

## Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 5 December 2018
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair for agenda items 6.2 and 6.4. Councillor D Peart (Vice-Chair) in the Chair for agenda item 6.3.  Councillors D Peart (Vice-Chair), I Chilvers, J Deans, R Musgrave, R Packham, P Welch and D White
Officers Present:	Martin Grainger, Head of Planning, Ruth Hardingham, Planning Development Manager, Fiona Ellwood, Principal Planning Officer, Paul Edwards, Principal Planning Officer, Helen Robinson, Solicitor (Weightmans LLP), Gary Bell, Principal Planning Officer, Paul Roberts, NYCC Highways
Press:	0
Public:	15

### **32 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor L Casling.

### **33 DISCLOSURES OF INTEREST**

Councillor J Cattanach declared a non-pecuniary interest in agenda item 6.3 – 2018/0818/EIA – Gascoigne Wood Rail Freight Interchange, Former Gascoigne Wood Mine, New Lennerton Lane, Sherburn in Elmet, and confirmed that he would leave the meeting during consideration thereof. Councillor D Peart would chair the meeting during consideration of the item.

Councillor J Deans declared that he had been approached by the applicant for agenda item 6.4 – 2017/0701/OUT – Yew Tree House, Main Street, Kelfield, York for advice as to what was required by Officers. Councillor Deans explained he had obtained the information for the applicant as requested but

had done nothing further.

#### **34 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chairman informed the Committee that an officer update note had been circulated in relation to agenda item 6.3 – 2018/0818/EIA – Gascoigne Rail Freight Interchange, Former Gascoigne Wood Mine, New Lennerton Lane, Sherburn in Elmet.

Members noted that agenda item 6.1 – 2018/0681/FULM – Viner Station, Roe Lane, Birkin, Knottingley would be deferred, as additional information had been received by Officers which required further consideration; as such, it would not be considered at the meeting.

#### **35 SUSPENSION OF COUNCIL PROCEDURE RULES**

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

**RESOLVED:**

**To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.**

#### **36 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 7 November 2018.

**RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 7 November 2018 for signing by the Chairman.**

#### **37 PLANNING APPLICATIONS RECEIVED**

The Committee considered the following applications:

**37.1 2015/1033/FUL - LAND OFF MAIN STREET, HILLAM, LEEDS**

**Application:** 2015/1033/FUL

**Location:** Land off Main Street, Hillam, Leeds, West Yorkshire

**Proposal:** Full planning permission for the demolition of one dwelling and the residential development of 33 dwellings, means of access, layout and landscaping

The Principal Planning Officer presented the application which had been brought to Committee at the decision of the Head of Planning.

The Committee noted that the application was for full planning permission for the demolition of one dwelling and the residential development of 33 dwellings, means of access, layout and landscaping.

Members sought to clarify the length of time it had taken for the application to be dealt with, as it had originally been submitted in 2015.

Richard Dossett, objector, spoke in objection to the application.

Julie Sadler, representing Hillam Parish Council, spoke in objection to the application.

Mark Johnson, agent, spoke in support of the application.

Members acknowledged that the application site comprised almost the entire area of land designated as safeguarded at Hillam under Policy SL1 of the Selby District Local Plan 2005. The Committee felt that this was an important reason for the application to be refused.

It was proposed and seconded that the application be refused.

**RESOLVED:**

**To REFUSE the application for the reasons set out at paragraph 6 of the report.**

**37.2 2018/0818/EIA - GASCOIGNE RAIL FREIGHT INTERCHANGE, FORMER GASCOIGNE WOOD MINE, NEW LENNERTON LANE, SHERBURN IN ELMET**

*At this point Councillor J Cattanach vacated the Chair.*

*Councillor D Peart, Vice-Chair, in the Chair.*

**Application:** 2018/0818/EIA

**Location:** Gascoigne Rail Freight Interchange, Former Gascoigne Wood Mine, New Lennerton Lane, Sherburn in Elmet

**Proposal:** Outline planning application with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and construction of up to 186,000 sq m (approx. 2,000,000 sq ft) of Class B2/B8 and associated

Class B1 floor space with supporting container storage area and associated buildings, trackside facilities, access and landscaping

The Principal Planning Officer presented the application which had been brought to committee since the scheme of delegation required either Environmental Impact Assessment or Departure applications to come to Committee.

The Committee noted that the application was for outline planning permission with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and construction of up to 186,000 sq m (approx. 2,000,000 sq ft) of Class B2/B8 and associated Class B1 floor space with supporting container storage area and associated buildings, trackside facilities, access and landscaping.

In relation to the officer update note, the Committee acknowledged that additional representations had been received from the co-owners of Sherburn Aerodrome, York Ornithological Club and Samuel Smith Old Brewery. The Principal Planning Officer took Members through the representations and the Council's responses to them, as set out in the update note.

Members expressed concern over the size of the application area and the inclusion of a large amount of open agricultural land in it. Members also queried if the Council's Economic Development Framework and the Regional Transport for the North reports held any planning weight. Officers confirmed that they were material planning considerations and were thus capable of attracting some weight, the former particularly since it was adopted Council policy, but neither were a part of the development plan and thus did not attract the full weight of s.39 (6) – the presumption in favour of the development plan.

Messrs Dale Petty and Brian Bartle (at the Chair's discretion), representing objectors, spoke in objection to the application.

Stuart Natkus, agent, spoke in support of the application.

Members expressed further concerns about the application. It was felt that that Council planning policy had not been given enough weight against the level of development proposed in the application. The impact on

traffic from the proposed scheme was also of major concern to the Committee. Members were of the opinion that with more houses due to be built in Sherburn, the development of Sherburn 2 industrial park and the likelihood of future workers all continuing to commute in from outside the District, the cumulative impact on surrounding highways would be detrimental.

The Committee were also unhappy with the potential impacts on Sherburn Aero Club, a facility that many local people enjoyed and used.

Members felt that further mitigation was required to address the comments made by York Ornithological Club that a red listed bird used the site. It was the view of the Committee that material considerations were not outweighed by the benefits of the scheme, and that more weight should be given to the Core Strategy.

The Head of Planning advised Members that the Officer recommendation was clear and in the update issues raised by objectors responded to. In addition, the issues raised relating to the Aero Club could be dealt with at the reserved matters stage. Furthermore it was suggested that if Members required further clarity on points or concerns raised in the debate then the matter could be deferred and brought back to Committee. This would provide an opportunity for Officers to give further clarifications in response to Members' concerns.

Members outlined their potential reasons for refusal:

- The application went against the Council's Development Plan, namely policies SP2 and SP13.
- The use of open agricultural land for a large part of the development was felt to be excessive and was of concern to the Committee.
- The cumulative impact of housing and development on the highways network, including the numbers of potential employees for Sherburn 2 and any potential development at Gascoigne Wood, causing further pressure on the surrounding roads.
- Insufficient information on ecology and biodiversity had been provided to Members, including inadequate consideration of comments from Yorkshire Ornithological Society about a red listed bird on site.
- The impacts of the proposal on Sherburn Aero Club required further mitigation.

It was proposed and seconded that the matter be

deferred, with Members being minded to refuse the application. Officers were requested to undertake further research and obtain more information to strengthen the reasons for refusal set out above, before bringing it back to the Committee.

A vote was taken on the proposal and was carried.

**RESOLVED:**

- i. That consideration of the application be DEFERRED, with Members minded to refuse the application for the following reasons:**
  - **The application went against the Council's Development Plan, namely policies SP2 and SP13.**
  - **The use of open agricultural land for a large part of the development was felt to be excessive and was of concern to the Committee.**
  - **The cumulative impact of housing and development on the highways network, including the numbers of potential employees for Sherburn 2 and any potential development at Gascoigne Wood from outside of the District, would cause further pressure on the surrounding roads.**
  - **Insufficient information on ecology and biodiversity had been provided to Members, including inadequate consideration of comments from Yorkshire Ornithological Society about a red listed bird on site.**
  - **The impacts of the proposal on Sherburn Aero Club required further mitigation.**
- ii. That Officers undertake further research and obtain more information to strengthen the reasons for refusal set out above, before bringing the matter back to Committee.**

**37.3 2017/0701/OUT - YEW TREE HOUSE, MAIN STREET,**

## **KELFIELD, YORK**

**Application:** 2017/0701/OUT

**Location:** Yew Tree House, Main Street, Kelfield, York, North Yorkshire

**Proposal:** Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved)

The Planning Development Manager presented the application which had been brought back to committee following consideration at the 10 January 2018 meeting, where Members had resolved:

*“To DEFER the application in order to give the applicant the opportunity to work with Officers to submit a revised plan more acceptable to the site boundaries and development limits”.*

The submission of a presence or absence survey of all accessible watercourses within 500m of the application site had also been required in order for the Local Planning Authority to assess the impact of the proposed development on European Protected Species (specifically Great Crested Newts).

The Committee noted that the application was an outline application for the demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved).

Members acknowledged that since the application was previously brought before Committee in January 2018 an appeal (reference: APP/N2379/W/17/3170320) in respect of an outline application (reference: 2016/0597/OUT) (with all matters reserved) for the erection of a residential development following the demolition of an existing dwelling, garage, farm buildings and glasshouse at Yew Tree House, main Street, Kelfield had been dismissed by the Planning Inspectorate.

Members queried if any additional consultation responses had been received since the matter had last been considered by the Committee; Officers confirmed that additional comments had been received from the County Ecologist and the Conservation Officer, but that no further neighbour objections had been received.

Officers confirmed that should permission be granted for the application, more detailed reserved matters would

need to come back to Committee for further approval.

Melissa Madge, agent, spoke in support of the application.

Members discussed the application further and were of the opinion that contrary to the Officer recommendation, outline permission should be granted for the scheme.

Members gave a number of reasons for granting permission; they felt that the visual appearance of the site and village would be improved, there would be social, economic and environmental benefits including maintaining a vibrant community in the village, a number of residents had expressed their support for the scheme, including the local ward Member for Kelfield, and that a similar scheme had recently been granted in Skipwith.

It was proposed and seconded that the application be refused.

An amendment to the refusal motion was proposed and seconded that the Committee were minded to approve the application, and to ask Officers to come back to Committee with suitably worded conditions to limit the number of properties on the site to the number proposed in the outline application.

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

A vote was then taken on the substantive motion.

**RESOLVED:**

**The Committee were minded to APPROVE the application, and asked Officers to bring back to Committee suitably worded conditions to limit the number of properties on the site to the number proposed in the outline application.**

The meeting closed at 4.25 pm.