

**Officer Update Note
30th June 2021**

Item 5.1

APPLICATION NUMBER:	2021/0129/S73	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr and Mrs Watson	VALID DATE: EXPIRY DATE:	2nd February 2021 30th March 2021 (EoT 14 th May 2021)
PROPOSAL:	Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020		
LOCATION:	Willow Barn, Sweeming Lane, Little Fenton, Leeds, North Yorkshire, LS25 6HF		
RECOMMENDATION:	APPROVAL		

Further Submissions from Third Parties

Since the publication of the Officers Report a further email in **support** of the application from a neighbour noting that they remain supportive, both of this amendment (to the previously granted planning permission for this barn conversion), and the retrospective application for access and car port. They also note that “as neighbours sharing the boundary with Willow Barn we remain happy that these plans are unobtrusive.”

Further email **objections** has also been received from a neighbour, which are summarised in the table below with the Officer response noted alongside:-

Comment	Officer Response
Section 5.3 notes that <i>“the applicants have now removed the majority of the external blockwork outer leaf”</i> . Please can you confirm, by way of a percentage calculation, what percentage of the blockwork constructed without consent, that which is over and above the original single skin of blockwork that was up to 6ft in height, and now currently remains in place today.	The information provided by the Applicants on the 1 st June 2021 clearly shows that the only remaining “external blockwork” is that on the western elevation, as shown in blue. This is 100% of the western elevation but this has been confirmed as to be removed.
<i>Section 5.3 states that “. . . and reinstated the upper sections of blockwork” please can you confirm which parts of the blockwork you claim has been removed, and have been re-instated. Re-instated would be that which was built (without permission), removed (as you state has occurred), and then re-instated (again this would require building without permission). A percentage calculation will suffice.</i>	The information provided by the Applicants on the 1 st June 2021 clearly shows those elements that have been rebuilt. A further drawing has been provided showing the calculations of the in terms of the square metre areas for the blockwork by elevation and confirming what percentage is existing and new. A further figure has also been provided confirming the percentage based on the whole elevation not just the blockwork. This is shown on Plan 2871-02-05 as attached to this update note. The data on the drawing is as follows

	existing	new	total (block)	% new (block)	area of whole elevation	% new block of whole elevation	
	west	14.03	19.38	33.41	58.00	38.95	49.76
	south	9.71	13.14	22.85	57.51	44.73	29.37
	north	19.50	17.99	37.49	47.99	47.46	37.91
Please can you confirm to committee which is the only Condition this 2021/0129/S73 application is seeking to discharge, and what is this limited to.	A Section 73 submission is not a submission to discharge a condition it is a submission to vary. remove a condition. In this instance the submission is to vary the plans approved and those noted in Condition 2 of the original permission.						
Please confirm to the committee members the original approved form of construction, and where in the original application document these can be found, as they are not on the list of drawings included in Condition 2.	A drawing was submitted with the original application (Ref 2019/0578/FUL) showing that an inner skin would be constructed and this was referenced in the Committee Report.						
Please can you remind committee members of Condition 3 of the original planning application 2019/0578/FUL that was approved by the Head of Planning and presented to the original planning committee and can you please confirm the reasoning behind this condition 3, as stated in the decision letter.	<p>Condition 3 on consent 2019/0578/FUL is as follows and the reason for it is also stated:-</p> <p><i>“Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.</i></p> <p><i>Reason:</i></p> <p><i>In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan”.</i></p> <p>As is noted in the Officers Report to this Committee then the removal of PD rights does not mean that those matters for which PD is removed does not mean that the Council would not support such elements it is to allow control over such matters.</p>						
Please confirm how Condition 3 of the original application conforms to Selby District Councils H12 Policy with regard to Barn Conversions and New Window Openings.	Policy H12(3) seeks to limit extensive alteration which can include addition of windows and that any windows are appropriate for the context and in interest of amenity.						
Please confirm what is the process required to discharge Conditions not included in this 2021/0129/S73 application?	A formal submission will be needed to discharge any conditions that require further submissions to the Council. Such a submission would be listed on the Weekly List and documents would be available to view on Public Access. Such submissions would be required in terms of proposed Condition 7 (External Materials) and the noted Condition within this Update Note on fencing / boundary treatments.						

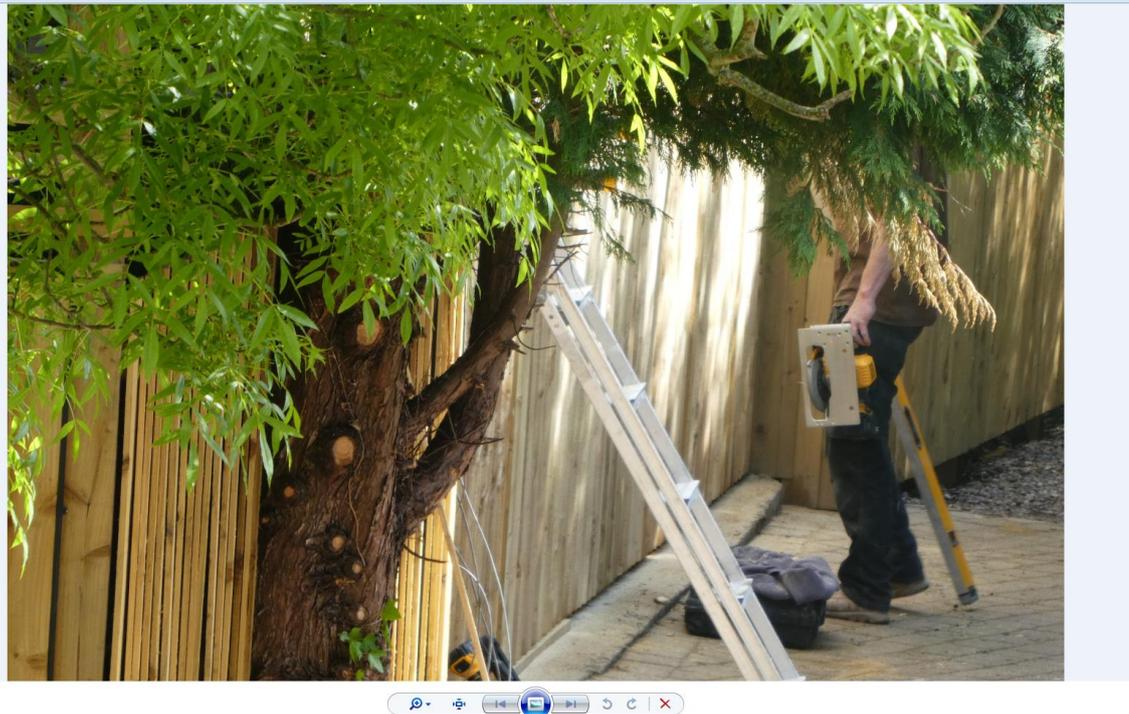
<p>Do the proposed windows and door openings shown on 2021/0129/S73 conform to the previous planning condition and the H12 policy relating to new windows and door openings, and enhance the privacy? If yes, please provide detailed rational</p>	<p>The S73 consent if granted would be a new consent and any further windows over those on the plans submitted under the S73 would still be controlled via proposed Condition 02. The Report assesses the acceptability of the design and the proposed windows and proposed Condition 2 will ensure that any additional windows will need to be subject of applications to the Council so privacy would be assessed at that stage.</p>
<p>Please confirm to committee members that you are in receipt of the email and attached photograph dated the 18th May 2021, that you previously acknowledged receipt of to, showing that building work continued to the Western Gable end, past the date of the applicants report dated the 13th May 2021.</p>	<p>We did receive the email of the 18th May 2021 from the objector but this was not submitted as a formal comment on the application hence it was not included in the latest version of the Officer Report. Officers did contact the Applicants and sort confirmation that no further work would be undertaken on site.</p>
<p>Please can you confirm which skin of blockwork that this photograph shows the cladding being affixed to. The inner skin of blockwork, or the outer skin of blockwork</p>	<p>The Officers view of the photograph is that work was been undertaken to the western elevation in the photograph (see below). As the outer skin is still in place on this elevation then it would seem that the work is being done on the outer skin.</p>
<p>Please confirm why there is no mention of this continued building work included in your report and the applicants have continued to work on site.</p>	<p>Officers did contact the Applicants and sort confirmation that no further work would be undertaken on site following the email from the objector on the 18th May 2021. This is not a fact that needed to be reported to Committee as the application is a S73 and the Applicants confirmed that work would cease. As requested by the Objector the photograph provided to us on the 18th May 2021 is included below.</p>
<p>It is noted that a new drawing was submitted today (29th June 2021). This drawing shows a contradiction in terms of roof cladding, but whilst we appreciate that this is “current site works drawing”, but it is the only drawing that shows more specifically the roofing proposed. On the Current Easting & Northern elevations, and also the western elevation, it states that the “Existing roof cladding and roof structure remains in place”, however on the Typical Section it states “existing profiled steel roof cladding replaced with insulated profiled steel panels”. The Typical Section detailing will lift the roof height, as it is proposed to be a thicker insulated panel, plus purlins on top of the portal</p>	<p>The drawing was revised on the 29th June 2021 to clarify the block width for the internal walls as there was inconsistency on the drawing.</p> <p>The Elevations on Dwg 04B show the current buildings on site so they are correct and accurate.</p> <p>The Cross Section shows the approach to the roof and the external materials.</p> <p>The proposed Condition 7 requires agreement of the final materials and as noted in the Officers Report the material mix noted on Drawing 04B are acceptable subject to final finish and colour.</p>

<p>frame are required to accommodate its construction. The proposal would also be against H12 policy to retain the existing fabric, therefore please can you confirm, by way of a formal condition if permission is granted, that the existing roof materials are to be fully retained to comply with your H12 policy. If the existing materials are retained, in full, then there is no objection on this aspect of the building, as it is in line with previous approved application.</p>	
<p>Please also reference your photograph of the western elevation taken during your site visit, to show what additional work has been undertaken, that the applicant is claiming they have not undertaken. In addition, please also use this as evidence that the Majority of the outer blockwork has not been removed, as you claim.</p>	<p>The information provided by the Applicants on the 1st June 2021 in the form of Drawing 04a showed the extent of works on the site and confirms which element are to still to be removed. The slides that will be presented to members will show this elevation and this elevation was viewed at the Site Visit on the 28th June 2021.</p>
<p>The photograph the new footings that have been cast to support the new wall, thus adding further evidence that the existing barn was not structurally sound. Have the Council obtained a statement from the Building Inspector to validate this requirement.</p>	<p>A view has not been sort from a Building Control Officer. The need for any structural work would be a consideration for the building control certification stage but the Council has no reasons to question the overall structural condition of the building.</p>
<p>The photograph and the chronology of dates and documents that you have received from all parties to demonstrate that what has been written and claimed is categorically incorrect. This is a requirement to demonstrate that you, as the officer, have not taken into account all the information you have received and that you, as the officer, have been selective in what you have chosen to include / exclude in your report.</p> <p>A later email form the Objector also requested that a chronology is provided alongside the photographs of dates and documents that you have received from all parties to</p>	<p>The Council has considered all information received from the Applicants, the comments formally made in support and objection of the application. Information submitted under Enforcement complaints is not considered in determination of an application and objectors have been made aware this is the case by the Enforcement Team and the Development Management Officer has maintained a consistence stance that formal comments against the application would need to be made for them to be considered.</p>

demonstrate that what has been written and claimed is categorically incorrect. This is a requirement to demonstrate that you, as the officer, have not taken into account all the information you have received and that you, as the officer, have been selective in what you have chosen to include / exclude in your report.

And states that “this is included in the update to committee members, to demonstrate that you are still not being fully transparent, and in my opinion, trying to deliberately mislead.”

Photo provided by the Objector



Clarification Points and Condition Amendments

Clarification on “Current Works on Site” Drawing

The Elevations on this drawing were provided by the Applicants to show what is currently on site and not what is proposed on site and this information was provided to allow Members to understand what has been constructed on site,

The “Typical Cross Section” does include reference to the works that are to be done including

- a) the existing steel roof cladding is to be replaced with “insulated profile steel panels;
- b) that timber cladding will be added to bottom section of the elevations; and
- c) that steel cladding will be added to the upper sections.

These materials will be new and not those initially used on the building when it was constructed given their age / condition and insulation properties.

There has been an update to Drawing 04A, in terms of the annotations pertaining the block widths for the internal wall structures and the replacement outer block sections to ensure these are consistent and accurate. As such the reference would now be **Drawing 2781-02-04B** within proposed **Condition 1** accordingly. A copy of this drawings is attached to this update note.

Windows on North Elevation

The windows that are to be obscured glazed on this elevation are the three small windows and the door, only the bedroom window is proposed to be standard glazing. This approach is annotated on both Dwg 01-E and is covered by proposed Conditions 1 and 8 as set out in the Officers Report.

Mezzanine Floor

Officers have been asked to clarify the approach on the mezzanine floor area which is shown on Dwg 01E. This is accessed via an internal staircase, will comprise a loft space which will be above Bedroom 2 and the Snug, and then there will be a void over the Lounge and Hall area on the ground floor. The grey shaded areas to the side of the loft and void are areas that would not open given that the stud walls for the rooms below / internal blockwork will go up to the roof.

Officers have also been asked to clarify the mezzanine floor areas construction. The approach to the construction and the ability of the existing structure to support the mezzanine would be a matter for the Building Control process which is separate from Planning. However, the Applicants agent has advised that the loft floor will be potentially built off the blockwork for the lower partition walls and would be built off the slab, however the final approach is still to be agreed with Building Control.

Existing Fencing to Northern and Western Elevations

There are sections of fencing on site to the western side of the site and the northern side of site which are considered to potentially not be permitted Development, as such it is considered that there is a need for a comprehensive boundary treatment plan to be submitted and agreed prior to the occupation of the dwelling. This would then ensure that the height and design of the fencing is agreed, implemented in accordance with this and retained for the lifetime of the development. The proposed wording is as follows-

“Prior to the occupation of the dwelling hereby approved the positions, design, materials and type of boundary treatment to the site shall be submitted to and approved by the Local Planning Authority. Once agreed the boundary treatments shall be carried out in within 3 months in accordance with the approved details and retained and maintained in accordance with the approved details.”

Reason: in the interest of visual and residential amenity and in accordance with Policy ENV1 of the Selby District Local Plan”, .

Additional / Revised Drawings (attached)

Drawing 2781-02--04B	Current Works on Site
Drawing 2781-02--05	Block Work Calculations

Item 5.2

APPLICATION NUMBER:	2018/0657/FUL	PARISH:	Hillam Parish Council
APPLICANT:	Mr Anthony Thompson	VALID DATE: EXPIRY DATE:	4th July 2018 29th August 2018
PROPOSAL:	Proposed erection of an agricultural storage barn		
LOCATION:	Honeypot Field Hillam Common Lane Hillam Leeds West Yorkshire		
RECOMMENDATION:	Grant		

Condition 3 - Amended

The building hereby permitted shall only be used for general purpose agricultural storage only and not for the accommodation of livestock.

Reason

To ensure that the building is only used for general purpose agricultural storage only as this is how it has been assessed in accordance EMP13 - Control of Agricultural Development of the Selby District Local Plan.

Item 5.4

APPLICATION NUMBER:	2020/0225/FULM	PARISH:	Church Fenton Parish Council
APPLICANT:	Busk Lane Outdoor	VALID DATE: EXPIRY DATE:	1st April 2020 1st July 2020
PROPOSAL:	Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park		
LOCATION:	Land South of Gloster Close Busk Lane Church Fenton Tadcaster North Yorkshire		
RECOMMENDATION:	APPROVE		

Three additional letters of representation have been received. Comments made and officer responses are set out below;

COMMENTS MADE	OFFICER RESPONSE
Condition 1-(3 year time limit to start the development)- applicants may be in no rush to complete and the site may become an eyesore. Time limit needed for the development to be completed	This is a reasonable concern however the planning conditions already have timing requirements to ensure drainage, landscaping, ecological needs, parking are completed before the facility is brought into use.
Condition 3- (Access). Request the access installed before the commencement of the BMX track. To reduce aggregate and mud onto Busk Lane.	Highways have only required the access to be completed before the development is brought into use.
Condition 5- (Construction Management). Dust management should be mentioned	This can be added as an additional criteria to condition 5.
Condition 5- (Construction Management). Hours of working should be included	It would be reasonable to add working hours to condition 5

Condition 5 (Construction Management) – Stockpiling of material and movement of machinery adjacent to dwellings should be avoided	It would be reasonable to add the requirement for a working layout plan for machinery, equipment and stockpiling to minimise the impact on residential amenity
Condition 9- (Maintenance) – hours should be further restricted to not on Saturday pm, Sundays or bank holidays	This is a reasonable requirement given the proximity to residential dwellings and the hours set out in condition 9 can be amended to reflect this- 08:00 – 18:00 Monday to Friday, 09:00-13:00 Saturday and not on Sundays or Bank Holidays)
Condition 12 – (landscaping)- request the landscaping to the north of the site is implemented in full before any work starts on the construction of the BMX track.	This is not considered to be practical or reasonable. Condition 12 requires a landscaping scheme to be submitted and agreed before work starts on the BMX track and to be implemented in full before its brought into use or in the first planting season after. If planed before then, with construction works and levels not finalised, any planting could fail to thrive.
Operationally there is no details of staff attendance, and the site may be unsupervised for vast majority of time leading to anti-social behaviour. There should be a facility management plan including details of who to report problems to and how the site will be policed to cover how the applicants intend to deal with such matters and to cover health and safety.	The quality of the management and health and safety would be outside the control of the planning permission and can vary in any leisure facility. A condition has been imposed for gates to be installed and kept locked outside the hours of use.
There are no guarantees this is a community facility, and it should be treated as a commercial operation	There are no clear details of community management and therefore this statement is correct. The facility could be sold on to a commercial operator.
Request condition to return to grazing when it falls into dis-use.	Condition under consideration – verbal update at the meeting
Whilst not objections to a BMX facility -wish to draw members attention there are concerns about the suitability of the individuals involved in this proposal, reports of intimidation and bullying, and concerns it will be run properly	Noted and reported

Officer Comment

Bearing in mind all of the above the suggested changes to the conditions should be included also one further condition regarding the use.

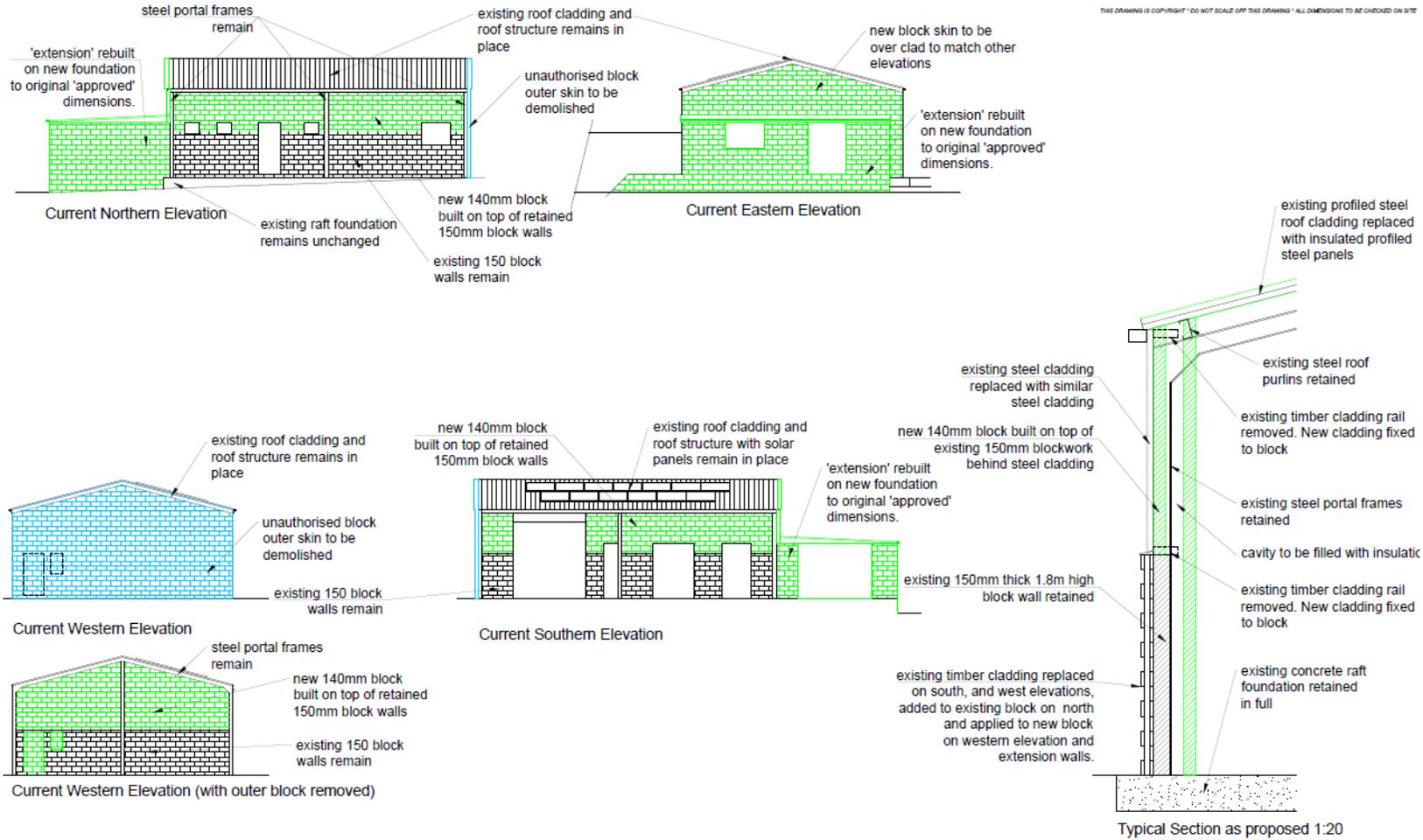
Add condition 16 as follows:

The permission hereby granted shall only be for the BMX facility as restricted by these conditions and for no other use with Class F of 'The Town and Country Planning (Use Classes) Order 1987 (as amended) or any other order revoking or re-enacting this Order.

Reason

In the interests of residential Amenity and the character and appearance of the area.

Drawing 2781-02--04B Current Works on Site



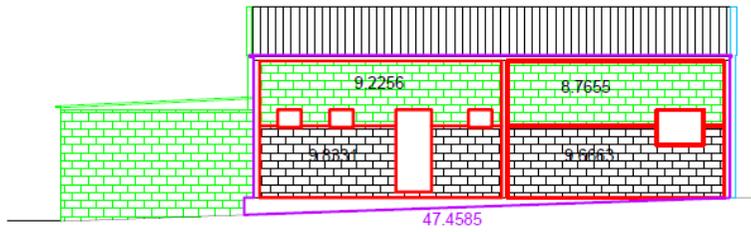
Rev A 1/9/21 New Block on section revised to 140mm (from 100mm).

Mr & Mrs Watson
 The Courtyard Sweeming Lane Little Fenton LS25 6HF
 Current site works compared scale 1:100, 1:20 at A1 28/06/2021 drwg. no.2781-02-04B

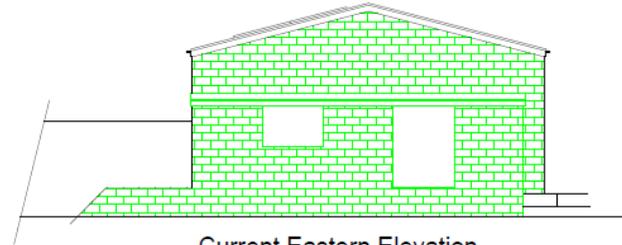
Chris Finn Architect
 BOWLING GREEN HOUSE
 33 RYTHESGATE
 CAWOOD SELBY YO8 3TP
 TEL: 01757 200950

Drawing 2781-02--05 Block Work Calculations

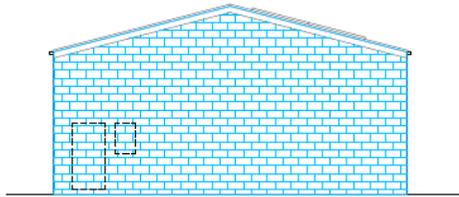
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Current Northern Elevation



Current Eastern Elevation



Current Western Elevation



Current Southern Elevation



Current Western Elevation (with outer block removed)

	existing	new	total (block)	% new (block)	area of whole elevation	% new block of whole elevation
west	14.03	19.38	33.41	58.00	38.95	49.76
south	9.71	13.14	22.85	57.51	44.73	29.37
north	19.50	17.99	37.49	47.99	47.46	37.91

Mr & Mrs Watson
The Courtyard Sweeming Lane Little Fenton LS25 6HF
Block Work Calculations scale 1:100 at A3 29/06/2021 drwg. no.2781-02-05

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