

Planning Committee

Venue: Microsoft Teams - Remote
Date: Wednesday, 9 December 2020
Time: 2.00 pm

Present remotely via Teams: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), I Chilvers, R Packham, P Welch, D Mackay, R Musgrave, T Grogan and S Shaw-Wright

Officers Present remotely via Teams: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Fiona Ellwood- Principal Planning Officer, Chris Fairchild – Senior Planning Officer and Victoria Foreman – Democratic Services Officer

51 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Ellis and M Topping. Councillor R Musgrave was in attendance as a substitute for Councillor Ellis, and Councillor T Grogan as a substitute for Councillor Topping.

52 DISCLOSURES OF INTEREST

All Councillors declared a non-pecuniary interest in agenda items 5.2 and 5.3 – 2020/0821/FUL and 2020/1168/FUL – Land Adjacent Village Hall, Main Street, Church Fenton as they had received additional representations in relation to this application.

Councillor R Musgrave also declared an additional non-pecuniary interest in agenda items 5.2 and 5.3 – 2020/0821/FUL and 2020/1168/FUL – Land Adjacent Village Hall, Main Street, Church Fenton as he had been at the meeting of Church Fenton Parish Council when the applications were discussed in his capacity as Ward Councillor. However, Councillor Musgrave confirmed that he had come to the meeting of the Planning Committee with an open mind in relation to the two Church Fenton applications.

53 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated to the Committee and could be viewed alongside the agenda on the Council's website.

The Chair also informed Members that any late representations on the applications would be summarised by the Officer in their presentation.

54 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 25 November 2020.

The minutes were agreed by the Committee, subject to an amendment to include Councillor S Duckett in the list of those Members that were present at the meeting.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 25 November 2020 for signing by the Chairman, subject to the inclusion of Councillor S Duckett in the list of those Members present.

55 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

55.1 2019/0668/OUT - PASTURE COTTAGE, MAIN STREET, THORGANBY

Application: 2019/0668/OUT

Location: Pasture Cottage, Main Street, Thorganby

Proposal: Outline application for a residential development and demolition of steel portal framed former haulage workshop building to include access (all other matters reserved)

The Senior Planning Officer presented the application which had been brought before Planning Committee as there had been more than 10 letters of representation received in support of the application contrary to Officers' opinion, where they would otherwise have refused the application under delegated powers due to conflict with the development plan.

The Committee noted that the application was an outline application for a residential development and demolition of steel portal framed former haulage workshop building to include access (all other matters reserved).

The Officer Update Note set out details of a revised reason for refusal, which required further wording to ensure it was accurate and comprehensive.

The Committee asked questions in relation to the development limits of the site, previous development on it, its location and the NPPF's guidance on previously developed land.

Stephen Fell, Parish Council representative from Thorganby Parish Council, was invited remotely into the meeting and spoke in support of the application.

Gemma Owston, agent, was invited remotely into the meeting and spoke in support of the application.

Members debated the application and the material considerations that could lead to granting permission for the brownfield site.

Some Members made the point that the site already included a large workshop and as such the proposed residential scheme on the site would not have a significant impact on the village community. The removal of the haulage business could benefit the local area, and the proposed residential development could be more in keeping with the character of the village, and an improvement on lawful use in terms of amenity. Some Committee Members felt that a condition limiting the number of dwellings on the site to five should be applied if permission was granted; Thorganby was a secondary village that could sustain some level of development as long as it was appropriate in scale and design.

Other Members did not agree that the Committee should go against the Officer's recommendation to refuse and that a decision should be taken on the scheme that was in accordance with the development plan. There were no material considerations that justified approval, and as such, the Council's current development plan should be adhered to. If approved, the dwellings would be in the open countryside and outside development limits, with concerns also having been raised by the Council's Conservation Officer and Landscape Architect.

It was proposed and seconded that the application be REFUSED; a vote was taken on the proposal and was LOST.

It was subsequently proposed and seconded that the application be APPROVED; a vote was taken on the proposal and CARRIED.

Members suggested that it be delegated to the Head of Planning, in consultation with the Chair and Vice Chair of the Committee, to draft and determine appropriate conditions for the scheme.

RESOLVED:

That the application be APPROVED and that drafting and determination and of the conditions be delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of the Committee.

55.2 2020/0821/FUL - LAND ADJACENT, VILLAGE HALL, MAIN STREET, CHURCH FENTON

Application: 2020/0821/FUL

Location: Land Adjacent, Village Hall, Main Street, Church Fenton

Proposal: Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF

The Principal Planning Officer presented the application which had been brought before Planning Committee as the development would function to serve a reserved matters scheme (2017/0736/REMM) for residential development relating to under outline planning permission reference 2015/0615/OUT. The reserved matters had been refused by the Planning Committee on 4 March 2020 and was now the subject of a planning appeal. An appeal had also been lodged against non-determination of the access application and the two appeals had been linked for concurrent determination by the Planning Inspectorate via a Public Inquiry.

The Committee acknowledged that the application was not presented for determination by Members but was to seek their views on what recommendation they would be minded to give. This would then form the basis for the Council's appeal case on this application.

Members noted that the application was for the construction of new access off Main Street, Church

Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton.

The Officer Update Note set out details of some minor errors and corrections in the report, an additional construction management condition, further comments received since publication of the report and an amendment to the recommendation regarding erection of site notices.

The Committee asked questions relating to ownership, public right of way and boundaries of the site, assessments of traffic flow, speed and safety through the village, road width and access to the site, and the effect of the upcoming Planning Inspectorate's decision on the appealed application on the applications that were being considered by the Committee at the meeting.

Officers confirmed that the application before Members was for a minded to decision; it could not be determined as an appeal had been lodged.

Sarah Chester, objector, was invited remotely into the meeting and spoke against the application.

Georgina Ashton, representative of Church Fenton Parish Council, was invited remotely into the meeting and spoke against the application.

Steve Wilkinson, agent, was invited remotely into the meeting and spoke in favour of the application.

Members debated the application and agreed that it was unusual for two identical applications to be listed for consideration on the same agenda. Several Committee Members expressed serious concerns about the scheme due to road safety and access issues and felt that the assessment of the scheme by Highways was incorrect.

As such, Members agreed that the application should be refused on a highways safety basis, and due to the potential detrimental effects of the scheme on the character and amenity of the village if approved.

It was proposed and seconded that the Members were MINDED TO REFUSE the application; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee were MINDED TO REFUSE APPROVE the application due to serious concerns regarding highway safety and detrimental effect of the scheme on the character and amenity of the village.

55.3 2020/1168/FUL - LAND ADJACENT VILLAGE HALL, MAIN STREET, CHURCH FENTON

Application: 2020/1168/FUL

Location: Land Adjacent, Village Hall, Main Street, Church Fenton

Proposal: Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF

The Principal Planning Officer presented the application which had been brought before Committee as the development would function to serve a reserved matters scheme (2017/0736/REMM) for residential development relating to under outline planning permission reference 2015/0615/OUT. The reserved matters had been refused by the Planning Committee on 4 March 2020 and was now the subject of a planning appeal. An appeal had also been lodged against non-determination of an identical application under reference 2020/0821/FUL, and the two appeals had been linked for concurrent determination by the Planning Inspectorate via a Public Inquiry. This preceded this item on the agenda sought Members' views on how they would be minded to determine it. This application was for determination by Members today.

The Committee noted that the application was for the construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton.

The Officer Update Note set out details of some minor errors and corrections in the report, an additional construction management condition, further comments received since publication of the report and an amendment to the recommendation regarding erection of site notices.

There were no questions for the Officer from the

Committee.

Sarah Chester, objector, was invited remotely into the meeting and spoke against the application.

Georgina Ashton, representative of Church Fenton Parish Council, was invited remotely into the meeting and spoke against the application.

Members debated the application and agreed that it should be refused, but that the resolution should be amended to reflect the fact that the application would need to come back to the Committee following posting and subsequent expiry of the site notice.

It was therefore proposed and seconded that the application be REFUSED; a vote was taken on the proposal and was carried.

RESOLVED:

- i) That the application be REFUSED due to serious concerns regarding highway safety and detrimental effect of the scheme on the character and amenity of the village.**
- ii) That the application be brought back to the Committee at a later date for the agreement of the reasons for refusal as prepared by Officers following the posting and subsequent expiry of the site notice.**

The meeting closed at 4.20 pm.