

## Officer Update Note - Planning Committee - 10 March 2021

### Item 5.1

APPLICATION NUMBER:	2020/1265/FUL	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Wheatley Developments	VALID DATE: EXPIRY DATE:	23rd November 2020 18th January 2021
PROPOSAL:	Proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity		
LOCATION:	Land Adjacent 27 Low Street Sherburn In Elmet North Yorkshire		
RECOMMENDATION:	Minded to APPROVE subject to a S106 Agreement on Recreational Open Space and Waste/ Recycling Contributions		

#### Change of Recommendation.

Since publication of the Officer's report, a revised scheme has been submitted on Tuesday 9<sup>th</sup> March 2021. The revised scheme now proposes to access all five properties from Low Street and the parking layout has been amended accordingly. The proposed vehicular access off Orchard Cottage has been omitted. Therefore, it is recommended that this application is deferred to enable the Officer to assess the revised scheme and to seek feedback on the changes from the North Yorkshire County Council Highway Officer.

#### Correction to a Planning Condition

Condition 13 as detailed in the officer's report has a drafting error. Should members be minded to approve planning consent, Condition 13 is proposed to be altered to:

A noise survey to confirm external noise levels and recommend any required mitigation to protect residents from noise from road traffic and the public house opposite shall be submitted to and approved in writing before commencing construction of the dwellings hereby approved. The development shall be completed in accordance with the approved details prior to the occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.

#### Reason

To safeguard the amenity of the proposed dwellings from the predicted noise levels which exist on the site.

#### Request to Speak

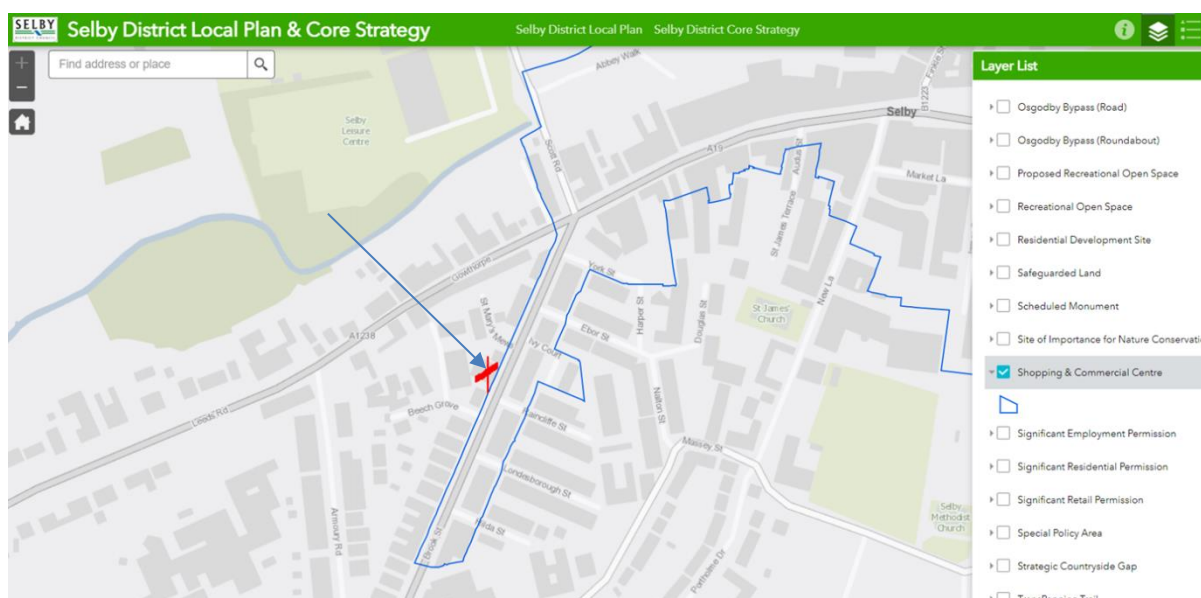
Beth Haywood – In opposition to the scheme

## Item 5.2

APPLICATION NUMBER:	2020/1263/FUL	PARISH:	Selby Town Council
APPLICANT:	Mr Timothy Baldwin	VALID DATE: EXPIRY DATE:	25th November 2020 20th January 2021
PROPOSAL:	Continued use of ground and first floor cafe (being a variation to the opening hours)		
LOCATION:	The New Little Coffee Shop 8 Brook Street Selby YO8 4AR		
RECOMMENDATION:	Grant		

### Report Correction

The report refers to the site being 'within' the shopping and commercial centre, when in fact the boundary is the pavement outside the premises as shown below:



This means the site lies immediately adjacent the shopping and commercial designated area, however, has no formal designation other than being within development limits and the Conservation Area. This changes the emphasis in paragraphs 1.3, 3.1, 4.7, 5.2, 5.3, 5.8, 5.10, 5.19, 6.2 of the report and means Policy SEL/10 is not directly relevant.

### Additional letter of objection

Received from the adjacent occupier, who has already commented on the application as detailed within the 3rd party representations of the report. This is in response to the revised application type and the suggested temporary permission. The main content of the objection is similar to that contained within the committee report, however the main concerns are highlighted again and new concern detailed below:

### Impact on Residential Amenity

When the premises were first granted a change of use from retail to café / restaurant in 2013 the Officers report at the time stated that Policy ENV (1) and SEL/8 should be given significant weight. Policy ENV (1) requires the Council to take into consideration 'The effect upon the character of the area or the amenity of adjoining occupiers'.

The Officer report relating to the original application for change of use from A1 (shops) to A3 (restaurants and cafes) included a condition that the opening hours be restricted to 09.00 to 17.00 Monday to Saturday and closed on Sunday. The reason for this was 'In the interests of residential amenity having regard to Policy ENV1 of the Selby District Local Plan.

With specific regard to the first floor room which is directly adjacent to my living room, the Officers report relating to the conditions imposed here states '... one of the core principles of the NPPF is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings is achieved. The proposed opening hours to the upstairs café room are a reduction of the opening hours for the current downstairs premises and this can be conditioned in order to protect the amenity of the neighbouring residents.' The permitted opening hours for the first floor space are currently 11am to 3pm Monday to Saturday excluding bank holidays. In no way can removing the condition requiring the premises to close on a Sunday be seen to be protecting the amenity of the neighbouring residents. Allowing the premises to trade seven days a week gives no respite to neighbouring properties.

In addition, an alcohol licence was granted in 2019 which was not in place when the restriction on opening hours was put in place. There are no hospitality / service premises in this area of Brook Street with extended opening hours. Brook Street is a quiet residential street on an evening and on a Sunday. The additional noise and disturbance from the proposed extended hours would be amplified and have a significant negative impact on the residential amenity of the area.

There are four flats and one house directly adjoining the premise. The flat at 8a Brook Street shares the same front entrance as the Little Coffee House and its living areas are directly above the kitchen / serving area. Any additional opening hours would have a significant impact on this property as well as those adjoining and in the surrounding area.

#### Additional Information

They have confirmed in their application that the evening opening is required for themed nights once a month for a trial basis of 12 months and whilst I appreciate the reduction in previously requested hours, in effect these additional hours have already been trialled as the applicant has held a number of events and theme nights outside of their permitted opening hours and in breach of the planning condition. I don't see what could be gained by allowing a further trial period as the Council is already well aware of the negative impact this has had on me and my property.

There is a vast difference between customers having coffee during the day and attending a themed event with alcohol on an evening. This is changing the whole feel of the premises from a coffee shop to a bar and I believe this is completely inappropriate in a residential area. At one point in 2019 the applicant was advertising Christmas Party nights for parties of 10 or more with a fully stocked bar. Their own flyer for the events advertised themselves as 'The Little Coffee House' by day and 'The Place to B' by night.

Whilst these events did not take place as the previous planning application was withdrawn, this type of highly charged event for large groups of people is guaranteed to create excessive noise and would have a significant negative impact on neighbouring properties. This is not simply an extension of their existing day time business operations or offering 'Sunday lunch to the elderly'.

Environmental Health Officer revised response:

I have considered the additional information provided by the applicant and would make the following comments.

It was previously recommended that the applicant provide further information regarding the provision of amplified music and extraction/ventilation arrangements. I am unable to locate this within the additional information and would make the same recommendation irrespective of the amendments.

In relation to raised voices, previous concerns were raised regarding speech transmission between adjoining walls, and at neighbouring properties as customers leave the premises. The proposal to extend opening hours to 2200hrs once per calendar month for a 12-month temporary period is considered a satisfactory response to this.

### Item 5.3

APPLICATION NUMBER:	2020/0514/S73	PARISH:	Heck Parish Council
APPLICANT:	Brocklesby Building Products Limited	VALID DATE: EXPIRY DATE:	4th June 2020 3rd September 2020
PROPOSAL:	Section 73 application to remove condition 06 (HGV Traffic Routes) of approval 2019/1340/FULM Proposed change of use of existing maintenance and vehicle processing building to include block cutting and processing, erection of 6m high cctv pole, erection of replacement dry dust silo, erect new gates, change existing fencing to concrete fencing and improve HGV parking on site by increasing the areas in which they can park on the existing site granted on 16 April 2020		
LOCATION:	Brocklesby Building Products Ltd Unit 1 Long Lane Great Heck Goole East Yorkshire DN14 0BT		
RECOMMENDATION:	Approve		

**An additional representation from Cunnane Town Planning on behalf of a local resident is attached in full to this Officer Update Note.**

There have also been four further letters from local residents.

Concern that the cumulative affect of the area has not been fully taken into account. The control over the use of Main Street is not achieved and could not be controlled in the future. The 18-month HGC movement restriction of the rial bridge has now concluded, therefore noise is once again unrestricted. The issue of expansion of the businesses versus consolidation of the business have not been analysed full in the report to prove its accuracy. In summary the highway safety and amenity concerns remain. The letter suggests a solution via an amended condition which reflects the applicants aims and objectives, whilst ensuring that the council are able to maintain control over the proposed use.

*Within 3 months of the date of this decision details of the routes to be used by HCV traffic associated with the proposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with the proposal.*

*Reason*

*In accordance with policies ENV1(2), EMP9 (1), T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity.*

The above would allow the applicant to propose any route that they saw fit for vehicles associated with the proposal and the times at which HGV could use those routes, whilst providing the council with controls over highway safety and amenity

originally sought. The additional letters from local residents reiterate the concerns detailed within the report.

### Item 5.5

APPLICATION NUMBER:	2020/0976/FUL	PARISH:	Brayton Parish Council
APPLICANT:	Brookfield Property (Holdings) Ltd and B & B Roper Ltd	VALID DATE: EXPIRY DATE:	15th September 2020 10th November 2020
PROPOSAL:	Erection of petrol filling station (sui generis) with ancillary retail Kiosk (Use Class E) and erection of Drive-Thru Coffee Shop (Use Class E) with associated hard and soft landscaping and access arrangements.		
LOCATION:	Land Adjacent to A63 And Bawtry Road Selby		
RECOMMENDATION:	GRANT		

### Planning Conditions

Condition 24 should be re-worded slightly to provide clarity that the recharging units referred to are for electric vehicles;

24. Two free-standing, weatherproof, outdoor electric vehicle recharging units shall be provided in the shared parking provision on the site. The recharging points shall comply with the latest British Standards or alternative appropriate standards to ensure reliability and safety.