

Officer Update Note - Planning Committee 5 August 2020

Item 5.1.

APPLICATION NUMBER:	2020/0191/FUL	PARISH:	Thorganby Parish Council
APPLICANT:	Mr Chris Garland	VALID DATE: EXPIRY DATE:	28th February 2020 31st August 2020
PROPOSAL:	Proposed erection of an agricultural storage barn		
LOCATION:	Jubilee Cottage 13 Main Street Thorganby York North Yorkshire YO19 6DB		
RECOMMENDATION:	Refusal		

Additional representations:

The applicant has contacted Democratic Services requesting that the application not be considered on 5 August 2020. He refers to the resolution of the Chief Executive Officer at the Urgent Decision Session held on 17/06/2020, which was to defer consideration of the application following representation from the applicant that the Planning Committee consider the application, and a subsequent request that an Extension of Time be agreed until 31/08/2020.

The Extension of Time request, agreed to by the applicant, was suggested as a date by which the Council would aim to determine the application, not a specific date on which the application would be considered. This is standard practice when seeking to agree extensions of time associated with the determination of planning applications.

The applicant's original representations that the application not be determined by the Chief Executive included a request that the application be deferred until such time as he would be able to attend a meeting of Planning Committee and present his views. The request referred to an ongoing complaint as to the manner in which the earlier application, 2018/1139/FUL, was determined. The applicant also made reference to a previous grant of outline permission and an officer recommendation of approval in respect of 2018/1139/FUL which was not agreed by the Committee in refusing the application. No further written representations on material planning considerations relevant to the application have been received from the applicant.

The matter has been discussed with the Council's Planning Solicitor and officers consider there is no legal or procedural reason to defer the consideration of the application further should Members wish to proceed.

Appeal decision:

Section 1.6 of the report provides details of the relevant planning history and includes application number 2018/1139/FUL which was refused by the Planning Committee in November last year, a decision which the applicant subsequently appealed. Since the report was written, the appeal decision has been received.

The Inspector concluded that the development “would not be in a suitable location having regard to the sustainable development aims of Policies SP2 and SP4 of the CS and the Framework” upholding the first reason for refusal. The Inspector also considered that “the proposal would have a harmful effect on levels of privacy for occupants of the existing and proposed dwellings and on the quality of outlook for occupiers of Jubilee Cottage” thereby also upholding the third reason for refusal. However, the Inspector stated that “whilst the dwelling would not reinforce the prevailing linear alignment of dwellings, I find that its design and specific position in this instance would not result in material harm to the significance of the CA” so did not agree with the second reason for refusal.

The appeal decision represents a material consideration in the determination of the current application and, consequently, officers are of the view that the second reason for refusal in the recommendation should be deleted. The remaining reasons for refusal would be consistent with the Inspector’s recent decision in which it was concluded that those matters attracted “significant weight” and were “firmly against the proposal”.

Revised recommendation:

This application is recommended to be **REFUSED** for the following reasons;

1. The site lies within the development limits of a secondary village which is a less sustainable location. The proposed development would result in backland development to the rear of other properties, and would not constitute the ‘filling of a small linear gap in an otherwise built up frontage’, or any of the other categories of development identified as acceptable in Secondary Villages in Policy SP4(a). The development is therefore contrary to Policy SP4(a) and consequently Policy SP2A(b), of the Core Strategy.
2. The poor juxtaposition between the proposed dwelling and Jubilee Cottage would result in harm to the amenities of future and existing occupiers by reason of overlooking, loss of privacy and overbearing. As such the development is contrary to Policy ENV1 of the Selby District Local Plan and chapter 12 of the NPPF.

Item 5.2.

APPLICATION NUMBER:	2020/0242/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr A Pulleyne	VALID DATE: EXPIRY DATE:	31st March 2020 26th May 2020
PROPOSAL:	Proposed conversion of domestic garage/store and stables to dwelling		
LOCATION:	Manor House Hull Road Cliffe Selby North Yorkshire YO8 6NH		
RECOMMENDATION:	GRANT		

Since the Officers Report was written an amendment has been made to paragraph 6.1 of the report (page 44), as follows:

“This type of conversion of an existing rural building to residential is acceptable in principle within the NPPF and ~~in development plan policy~~ [the overall spatial strategy for the District](#). Though it is noted that the proposal would conflict with criteria 1 of Policy H12 of the Core Strategy, it is considered that the NPPF is a material consideration and in line with Paragraph 79 of the NPPF the further reuse of the building would be sustainable. Furthermore, the Framework is more up to date and more flexible since it does not include criteria requiring the building to be ‘unsuited to business use’.”

This has been made to clarify that whilst, the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan). This type of conversion of an existing rural building to residential is acceptable in principle in the NPPF and the overall spatial strategy for the District.

Furthermore, wording has been added to paragraph 7.1 of the report (page 44) which should read, ‘*This application is recommended to be approved GRANTED subject to the following conditions:*’

In considering all of the above, this information this is not considered to alter the assessment made.

Item 5.3.

APPLICATION NUMBER:	2020/0376/FUL	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr & Mrs R Finney	VALID DATE: EXPIRY DATE:	22nd April 2020 17th June 2020
PROPOSAL:	Conversion of redundant building to form residential dwelling		
LOCATION:	Market Garden Hull Road Hemingbrough Selby North Yorkshire		
RECOMMENDATION:	GRANT planning permission subject to conditions and informatives		

Further representations have been received from Ward Member for Derwent, Cllr Karl Arthur. These representations should be read in conjunction with those found at Paragraph 2.18 on Page 59 of the Agenda.

The comments are repeated verbatim as follows:

“Unfortunately, I will be unable to make the planning meeting on Wednesday as I am working but I would like to raise a few issues which may count against the application.

Broadly speaking the main concern is that the proposal is outside the development limits of the village which would lead to the village being split in two which may be dangerous as the residents would need to cross the busy A63 to access the village which at present has no safe crossing. Although the speed limit is 40 MPH in this area many drivers ignore the limit and drive at high speeds. This application could lead to more accidents occurring on this busy road.

Another reason for objecting to the application is that the area that the proposed development is likely to take place on is not currently included in the five year land supply which is currently full and that this proposal is outside the five year land supply.

It has also been brought to my attention that although the Hemingbrough Parish Council did not submit a comment on this proposal (probably as a result of being unable to meet owing to the Covid-19 crisis) that some of the Parish Councillors have since said that they strongly object to this application. Some of the villagers have also raised concerns about this application especially with regards to the issues mentioned above and have asked me to speak out on this.

Also, although this application is providing residential amenity for the people who will eventually live there it will provide no extra amenity to the village in general.

Finally, as the report states this application is contrary to the requirements of the development plan (namely criterion 1 of Policy H12 of the Selby District Local Plan).

Taking all this into account I am respectfully calling on the Planning Committee to vote against the officers recommendation and reject this proposal.”

