

Planning Committee

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

Date: Wednesday, 8 February 2023

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, 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, Senior Planning Officer; Fiona Ellwood, Principal Planning Officer; Linda Drake, Planning Project Officer; Diane Holgate, Principal Planning Officer; Jac Cruickshank, Senior Planning Officer; Josh Turner, Planning Officer; Martin Evans, Principal Planning Officer; Julie Turner, North Yorkshire County Council Highways Officer and Gina Mulderrig, Democratic Services Officer

Public: 5

67 APOLOGIES FOR ABSENCE

There were no apologies for absence.

68 DISCLOSURES OF INTEREST

Councillor Ashton declared a non-pecuniary interest in agenda item 5.1 as she was the Responsible Finance Officer for Sherburn Parish Council. Councillor Ashton confirmed that she would leave the meeting during consideration thereof.

Councillor Packham declared he had been contacted by email regarding agenda item 5.1. All Members confirmed they had seen the same email and would not leave the meeting during consideration thereof.

Councillor Topping declared a professional interest in agenda item 5.4, as he had previously advised on the application in a professional role. Councillor Topping confirmed that he would leave the meeting during consideration thereof.

69 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

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

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

The Chair announced the running order of items had been amended to take item 5.2 first, followed by item 5.1 and the remainder of the items in numerical order.

70 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 11 January 2023.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 11 January 2023 for signing by the Chairman.

71 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

72 2019/0559/FULM - IBBOTSONS, COLTON

Application: 2019/0559/FULM

Location: Ibbotsons, Colton, Tadcaster

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

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor Musgrave on the 12 January 2022. The application was deferred for further information, as detailed in the report, to be collected and evaluated as part of the scheme before being brought back to the Committee.

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

Members noted the Officer Update Note which provided an amended planning statement from the agent along with a spreadsheet of potato loads from 2021. The Officer Update Note also added an amendment to paragraph 2.18 of the report which summarised a further representation from Veritas Planning Ltd on behalf of Samuel Smith Old Brewery.

The Committee asked the Principal Planning Officer for details on the volume of traffic associated with the site.

The North Yorkshire County Council Highways Officer confirmed that the planning statement stated that in 2021 there were between 20 and 40 Heavy Goods Vehicle traffic movements associated with the site per day, but this had not been substantiated. The North Yorkshire Highways Officer noted the planning statement reported an increase in staff from 86 in 2021 to 106 in 2023 which indicated the data on Heavy Goods Vehicle movements from 2021 was no longer contemporaneous.

The Principal Planning Officer stated that no official traffic assessment had been received besides the amended planning statement and that no Landscape and Visual Impact Assessment had been received. The Principal Planning Officer clarified that the planning statement had not included data on traffic movements relating to the 106 members of staff based at the site.

The Committee asked for clarification on which developments besides the storage facility were included in this application.

The Principal Planning Officer confirmed that the water towers, internal road, footpath, hard surfaces, and lagoons were included in the application and required planning permission.

Democratic Services read a statement on behalf of objector to the proposal, Brian Percival.

Ward Councillor Richard Musgrave was in attendance and spoke against the application.

The Applicant, Christopher Kendall, attended the meeting remotely and spoke in favour of the application.

Members debated the application further stating that approval and appropriate conditions could not be considered without an up-to-date Transport Impact Assessment, Landscape and Visual Impact Assessment and other relevant information.

Concerns were also raised by the Committee on light pollution caused by the facility and the consequent effect on local wildlife.

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

RESOLVED:

That the application be REFUSED.

73 2022/0918/OUT 7 LOW STREET, SHERBURN IN ELMET

Councillor Ashton left the room.

Application: 2022/0918/OUT

Location: 7 Low Street, Sherburn in Elmet

Proposal: Outline application for the development of 5 new detached houses including access, appearance, layout, and scale (all other matters reserved) on land to the rear of 7 Low Street.

The Senior Planning Officer presented the application which had been brought before Planning Committee because 3.8.9(b)(vi) had been triggered as there has been more than 10 letters of representation received that raise material planning considerations and where officers would otherwise determine the application contrary to these representations. The application had been brought before Planning Committee on 7 December 2022 and was deferred to allow the Committee to conduct a site visit, which occurred on 6 February 2023.

Members noted that the application was for outline permission for development of 5 new detached houses including access, appearance, layout, and scale (all other matters reserved) on land to the rear of 7 Low Street.

Members noted the Officer Update Note which clarified that the retail unit was still operating as Jacksons the Butchers. The Officer Update Note also stated a further representation objecting to the scheme had been received and that a query had been received in relation to the number of units using the access and whether the access road should be adopted which had been circulated to Members. The Note also included clarification from North Yorkshire County Council Highways that there were no changes to their recommendations. Details of dimensions of the site were also included as requested by the Committee.

The Committee asked for clarification on the impact of the development to vehicle access to the land in front of the neighbouring Spar shop.

The Senior Planning Officer explained that the development included railings dividing the access to the site from the area in front of Spar but that the land was privately owned and was not designated parking for the shop and that there was no right of access from the site of the application to that land.

The Committee asked for confirmation on whether the access road was single track and if any plans were in place for resurfacing the entrance and lane to define the development boundaries.

The Senior Planning Officer confirmed that the access road was single lane at

the entrance and at further points on lane as detailed in the Officer Update Note but that there was ample passing space for pedestrians. The Senior Planning Officer stated that no hard landscaping details had been provided but a Landscaping Plan had been requested and the materials could be added into the conditions.

Objector Alex Tant-Brown was in attendance and spoke against the application.

The Chairman of Sherburn Town Council, Councillor Gary Limbert, was in attendance and spoke against the application.

The Planning Agent, Joe Flanagan, was in attendance and spoke in favour of the application.

The Committee expressed concerns regarding the narrowness of the entrance to the site and the track to the dwellings which could cause vehicles to queue back onto the highway and could pose a danger to pedestrians accessing the housing. Members expressed understanding that replacement parking was being provided for patrons of local shops, but that this might require enforcement which was not always available. The potential of vehicles using the land in front of Spar, adjacent to the proposed access road, to disrupt traffic flow and cause incidents was also raised. Members also recounted the declaration by North Yorkshire County Council Highways that had the access road been offered for adoption, this would have been refused and that that effectively delegated approval of safety of the access road to Selby District Council. It was stated that the application contravened Core Strategy Policy SP4 (c) as the access road did not comply with normal planning considerations and it was proposed and seconded that the application be refused on these grounds. A vote was taken and the proposal fell.

Other Members noted that the application had been amended twice previously and could now be considered acceptable and achievable. The Senior Planning Officer confirmed the proposed dwellings were now single storey dwellings with dormer windows rather than the 2 storey dwellings originally proposed.

Members stated the current parking situation on Low Street was manageable and, as no parking space was being lost due to the development, access and parking issues were surmountable with effective signage. The Senior Planning Officer clarified that there was no legal right for the public to use the site for parking and this had always been at the landowner's discretion so replacing any parking spaces lost was not a requirement. The Senior Planning Officer explained that the Car Park Management Plan that formed part of the application stated the proposed 5 new parking spaces would be reserved for patrons of Jacksons the Butchers only and not residents of the proposed dwellings and that this would be enforced. The Senior Planning Officer clarified that a Traffic Management Plan had been requested by Planning Committee but that the Agent had submitted a Car Park Management in place.

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 the conditions set out in paragraph 7 of the report, the details set out in the Officer Update Note and a S106 agreement to provide contributions for Open Space and Waste and Recycling and in relation to the management of the car parking area, railings and provision of a maintenance and landscape management plan in relation to the area of land to the east of the site.

74 2021/1353/FUL - LAND ADJACENT A163, NORTH DUFFIELD

Councillor Ashton returned to the room.

Application: 2021/1353/FUL

Location: Land Adjacent to the A163, North Duffield

Proposal: Erection of 5 dwellings and associated infrastructure.

The Principal Planning Officer presented the application which had been brought before the Planning Committee as there had been 10 letters of representation which raised material planning considerations and where officers would otherwise determine the application contrary to these representations.

Members noted that the application was for the erection of 5 dwellings and associated infrastructure.

Members noted the Officer Update Note which detailed comments received on 7 February 2023 from North Duffield Parish Council in support of the application.

The Committee asked the Principal Planning Officer whether the proposed buildings would be for sale at market value. Members also asked for clarification on the reason the application was recommended for refusal and the history of the site.

The Principal Planning Officer confirmed the proposed dwellings would be sold on the open market. The Principal Planning Officer confirmed there had been a previous application on the site for larger dwellings but that his application was for 2 bedroom dwellings and that both applications had been recommended for refusal as the proposed development was outside the development limits of North Duffield and therefore in the open countryside, in conflict with Local Plan Policy.

The Planning Agent Jennifer Hubbard was in attendance and spoke in favour of the application.

Members expressed their support for the application noting the village could

sustain 5 more dwellings, particularly dwellings of the proposed size which are needed in North Duffield and the development would improve pedestrian safety to the west extremity of the village and the allotments. The Committee raised concerns that the previous application on this site was refused in a decision upheld by the Planning Inspectorate but the Committee also noted the support of local residents and North Duffield Parish Council and proposed that the value to the village and the design of the site was strong enough to go against the Officer's 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:

That the application be GRANTED with authority delegated to Head of Planning in conjunction with Chair of Planning to agree conditions and subject to the provision by the applicants of a minerals assessment in accordance with Policy S02 of the MWP and subsequent consultation with the Minerals Authority resulting in no material issues being raised.

75 2019/0458/OUTM - SCHOOL ROAD, HEMINGBROUGH

Councillor Topping left the room. Councillor Richardson took the Chair.

Application: 2019/0458/OUTM

Location: Land off School Road, Hemingbrough

Proposal: Outline application including access (all other matters reserved) for residential development for up to 40no custom built dwellings.

The Planning Project Officer presented the application which had been brought before the Planning Committee at the request of Councillor Arthur. The reasons given were that the land was outside the development limits of the village, the development would increase traffic in the village and increase pressure on the sustainability of the village, its facilities and infrastructure and that the development would harm residential amenity.

Members noted that the application was for the outline permission including access (all other matters reserved) for residential development for up to 40no custom built dwellings.

Members noted the Officer Update Note which gave a correction to paragraph 5.15 of the report and detailed 2 additional representations which gave further grounds of objection to those set out in the report and listed additional consultation responses received from North Yorkshire County Council Minerals and Waste, the Lead Local Flood Authority and the Landscape Architect.

Members asked for clarity on how following the Officer's recommendation to refuse this application would affect the new proposed Local Plan set for

adoption in 2024 given that development of the site was supported by Selby District Council in the Publication Draft of the new Plan.

The Head of Planning confirmed that the site was outside development limits according to the current Local Plan, adopted in 2013, but that the Council were currently preparing a new Local Plan for the District which will cover the period to 2040. The Head of Planning stated consultation on the Publication Draft had been undertaken and the Council was still analysing the representations received. The Head of Planning stated that this application site formed part of a wider residential allocation which had been identified as suitable for up to 123 dwellings in Hemingbrough under the Regulation 19 Consultation and that the Council would seek to ensure this allocation was developed comprehensively and in context with the relevant policies rather than in a piecemeal manner. The Head of Planning stressed that the emerging Local Plan was not yet finalised and that Members should make their decision on this application knowing that the proposed specifications for the proposed Local Plan were subject to change.

Democratic Services read a statement on behalf of objector to the proposal, Mrs Clare Gillard.

The Planning Agent, Jennifer Hubbard , was in attendance and spoke in favour of the application.

The Committee debated the application further questioning whether deferring the decision could lead to a change in circumstance where Officers would recommend the application be granted.

The Head of Planning stated that under the current Local Plan, adopted in 2013, it would be unlikely any deferral or amendment to the application would change the Officer recommendation stated in the report, but that the proposed new Local Plan for Selby District will continue to progress into the new Local Authority, North Yorkshire Council, and this position could change and the site be supported for development.

Members expressed support for the need for consultation on development of the site through the proper statutory processes involved in developing and ratifying the new proposed Local Plan. The Committee agreed the application was contrary to policies in the current Local Plan and given the significant scope of the plan could not be supported.

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

RESOLVED:

That the application be REFUSED.

76 2022/1142/FUL - STROME HOUSE, HEMINGBROUGH

Councillor Topping returned to the room and took the Chair.

Application: 2022/1142/FUL

Location: Strome House, Hemingbrough

Proposal: Erection of 1 No 4-bed detached dwelling on land to the west of Strome House.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as it had been called in by the local ward Councillor. The Councillor requested that the application was called to Committee should Officers be minded to refuse the application. The reasons provided for the application being called to committee were detailed in the report.

Members noted that the application was for the erection of 1 No 4-bed detached dwelling on land to the west of Strome House.

The Committee asked the Senior Planning Officer to clarify whether the proposed dwelling would be classed as a 2 or 3 storey dwelling and asked for clarity on how many households used the access road to the site.

The Senior Planning Officer confirmed that the proposed dwelling would be the fourth property to use the access road and clarified that the proposed dwelling was a 2-storey house with a bedroom in the roof space.

Objector, Alexandra Firth, was in attendance and spoke against the application.

Planning Agent, Sam Dewar, was in attendance and spoke in favour of the application.

Members expressed a lack of support for the application citing the negative impact the proposed dwelling would have on the residential amenity of the neighbouring residents, in particular the loss of privacy and light.

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

RESOLVED:

That the application be REFUSED.

77 2022/1316/HPA - 8 BROADACRES, CARLTON

Application: 2022/1316/HPA

Location: 8 Broadacres, Carlton

Proposal: New pitched roof over existing flat roofed front dormer window.

The Planning Officer presented the application which had been brought before the Planning Committee as it had been called in by Councillor Jordan on the basis that the application was for a simple alteration in an area where some others had been done similarly.

Members noted that the application was for a new pitched roof over an existing flat roofed front dormer window.

The Committee asked the Planning Officer to confirm whether there were other properties with the proposed roof design in the local area and asked whether the extension building works detailed in the application had already been completed. The Committee also asked the purpose of the design.

The Planning Officer explained that there were properties with the proposed roof design in the Selby District but not in the local vicinity of 8 Broadacres and explained that the extension was only partially completed as of December 2022. The Planning Officer stated that the proposed design would not increase the existing height of the property or add to increased amenity space in the property but was to replace the existing flat roof removing issues inherent with flat roofs.

The Applicant, Amanda Ledson, was in attendance and spoke in favour of the application.

Members expressed understanding as to why the application had been brought to Planning Committee but disagreed with the Officers recommendation. Members stated there were similar roof design examples in the Selby District, that the neighbouring houses were not uniform in nature and that 8 Broadacres was not in a Conservation Area so the proposed design would not be unsuitable for the street. It was expressed the proposed materials were sympathetic and that the reasons given by the applicant for improving the integrity of the property and increasing the energy efficiency of the property to counter climate change were reasonable and commendable.

It was proposed and seconded that the application be GRANTED against the Officer's recommendation on the basis of positive material considerations. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to conditions and that the decision be delegated to the Head of Planning Services in consultation with the Chair of Planning Committee.

78 TPO/21/2022 - THE ORCHARDS, CHURCH FENTON

Application: TPO 21/2022

Location: Land adjacent to The Orchards, Church Street, Church Fenton

Proposal: Confirm Tree Preservation Order No. 21/2022 with modifications.

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 Modifications”, Tree Preservation Order No. 21/2022.

Members noted that the application was for confirmation of Tree Preservation Order No. 21/2022 with modifications.

The Committee asked whether the trees were considered as part of the grounds of St Mary’s Church and asked how the field behind the trees was accessed.

The Senior Planning Officer confirmed that the trees were not on land belonging to the church, but their presence enhanced the visual impact of the setting and the entrance to Church Fenton. The Senior Planning Officer explained that there was no vehicular access to the land adjacent to The Orchards but that this Preservation Order would not preclude an application being made for vehicular access through the appropriate processes.

It was proposed and seconded that the Tree Preservation Order be confirmed with modifications. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application for Tree Preservation Order No. 21/2022 be confirmed with modifications.

79 TPO/19/2022 - WHITINGS LODGE, BURN

Application: TPO 19/2022

Location: Whitings Lodge, Burn

Proposal: Confirm Tree Preservation Order No. 19/2022 with no modification.

The Principal 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. 19/2022.

Members noted that the application was for confirmation of Tree Preservation Order No. 19/2022

The Committee stated they were aware the landowner was a tree surgeon and that the landowner did not want the Tree Preservation Order confirmed to Tree 3 as they wanted to perform a crown lift on it. It was also noted that a previous planning application near Tree 2 included no reference to the tree.

The Principal Planning Officer explained that although there was no imminent

development pressure from the landowner to Tree 3, the specimen was adjacent to previously developed land and, as such, needed proactive protection and supervision particularly as the landowner had expressed an interest in performing a crown lift. The Principal Planning Officer confirmed that a previous planning application near Tree 2 had been submitted after the crown reduction detailed in the report and it was the processing of this application that led to the evaluation from the Council's Tree Officer that identified the 3 specimens detailed in the report.

The Principal Planning Officer stated it was the opinion of Officers that all 3 specimens met the criteria of having significant amenity value to be granted a Tree Preservation Order.

Ward Councillor, Councillor Chris Pearson was in attendance and spoke against the confirmation of the Tree Preservation Order.

Some Members expressed support for confirming the Tree Preservation Order and stated that these aged and healthy specimens needed to be protected. It was proposed and seconded that Tree Preservation Order No. 19/2022 be confirmed. A vote was taken and the proposal fell.

Other Members of the Committee suggested imposing Preservation Orders would set a precedent for restricting landowners' ability to maintain their own trees. The Committee noted that the landowner had successfully and proactively maintained the trees so far and had not proposed removing the trees.

It was proposed and seconded that the Tree Preservation Order not be confirmed against the Officer's recommendation on the grounds that the landowner be able to maintain the trees without restriction. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application for Tree Preservation Order No. 19/2022 not be confirmed.

The meeting closed at 5.30 pm.