14 May 2021	Will Smith
2021/0410/TCA	Mr Chris Collins	The Shires 58 Church End Cawood Selby North Yorkshire YO8 3SN	Application for consent to fell 1No Horse Chestnut tree (T1), 1No Damson tree (T2) and 3No Common Hawthorn trees (T3, T4 & T5) in the conservation area	PERMITTED 1 Jun 2021	Will Smith

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0431/TCA	Mrs Joan Richardson	Jesmond Cottage Main Street Saxton Tadcaster North Yorkshire LS24 9PY	Application for consent to fell 1 no Large Cedar tree within the conservation area	PERMITTED 26 May 2021	Will Smith
2021/0434/DOC	Mr Chris Woodward	Lockgate Farm Lowgate Balne Selby North Yorkshire DN14 0EE	Discharge of Condition 04 (Construction Management Plan) of approval 2020/1176/FUL Construction of a concrete yard to replace existing unmade hardstanding areas	CONDITION DECISION 20 May 2021	Gareth Stent
2021/0435/DOC	D & J Poulter Building Contractors Ltd	Joiners Workshop Sandwath Lane Church Fenton Tadcaster North Yorkshire LS24 9QT	Discharge of Conditions 04 (surface water drainage), 05 (contamination) and 06 (remediation scheme) of approval 2017/0887/FUL Application for erection of 2 No dwellings following demolition of existing buildings and removal of builder's yard	CONDITIONS PART DISCHARGED 28 May 2021	Mandy Cooper
2021/0450/SCP	National Grid	New Road Drax Selby North Yorkshire	Scoping Request for a new subsea High Voltage Direct Current (HVDC) link between Peterhead in Aberdeenshire, Scotland and Drax in Selby	SCOPING RESPONSE ISSUED 7 Jun 2021	Jenny Tyreman
2021/0457/TCA	Mr Sam Perkins	34 Sherburn Street Cawood Selby North Yorkshire YO8 3SS	Reduction to reduce Holly, Conifer and Beech in the hedgerow by 50% in the conservation area	PERMITTED 25 May 2021	Will Smith

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0458/TCA	Mr Jonathon Seaton	Ferry Inn 2 King Street Cawood Selby North Yorkshire YO8 3TL	Reduce 1 No Willow (#1) tree by 35% and reduce 2 No Portuguese Laurels (#2 and #3) by 40% each in the conservation area	PERMITTED 1 Jun 2021	Will Smith
2021/0506/DOC	Mrs S Murr	Studley Church Lane Appleton Roebuck Selby North Yorkshire YO23 7DF	Discharge of conditions 03 (Materials), 04 (Drainage) and 06 (Construction Method Statement) of approval 2020/0084/S73 Section 73 application to vary condition 02 (approved plans) of planning permission 2019/0401/FUL for proposed demolition of existing dwelling and erection of a new dwelling, conversion of existing garage to granny flat and erection of an attached single garage	CONDITION DECISION 8 Jun 2021	Rebecca Leggott
2021/0522/DOC	Mr Stephen Greenwood	Newland Hall Newland Drax Selby North Yorkshire YO8 8PS	Discharge of condition 02 (schedule of works) of approval 2019/0872/LBC allowed on appeal APP/N2739/Y/20/3248238 Listed building consent for remedial work to eliminate damp in the north west of the building and remedial work to replace sand and cement pointing with lime mortar	CONDITION DECISION 7 Jun 2021	Irma Sinkeviciene
2021/0528/MAN2	Bellway Homes Ltd - Yorkshire Division	Brownfield Site 2 Leeds East Airport Busk Lane Church Fenton Selby North Yorkshire	Non material amendment of 2019/0325/FULM (for the erection of 124 dwellings with open space and associated infrastructure following demolition of existing buildings) to amend proposed garden boundaries and incorporation of double garage to serve plot 86 for temporary use as sales office	PERMITTED 25 May 2021	Diane Holgate

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0542/TELB WC7TRD3F	Openreach	Proposed Telecommunications Mast Hillam Lane Burton Salmon Leeds West Yorkshire	Install fixed line broadband electronic communications apparatus	TELECOMMUNICATIONS - NOT REQUIRED 2 Jun 2021	Chris Fairchild
2021/0547/DOC	Countryside Properties	N S D S Centre Field Lane Thorpe Willoughby Selby North Yorkshire	Discharge of condition 5 (EV Charging) of approval 2018/0134/REMM Reserved matters application relating to access, appearance, landscaping, layout and scale for 70 dwellings following outline approval 2013/1041/OUT	CONDITION DECISION 9 Jun 2021	Gareth Stent
2021/0570/TELB	Vodafone Limited And Telefonica UK Ltd	Land At Hull Road Osgodby Selby North Yorkshire	Prior notification of proposed development by telecommunications code system operator for upgrade at CTIL 205538_TEF_75312_SW near footbridge	TELECOMMUNICATIONS - NOT REQUIRED 7 Jun 2021	Jac Cruickshank
2020/0511/COU	Mr Rob Smith	2 Silver Street Riccall Selby North Yorkshire YO19 6PA	Change of use of a former shop to residential to unify both floors of the building into one domestic dwelling and removal of existing shop front to domestic window and front door	PERMITTED 13 May 2021	Jac Cruickshank
2021/0596/TELB SYN941MY	Openreach	Graystones Barn Chapel Street Hillam Selby North Yorkshire LS25 5HP	Install 1 x 9m wooden pole (7.2m above ground)	TELECOMMUNICATIONS - NOT REQUIRED 9 Jun 2021	Chris Fairchild

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0617/MAN2	Swanhome Developments Ltd.	Yew Tree Farm Main Street Thorganby Selby North Yorkshire YO19 6DA	Non material amendment of 2018/1075/FUL Proposed demolition of existing farm buildings (as previously approved), the erection of 3 no. dwellings and associated works and the conversion and extension of an outbuilding to form garaging	PERMITTED 8 Jun 2021	Rebecca Leggott

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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.

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