

Planning Committee

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

Date: Wednesday, 11 January 2023

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis,
G Ashton, P Welch and J Duggan

Officers Present: Martin Grainger, Head of Planning; Hannah Blackburn,
Planning Development Manager; Glenn Sharpe, Solicitor to
the Council; Emma Howson, Planning Officer; Elizabeth
Maw, Senior Planning Officer; Linda Drake, Planning
Project Officer; Diane Holgate, Principal Planning Officer;
Jac Cruickshank, Senior Planning Officer; Ellis Mortimer,
Senior Planning Officer; and Gina Mulderrig, Democratic
Services Officer

55 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Packham and Mackay.

Councillor Duckett was in attendance as substitute for Councillor Packham.

56 DISCLOSURES OF INTEREST

Councillor Topping declared a non-pecuniary interest in agenda item 5.1, as one of the representatives involved in the scheme was a client of the firm of which he was a Director. Councillor Topping confirmed that he had had no involvement with the application so would not leave the meeting during consideration thereof.

57 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.

58 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 7 December 2022.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 7 December 2022 for signing by the Chairman.

59 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

60 2022/0534/FUL - TAMWOOD , STATION ROAD, RICCALL

Application: 2022/0534/FUL

Location: Tamwood, Station Road, Riccall

Proposal: Erection of 4 dwellings with associated garages/parking spaces and construction of access

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of the Head of Planning as the previous application was decided by Members and refused against Officer recommendation.

Members noted that the application sought outline approval for Erection of 4 dwellings with associated garages/parking spaces and construction of access.

Members noted the Officer Update Note which detailed amended plans that demonstrated emergency vehicles could now turn within the site. The Update Note confirmed the North Yorkshire County Council Highways Officer had no objection to the amended plans and set out the Amendment to Conditions and the new Conditions and Informatives recommended by the North Yorkshire Council Highways Officer.

The Committee stated that the Conservation Officer had concerns over the application due to the site being on the boundary with the Conservation Area and asked the Principal Planning Officer if they were satisfied the application was appropriate given the concerns.

The Principal Planning Officer confirmed that the site was on the boundary with the Conservation Area but was rejected for inclusion in it when the limits of the Conservation Area were last reviewed as it did not meet the requirements. The Principal Planning Officer stated she was satisfied the site was well screened to reduce the visual impact of the development and while

the comments on the heritage asset had been taken into account, the National Planning Policy Framework required consideration of the benefit to the public. The Head of Planning agreed the concerns had been taken into consideration in detail in the report alongside the merits of the application to reach a recommendation.

The Committee asked for confirmation that comments from all interested parties had been considered on this application and former applications relating to this site.

The Principal Planning Officer confirmed there had been one objection to the current application regarding overdevelopment which had been addressed in the report and that previous comments on applications relating to the site were not considered as part of this application but had informed the development of the application to its current form.

Members questioned whether the trees marked for retention would be protected during the development. The Principal Planning Officer confirmed the Tree Officer had completed a Tree Impact Assessment and a Tree Survey and advised Selby District Council to apply for a Tree Protection Order for trees deemed high value. All works on site had been halted pending the outcome of the Tree Protection Order application and a condition on provision of tree protection prior to any works was detailed in the report. The Principal Planning Officer showed Members a presentation detailing which trees would be removed and which would be protected and confirmed this map detailing tree constraints formed part of the Tree Protection Order application.

Members noted previous applications relating to this site had received objections relating to overdevelopment and questioned if Officers were now satisfied with the spacing of buildings in the application. The Principal Planning Officer stated the proposal met the separation distance requirement measurements and that she was satisfied the density of dwellings proposed in the application was consistent with surrounding buildings.

The Architect Leo Tindall was in attendance and spoke in favour the application.

A Member of the Committee expressed concern regarding the impact of the proposed development on dwellings adjacent to the site and to Station Road and it was suggested a site visit would give the Committee an opportunity to better understand the application. A site visit was proposed, and a vote was taken but the Proposal fell.

Other Members noted the Committee had already visited the site and expressed there was sufficient detail in the report to form the recommendation.

It was proposed and seconded that the application be GRANTED subject to conditions. A vote was taken on the Proposal and was carried.

RESOLVED:

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That the application be GRANTED subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note.

61 2021/1501/FUL - CARU, BECKFIELD LANE, FAIRBURN

Application: 2021/1501/FUL

Location: Caru, Beckfield Lane, Fairburn

Proposal: Erection of one dwelling following demolition of existing garage.

The Senior Planning Officer presented the application which had been brought before Planning Committee as more than 10 letters of representation had been received, including 10 letters of support. The letters raised material planning considerations and officers recommended the application be determined contrary to the 10 letters of support.

The application was deferred at the November 2022 Planning Committee meeting to enable officers and the planning agent to discuss whether the proposal could be re-designed to overcome highway visibility issues. Amended plans had been received for which the Local Highways Authority have raised no objection, therefore, the application was brought back before Planning Committee.

Members noted that the application was for the erection of one dwelling following demolition of the existing garage.

Members noted the Officer Update Note which included an amendment to the Location Plan and details of an additional objection from a local resident. The Officer Update Note also included a correction to paragraph 5.29 of the report.

The Committee asked the Senior Planning Officer for confirmation that the reason for the recommendation of refusal was that the application did not comply with planning policy.

The Senior Planning Officer confirmed the primary reason for recommending refusal was that the application did not conform to SP4(a) which stated that the filling of small linear gaps in otherwise built-up residential frontages was permitted in Secondary Villages but that a gap must already exist. In this case there was a garage in situ and therefore no gap currently existed, so the application was interpreted as not complying with the aforementioned policy. The Senior Planning Officer confirmed the application was not categorised as a conversion or as occupying previously developed land.

The Committee asked for clarification on how many households use the road for access and questioned whether the Council had identified a need for the extra housing.

It was established four households used the road for access to their houses. The Senior Planning Officer explained that the Council had not identified a need for further housing, that they were currently meeting their housing targets

and that Secondary Villages are identified as the least sustainable areas for housing growth. The Head of Planning clarified policy had been applied to reach the recommendation to refuse but that the application was presented to be viewed as a whole by the Committee to reach their conclusion.

Representative for the Applicant, Mr Gerald Swarby, was in attendance and spoke in favour the application.

Members debated the application further stating that the existing garage being replaced by the proposed building would have no significant impact. Support was shown for the resolution of concerns from North Yorkshire County Council Highways and the application in general.

It was proposed and seconded that the application be GRANTED subject to conditions. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee subject to the conditions set in paragraph 7 of the report and the details set out in the Officer Update Note.

62 2022/1081/COU -WESTACRE, WISTOW

Application: 2022/1081/COU

Location: Westacre, Station Road, Wistow

Proposal: Change of use from just residential to include commercial holiday let (retrospective).

The Planning Project Officer presented the application which had been brought before the Planning Committee as it was recommended to be approved contrary to the requirements of the Development Plan (Policy H5 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

Members noted that the application was for retrospective change of use from just residential use to include commercial holiday let.

Members noted the Officer Update Note which detailed a correction to paragraph 5.13 to clarify the proposal would not result in a detrimental impact on the local amenity.

The Committee asked the Planning Project Officer to confirm that this application was retrospective for a business that had been running since 2017 and questioned why a similar application had been refused in 2022.

The Planning Project Officer explained that the property had been built and occupied by the applicant prior to use as a holiday let but that the applicant

had been unaware Planning Permission was required for the change of use, so the application was retrospective. The Planning Project Officer explained the application for change of use submitted in 2022 was refused as it was contrary to Policy H5. This application was a re-submission accompanied with further supporting information supporting the economic benefits detailed in the report which now led Officers to recommend the application.

Councillor David Buckle, Lead Executive Member for Communities and Economic Development was in attendance and spoke in favour of the application.

The Applicant, Mr Jeff Anspach, was in attendance and spoke in favour of the application.

Members debated the application expressing support for the economic benefits of tourism to the area and the positive history and reputation of the business which had had minimal concerns raised about it by the local community. Members questioned whether conditions could be imposed to ensure that, were the business to be sold, future owners would be required to continue the Applicant's policy of refusing bookings with potential to be disruptive to neighbouring dwellings.

The Head of Planning explained this would be difficult to impose or enforce and the Planning Solicitor confirmed it would not be possible to define groups with potential to be disruptive, such as stag parties, with enough precision to make any condition or Section 106 obligation enforceable should the property be sold and continue to function as a holiday let.

It was proposed and seconded that the application be GRANTED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note.

63 2022/0838/FUL - LODGE FARM, WISTOW

Application: 2022/0838/FUL

Location: Lodge Farm, Wistow Lordship, Wistow

Proposal: Conversion of a building to form a 2-bed dwelling with parking and private garden.

The Planning Project Officer presented the application which had been brought before the Planning Committee as the proposal was recommended to be approved contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

Members noted that the application was for the conversion of a building to form a 2-bed dwelling with parking and private garden.

The Committee asked the Planning Project Officer to clarify the location of the building on the map and the number of dwellings in the vicinity.

The Planning Project Officer demonstrated the location of the site and confirmed that there were 2 barn conversions already on the land alongside the original farmhouse.

It was proposed and seconded that the application be GRANTED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report.

64 2022/0789/FUL- THE WORKSHOP, RYTHER

Application: 2022/0789/FUL

Location: The Workshop, Ryther Road, Cawood

Proposal: Erection of one dwelling to replace existing workshop.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the proposal was contrary to the requirements of the Development Plan (namely Policy SP2 of the Selby District Core Strategy) but it was considered there were other material considerations which would justify approval of the application.

Members noted that the application was for the erection of one dwelling to replace an existing workshop.

Members noted the Officer Update Note which confirmed the consultation period for comments from consultees had now expired and no further comments were received.

The Committee asked the Senior Planning Officer for details of the increase in size of the amended layout plan in this application for the 1-bed dwelling from the original layout plan (2019/0712/FUL) with extant permission granted in 2019.

The Senior Planning Officer explained the amended proposal was 8m³ larger than the original proposal rising to 546m³ from 538m³ and this was not considered a significant increase.

Members debated the application further expressing support for the amended layout plan over the original plan. The Committee understood the site was outside development limits and did not meet with the strict interpretation of Policy SP2 of the Core Strategy but that a precedent had been set for residential development with the extant permission granted on the site in 2019

and significant residential development near the site.

It was proposed and seconded that the application be GRANTED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note.

65 2022/0941/HPA - 26 MERLIN WAY, BRAYTON

Application: 2022/0941/HPA

Location: 26 Merlin Way, Brayton, Selby

Proposal: Raise height of existing roof to create additional accommodation, the erection of 2 pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden

The Planning Development Manager presented the application which had been brought before the Planning Committee as it had more than 10 letters of objection and whilst this was a minor application, it had been requested to go to Planning Committee by the Head of Planning given the level of objection and Councillor involvement, and as the Officer recommendation was contrary to these representations.

Members noted that the application was for the raise in height of the existing roof to create additional accommodation, the erection of 2 pitched roof dormer windows to the rear and roof lights to front, and the retention of gazebo in the rear garden.

Members noted the Officer Update Note which confirmed Officers had been made aware of, and noted, a document sent directly to Members of the Committee in support of the public speaker speaking in objection to the application.

The Committee asked the Planning Development Manager to confirm when 26 Merlin Way and the surrounding estate had been built and to clarify if there were any 3 storey buildings in the development.

The Planning Development Manager explained that original planning permission for the estate had been granted in 2015 with a Section 73 application granted in 2016 and confirmed that no roof conversions indicating 3 storey dwellings were visible in this development but were present in the wider vicinity of Brayton.

Members drew attention to proximity of the site to residential housing used for residents requiring additional care and support.

Objector, Carla Cox, was in attendance and spoke against the application.

Members debated the application further expressing concerns with the application including objections from local residents. Members agreed with the objections that the proposal would have a detrimental effect on neighbouring properties due to loss of privacy. Members stated the proposal would be intrusive and overbearing to neighbouring properties and would also alter the character of the estate which could set a precedent to other new build estates throughout Selby District.

The Committee criticised the scope of the application and questioned the dimensions of the gazebo included in the application and asked whether this was within permitted development rights.

The Planning Development Manager detailed the dimensions of the gazebo as stated in the report and explained that some plots in the estate, including 26 Merlin Way, had their permitted development rights removed in 2016 due to considerations of residential amenity so needed to apply for planning permission for proposals usually covered by permitted development rights.

Members questioned which parts of the application would be covered by permitted development rights if 26 Merlin Way had them and the Planning Development Manager stated the dormer windows would potentially be covered by permitted development rights but the proposed raising of the roof would not be covered. The Planning Development Manager also stated the height of the gazebo would likely disqualify it from being allowed under permitted development rights, had the plot retained them.

The Committee asked for clarification on whether the proposed dormer windows to the rear of the property would use clear or obscured glazing and questioned the effect of the security cameras on the application.

The Planning Development Manager explained the western window proposed clear glazing and the eastern window obscured glazing. The Head of Planning emphasised that existing or future security cameras did not form part of this planning application and were not to be considered as part of it.

It was proposed and seconded that the application be REFUSED as the proposal would be detrimental to the residential amenity of neighbouring properties from overlooking and was out of character for the existing estate. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be REFUSED on the following grounds:

The proposed development, in particular the insertion of dormer windows, would lead to increased overlooking of adjacent properties resulting in a detrimental impact on living conditions and amenity of neighbouring occupants and would be out of character with other properties in the vicinity. The proposal is therefore considered to be contrary to policy ENV1 of the Selby District Local Plan 2005 and

SP19 of the Selby District Core Strategy Local Plan 2013.

66 TPO 11/2022 - BARN COTTAGES, WOMERSLEY

Application: TPO 11/2022

Location: 1 Barn Cottages, Main Street, Womersley, Selby

Proposal: Confirm Tree Preservation Order No. 11/2022 with no modification.

The Senior Planning Officer presented the application which had been brought before the Planning Committee for decision in accordance with the scheme of delegation 3.8.9(b)(viii); the confirmation of the Tree Preservation Order could not be issued under delegated powers due to an objection to make the order. In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report sought the permission of the Planning Committee to "Confirm with no Modification", Tree Preservation Order No. 11/2022.

Members noted that the application was for confirmation of Tree Preservation Order No. 11/2022

The Committee expressed support for the protection of trees which enhance the area and asked the Senior Planning Officer whether there were any safety concerns regarding the tree and if it was regularly inspected by a professional.

The Senior Planning Officer confirmed the tree was a healthy specimen with no health concerns and a predicted 40 to 100 years life span remaining. The Senior Planning Officer explained the tree was privately owned so it was up to the owner to organise inspection and maintenance.

It was proposed and seconded that the Tree Preservation Order be confirmed with no modification. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application for Tree Preservation Order No. 11/2022 be confirmed with no modification.

The meeting closed at 16:05