

Officer Update Note - 11 November 2020

Item 5.1

APPLICATION NUMBER:	2019/0639/CO U	PARISH:	North Duffield Parish Council
APPLICANT:	Mr Andrew Ward	VALID DATE: EXPIRY DATE:	27 th June 2019 Out of time
PROPOSAL:	Retrospective change of use of land from agricultural to garden for land adjoining the rear		
LOCATION:	Holmewood York Road North Duffield Selby North Yorkshire YO8 5RU		
RECOMMENDATION:	REFUSE		

Additional Representations

An additional letter of representation from Terrence Duggan. This has been circulated to members by email on the 9.11.2020 however no new material considerations were raised in this letter. The latter also states that there is an error in Paragraph 1.10 of the Officer's Report which is addressed below.

Updates to the Officer's report:

1.10 There is an error in the Relevant Planning History section of the report in this paragraph relating to application 2019/1272/COU where it is stated that the application was refused on 2 April 2020. The application with the above reference is currently pending consideration.

5.14 This paragraph should be removed

Item 5.2

APPLICATION NUMBER:	2019/0945/FUL	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr & Mrs Marshall	VALID DATE: EXPIRY DATE:	30th September 2019 25th November 2019
PROPOSAL:	Proposed conversion of single storey barn/stable block to use as a single storey dwelling		
LOCATION:	Grove Farm Sweeming Lane Little Fenton Leeds North Yorkshire LS25 6HF		
RECOMMENDATION:	APPROVE		

Additional Representations

The neighbour of the adjacent dwelling who had previously commented (as outlined in Paragraph 2.16 of the report) has made a further representation following publication of the committee report. The neighbour reiterates their concerns regarding outlook from their lounge and does not materially change either their previous representation or Officer's considerations of the issue.

Update to Agenda Pack

An incorrect version of the proposed block plan has been incorporated within the agenda. The correct version recommended for approval is attached as an appendix to this report and will be presented by Officers in their presentation.

Updates to the Officer's report:

The reason for Condition 14 cites "*policy #*", this should state "*Selby District Local Plan Policy T1 and T2*" and Officers recommend the application should be approved subject to all other conditions and informatives within the officers report and the following revised wording of Condition 14:

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under Condition 2:
 - a. have been constructed in accordance with drawing ref. 2821-02-02B

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON:

In accordance with Selby District Local Plan Policy T1 and T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Item 5.4.

APPLICATION NUMBER:	2020/0773/FU L	PARISH:	Selby Town Council
APPLICANT:	Miss Rebecca Moore	VALID DATE: EXPIRY DATE:	20th August 2020 15th October 2020
PROPOSAL:	Change of use of a C3 dwelling house to a mixed use for a Class C3 dwelling house and Class E(f) childminding business		
LOCATION:	15 Cochrane Street Selby YO8 8DU		
RECOMMENDATION:	GRANT		

Since the Officers Report was written an amendment has been made to the officer report removing paragraph 5.4 relating to Policy SP13 which is not relevant to this application. This amendment does not alter the assessment made.

Item 5.5

APPLICATION NUMBER:	2020/0549/S7 3	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Mr M Bradley	VALID DATE: EXPIRY DATE:	2nd June 2020 28th July 2020
PROPOSAL:	Section 73 application to vary condition 02 (opening hours) of approval 2019/0663/FUL Conversion of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of children's play area granted on 16 April 2020		
LOCATION:	Fields Garden Centre Tadcaster Road Sherburn In Elmet Leeds North Yorkshire LS25 6EJ		
RECOMMENDATION:	APPROVE		

Additional Representations

An additional letter of representation from Peter Rawnsley. This has been circulated to members by email on the 10.11.2020 and is very briefly summarised as follows:

White Cottage – this is not occupied independently and is the caretaker for the garden centre and therefore would not object.

Opening Hours – the report is biased towards approval.

Section 73 - proposed hours are 52% higher than what exists. No reason to depart from the agreed 5pm closing.

Ancillary / dominant issue – The tearoom was granted as an ancillary element to the garden centre in 2017. Ancillary means subsidiary and of secondary importance. The extension of the hours cannot be ancillary as public will not shop for plants after 5pm. In terms of site dominance, consideration should be given to the size of the tearoom and play area, hours of opening, reasons for visits from members of the public, turn over investment.

Impact on residential amenity – reference to the previous suggested closing of 11pm is misleading, as this was not deemed appropriate and was withdrawn. 9 pm may not disturb sleep but it should discuss the wider residential amenity concerns i.e. enjoyment of gardens. The loss of residential amenity will be significant in summer months. Traffic noise reduces in an evening, which would be the case if the hours are permitted. The objector's property is already compromised by the tennis court and football club adjacent which doubles up as a Community Facility with flood lights and associated noise from activities.

9pm closure to the public – This could mean doors shut to new customers and the closure of the premises much later as people finish their drinks, meals, staff clean up. The decision needs to be clear i.e. closure. The representation suggests an alternative 6.30pm to the public and 7.00pm for closure of the entire business and gates.

Recommendations The support is noted from existing formed parties, mums, cyclists and families who enjoy dinners and early afternoon teas. These customers would not require 9pm opening and a shorter 6.30-7pm would suffice as this fits with the majority of letters of support that would like to see an extension of the 5pm closing.

Compromised Position of 7pm closing would satisfy all parties. - Concern that this is a steppingstone for further late-night events which occurred in 2019 and are unacceptable. There is also an outstanding application to have a covered retail area that is undetermined. This could increase further activity on the site. There are also numerous other community/social centres within Sherburn village that can cater for community needs (Eversley Park Centre, Old Girls School Community Centre, Sports and Social Clubs. The garden centre has plenty of opportunity within its large footprint to maximise its business opportunity without the need for late evening openings as a venue.

Additional representation

Email from Susan and Harry Cox sent directly to members who occupy the house directly opposite Fields Garden Centre. The email raises the following issues with the content of the committee report:

5.20 I quote from the report “this is separated by a busy road” As a resident I question the evidence for assessing the road between the garden centre and our property as a busy road, when in fact it is not busy due to the by-pass which takes most traffic other than local traffic, evenings being particularly quiet. The report goes on to acknowledge that some disturbance may be caused during summer evenings and goes on to compare an 11pm closure with a 9pm closure when what in fact is in question is an extension of trading from normal retail hours till 9pm, an extension of approx 50% on Thurs, Fri and Sat. This goes against the original purpose of the tearoom as an ancillary to the garden centre.

Mr Bradley trades under the name Fields Garden Centre. As keen gardeners and horticulturalists we have visited many garden centres throughout the country and whilst many have evolved to offer eating and associated retail facilities, they all operate within normal trading hours. Most garden centres pride themselves primarily on offering a range of horticultural activities, opportunities and experiences, Mr Bradley clearly has not chosen to maximise what is the primary function of his business and now seeks to change significantly the nature of the business with predicted negative effects on neighbouring residents

5.21 The committee observe that the functions are” LESS likely to be of the scale and type that previously generated concern “ - “only occasional functions being held” -“don’t feel the impact would be for the large part noticeable on the majority of evenings”. The committee have absolutely no evidence on which to base these observations and in fact by default imply that there will be occasions on which there will be an impact. Based on previous experience we are unable to share the committees confidence in how the tea room would be run with extended hours and feel that a decision like this should not be made on the basis of the verbal

commitment of the owner of the premises when no powers of enforcement exist. The danger lies in the fact that there would be no control over the type of events and potential impact they could have on our residential amenity and those of our neighbours. It is unlikely, on past evidence that events will be limited to unobtrusive groups such as scout and craft groups. We ask the committee to very seriously consider the practical implications of extending the closure hours, such as how to ensure that the gates are closed by 9pm and all customer are off the premises, who is to be responsible for this and what sanctions there are if conditions are breached. It is quite alarming to contemplate the fact that if trading hours were increased there would be no set boundaries and no control over the type and scope of events. Could it be celebratory fireworks each weekend? If an extension were granted this is the sort of issue over which no one would have any control.

It is also noted that further planning permission is in the pipeline to increase the retail area by over 700 sq.m, which would certainly add to the detrimental impact of increased hours on our quality of life. Potentially there could be a retail/eating outlet open until 9pm at the latter part of the week.

The main support for the tearoom understandably comes from mums, cyclists, walkers and retired people who would not in fact be the ones to benefit from extended opening hours until 9pm. It is highly unlikely that customers for gardening requisites require an extension particularly as it is dark from 4.30pm for 6 months of the year. This in effect makes the tearoom a dominant rather than an ancillary feature as agreed initially.

In order for us to maintain our residential amenity it is essential that hours of trade are kept to within normal trading hours. Our primary living area looks onto the garden centre and in winter there is little cover from foliage to deaden sound and cover headlights. Summertime is of equal concern, as retired residents and keen gardeners our outside space is of great importance to us and this will be significantly compromised if trading hours are extended .Mr Bradley has made significant investment in the garden centre, I would like the committee to note that we private house owners have made significant investment too, not in order to grow a business for personal profit but to secure for ourselves a tranquil rural living space.

As private individuals we look to our elected members to safeguard the interests of the private individuals most likely to be affected by their decisions. Although in good health ourselves we speak for other households nearby who are not so lucky and struggling with ill health.