

Planning Committee

Venue: Microsoft Teams - Remote

Date: Wednesday, 7 April 2021

Time: 2.00 pm

Members present remotely via Teams: Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and S Shaw-Wright

Councillor R Musgrave was also in attendance as a substitute for Councillor J Cattanach

Officers present remotely via Teams: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent - Principal Planning Officer, Mandy Cooper – Senior Planning Officer, Rebecca Leggott – Senior Planning Officer, Elizabeth Maw – Senior Planning Officer, Victoria Foreman – Democratic Services Officer

74 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Cattanach. Councillor R Musgrave was in attendance as a substitute for Councillor Cattanach.

75 DISCLOSURES OF INTEREST

All Committee Members present, apart from Councillor R Musgrave, declared a non-pecuniary interest in agenda items 5.5 – 2020/1235/FUL – Birchwood Lodge, Market Weighton Road, Balrby and 5.6 – 2021/0107/FUL – Birchwood Lodge, Market Weighton Road, Balrby, as they had received an email representation from residents that resided near the application site on Market Weighton Road.

Councillor M Topping also declared an additional non-pecuniary interest in agenda items 5.5 – 2020/1235/FUL – Birchwood Lodge, Market Weighton Road, Balrby and 5.6 – 2021/0107/FUL – Birchwood Lodge, Market Weighton Road, Balrby, as he had been involved with the

application as Ward Councillor. Councillor Topping explained that he would be making representations in relation to items 5.5 and 5.6 as a public speaker in his capacity as Ward Councillor, and as such would be leaving the meeting during consideration thereof and would not take part in the debate, vote or decision on the items. The Solicitor confirmed that this arrangement had been discussed by him with Councillor Topping and agreed as an appropriate course of action.

Councillor I Chilvers declared a non-pecuniary interest in agenda item 5.3 – 2020/1263/FUL – The New Little Coffee Shop, 8 Brook Street, Selby as his wife Councillor J Chilvers had spoken against the application as Ward Member at the meeting of the Committee on 10 March 2021. Councillor Chilvers had left the meeting for the entirety of the application's consideration on 10 March 2021, and confirmed that he would be doing the same again.

76 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

It was also noted that details of any further representations received on the applications would be given by the Officers in their presentations.

Lastly, the Chair informed the meeting that, subject to the Committee's agreement at the appropriate point, Councillor R Musgrave had volunteered to step in to chair the meeting in an emergency should technical issues be encountered during the meeting.

77 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 10 March 2021.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 10 March 2021 for signing by the Chairman.

78 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

78.1 2020/0061/FUL - LAND ADJACENT TO ST PAUL'S CHURCH, MAIN STREET, COLTON

Application: 2020/0061/FUL

Location: Land adjacent to St Paul's Church, Main Street, Colton

Proposal: Proposed erection of new Dwellinghouse with carport/stores outbuilding and associated landscaping including

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new access to highway (amended plans)

The Senior Planning Officer presented the application which had been brought before Planning Committee as the previous application, which was recommended for refusal, was overturned by members at Planning Committee. The current proposal was a very similar scheme. A new site notice had been posted, which expired on 5 April 2021 as the proposal would directly impact on an existing Public Right of Way. Officers would update Committee of any comments arising from this notice. However, Officers were of the view that the scheme was still unacceptable and should be refused in any instance on other grounds.

Members noted that the application was for the proposed erection of new dwellinghouse with carport/stores outbuilding and associated landscaping including new access to highway (amended plans).

The Officer Update Note clarified that the reference to SP4a) had been included in error, as this was overridden by Green Belt policy SP3.

The Committee asked questions around concerns from the parish council or adjacent residents, the proposed design and materials to be used including the use of cladding versus render, the arrangement of windows, orientation of the building compared to the linear nature of the village, access to the Public Right of Way that was included in the application site and which was under the applicant's ownership, matters relating to fencing and the retention of hedgerows on the site and the potential effect of the proposal on nearby trees.

It was proposed that a site visit should be undertaken; this proposal fell as there was no seconder.

Members debated the application and expressed their concerns regarding the application, in particular the cramped nature of the site and the gable-ended design which was not in keeping with the rest of the village. The removal of the boundary hedgerow was also problematic for some Members.

In accordance with the Officer's report it was proposed and seconded to REFUSE the application; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee REFUSED the application for the reason set out in paragraph 7.1 of the report.

78.2 2020/0467/FUL - THE HAVEN, WHITE STREET, SELBY

Application: 2020/0467/FUL

Location: The Haven, White Street, Selby

Proposal: Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden

The Senior Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor Jennifer Shaw-Wright on the basis of loss of residential amenity due to potential noise disturbance; overdevelopment in a residential area that is detrimental to the street scene and impact on highways.

Members noted that the application was for the demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden.

The Officer Update Note included the correction of an error at paragraph 5.25 relating to car parking spaces, and amended/additional conditions 3, 16, 17, 18 and 19.

The Committee asked questions relating to tree surveys and the protection of trees near the site, how Officers would ensure that the dwellings were sold to older/retired people and if there was sufficient space for car turning on site on refuse collection days.

Members debated the application and expressed their concerns regarding the protection of trees adjacent to the site but felt that the current controls as set out in the report should be sufficient if adhered to. Officers acknowledged some Members' concerns regarding turning circle space but explained that Highways were content with the tracking plans that had been submitted to them as part of the application.

It was proposed and seconded to GRANT the application; a vote was taken on the proposal and was carried.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.

78.3 2020/1263/FUL - THE NEW LITTLE COFFEE SHOP, 8 BROOK STREET, SELBY

Councillor I Chilvers left the meeting at this point.

Application: 2020/1263/FUL

Location: The New Little Coffee Shop, 8 Brook Street, Selby

Proposal: Continued use of ground and first floor cafe (being a variation to the opening hours)

The Principal Planning Officer presented the application which had been brought before Planning Committee as it had been deferred from the meeting of the Committee on 10 due to further considerations of noise and ventilation matters being necessary, particularly the outstanding response from the Environmental Health Officer. It was originally presented to Members at the request of Councillor J Chilvers, who had submitted the request in line with the respective call-in period and objected to the proposal.

Members noted that the application was for the continued use of ground and first floor cafe (being a variation to the opening hours).

The Officer Update Note included additional information about the extraction system, a revised response from the Environmental Health Officer and minor report corrections.

The Committee asked questions relating to the loudness of the speaker that had been proposed for use by the applicants, and how they would prevent patrons from turning it up. Officers accepted that the level of music could be hard to condition and control, particularly as background noise levels were unknown as no noise assessment had been undertaken as part of the application.

Aimi Brookes, objector, was invited remotely into the meeting and spoke in against the application.

Mr Tim Baldwin, applicant, did not join the meeting remotely; as a result the Democratic Services Officer read out the representation submitted by the applicant in full to the meeting.

Members debated the application and agreed that some smart speakers could be too noisy, and that should permission be granted it would be imperative that the noise was properly monitored as there was the potential for harm and nuisance to neighbouring properties. It was agreed that the application constituted a considerable change to the way in which the café operated in a residential area, and that monitoring and enforcement could be difficult.

It was proposed and seconded to GRANT the application; a vote was taken on the proposal and was lost.

It was proposed and seconded to REFUSE the application for the following reasons; that the proposal would be of detriment to residential amenity and was in conflict with policy ENV1 of the

Selby District Local Plan, policy SP14 of the Selby District Core Strategy and the relevant policy in the NPPF, and would also have a detrimental effect on the Conservation Area. A vote was taken on the proposal and was carried.

RESOLVED:

To REFUSE the application for the following reasons:

- 01. The proposed extension of opening hours into late evenings and Sundays, combined with the changing nature of the business, will lead to increased noise and disturbance from the premises. This is not considered to be a sustainable form of development and would have a detrimental impact on the residential amenity and the quality of life of the immediate residential occupiers. The proposal is therefore contrary to the saved Selby District Local Plan Policies ENV 1 (1) and ENV 2 (A) of the Selby District Local Plan 2005, and advice contained within Section 2 and Section 15 of the NPPF.**

- 02. The proposed extension of opening hours into late evenings and Sundays fails to preserve or enhance the character or appearance of the Selby Town Centre Conservation Area. The proposal is therefore contrary to saved Selby District Local Plan Policies ENV1 (1) and ENV25, Policies SP18 and SP19 of the Core Strategy and Section 16 of the NPPF.**

78.4 2020/1265/FUL - LAND ADJACENT TO 27 LOW STREET, SHERBURN IN ELMET

Councillor I Chilvers re-joined the meeting at this point.

Application: 2020/1265/FUL

Location: Land adjacent to 27 Low Street, Sherburn in Elmet

Proposal: Proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity

The Senior Planning Officer presented the application which had been brought before Planning Committee as 11 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations. The application had been deferred at the meeting of the Committee held on 10 March

2021 to allow Officers time to consider an amended plan and consult with the North Yorkshire County Council Highways Team. Officers reported to Members that the amended plan was considered acceptable, and Highways had raised no objections. The application had therefore been brought back to the Planning Committee for determination.

Members noted that the application was for a proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity.

The Committee asked a question relating to proposed hours of construction due to the proximity of the development to other properties. Officers advised Members that construction hours were yet to be agreed but advice would be taken on them from Environmental Health.

Beth Haywood, objector, did not join the meeting remotely; as a result the Democratic Services Officer read out the representation submitted by the objector in full to the meeting.

Members debated the application and agreed that issues with the site in the past had been vehicular access, which the Committee were pleased to see had been overcome. Members were content that the scheme before them was a reasonable solution for the site.

It was proposed and seconded that the application be MINDED FOR APPROVAL; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee were MINDED TO APPROVE the application, subject to a S106 Agreement on Recreational Open Space and Waste/Recycling Contributions, and the conditions set out in paragraph 7 of the report.

78.5 2020/1325/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY

Councillor M Topping left the meeting at this point and did not return in his capacity as Committee Member.

Application: 2020/1325/FUL

Location: Birchwood Lodge, Market Weighton Road, Barlby

Proposal: Erection of a new hangar

The Senior Planning Officer presented the application which had been brought before Planning Committee as it had been called in by the Ward Member Councillor K Arthur, due to concerns over the

adverse impact on the residential amenity of neighbouring occupiers through visual and noise impacts.

Members noted that the application was for the erection of a new hangar.

The Officer Update Note gave details of an additional letter of representation that had been received, that the Internal Drainage Board (IDB) had provided updated comments raising no objections, subject to a condition relating to the submission and agreement of surface water drainage works. Members noted that such a condition was already included within the report at Condition 6. Furthermore Condition 2, which related to the plans and drawings, would be updated to incorporate and condition the plan.

The Committee praised the clearly marked maps that had been provided with the application and asked if Officers knew which aircraft would be stored in the proposed hangar, as this would give an indication of the size of hangar required. Officers were not able to advise on this matter.

Councillor M Topping, Ward Member, was invited remotely into the meeting and spoke in against the application.

Councillor K Arthur, objector, was invited remotely into the meeting and spoke against the application.

Mr Jonathan Forman, agent, was invited remotely into the meeting and spoke in support of the application.

The Head of Planning informed Members that in relation to reported enforcement matters on the site, these had been investigated and legal advice sought, Members noted that any actions by Officers had been appropriate and timely.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

To APPROVE the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.

78.6 2021/0107/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY

Application: 2021/0107/FUL

Location: Birchwood Lodge, Market Weighton Road, Barlby

Proposal: Erection of new workshop to replace temporary workshop

The Senior Planning Officer presented the application which had been brought before Planning Committee as it had been called in by Ward Member Councillor K Arthur due to concerns over the adverse impact on the residential amenity of neighbouring occupiers, through visual and noise impacts.

Members noted that the application was for erection of a new workshop to replace a temporary workshop.

Councillor K Arthur, objector, was invited remotely into the meeting and spoke against the application.

Mr Jonathan Forman, agent, was invited remotely into the meeting and spoke in support of the application.

Councillor M Topping, Ward Member, did not join the meeting remotely; as a result the Democratic Services Officer read out the representation submitted by Councillor Topping in full to the meeting.

The Committee debated the application and some Members felt that the concerns of the local residents were not being properly considered, and that existing conditions were not being adhered to. The Head of Planning again confirmed to Members that any enforcement issues had been properly investigated, legal advice had been sought and the appropriate action had been taken.

It was proposed and seconded that the application be REFUSED. A vote was taken on the proposal and was lost.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

To APPROVE the application subject to the conditions set out at paragraph 7 of the report.

The meeting closed at 4.50 pm.