

Officer Update Note
Planning Committee - 12 January 2022

Item 5.1

APPLICATION NUMBER:	2020/0225/FUL M	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:	REFUSE		

One further letter of representation. Main points raised;

- Danger for children to travel to the site as there are no footpaths or cycleways or lighting connecting to the village
- Current high levels of HGV traffic in association with nearby airbase. This will increase more if the recent planning application for increased storage of modular homes and cars is approved.
- The application needs more careful consideration

Item 5.2

APPLICATION NUMBER:	2021/1295/REM	PARISH:	Kelfield Parish Council
APPLICANT:	Mr Richard Atkinson	VALID DATE: EXPIRY DATE:	18th October 2021 13th December 2021
PROPOSAL:	Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings		
LOCATION:	Yew Tree House Main Street Kelfield Selby North Yorkshire YO19 6RG		
RECOMMENDATION	GRANT		

Additional Highway consultation on the amended plans:

The plans do not provide sufficient on-site parking and turning. The minimum car parking requirement for a 4 bed dwelling is 3 car parking spaces. The applicant is showing 2 spaces for plots 1, 2 and 3. This will need addressing. As you will know Kelfield does have a bus service but it is very limited and the facilities in the village are also limited. This is likely to lead to multi car ownership and would therefore lead to vehicles parking on the highway. At this location it is not advisable given the geometry of the road. I would therefore recommend that the applicant provides additional car parking in line with NYCC's Parking Standards.

The site also looks to have insufficient on site turning. Please can the applicant therefore provide swept paths showing that vehicles can turn and leave the site in a forward gear. This should not be carried out by multi shunt movements but within 3 manoeuvres. Please can the applicant also provide swept paths showing that a fire attendant can turn on site in order to serve plots 4, 5 and 6.

Please can the applicant annotate on the plan that 2m x 43m visibility splays are achievable?

The proposed landscaping plan shows 3 trees located adjacent to Main Street. Please can the applicant ensure they are set back by 2m from the boundary of the highway.

I note that Glen has recommended that the parking and turning be addressed through a condition. However I am not sure that this could be achievable at a later date without the applicant having to submit a variation application. Therefore, it is my opinion that the issues should be addressed now.

Amended Plans submitted by the applicant to address highway concerns i.e parking and turning.

Highways final response:

Further to the amended plans, I can confirm that they do address my concerns and therefore the Highway Authority has no objections to the proposed development. I have removed 3 of the original conditions since the site is not going to be adopted. However please note that the pedestrian visibility condition will result in the wall either side of the new access having to be reduced to 0.6m for 2m either side of the access. The plans state the wall is 0.9m but this is annotated in front of what will be garden. So hopefully the plan is ok. Basically, the bin store area for 2m would need to be reduced to 0.6m.

Delete conditions 03 -detailed engineering drawings, 04 - footpath details, 09 - Access road from the recommendation.

Kelfield Parish Council - has no further comment on the application from those already submitted.

2 additional letters of representation

From Mr Christopher Cade of 1 Remount Cottages in opposition - already circulated to members.

From Dave Craven Prospect House: Appreciate that, in the amended plans dated January 7, the situation of Plot 1 house has been altered to a more agreeable area in terms of privacy and also that one access road has been lost completely which is very positive re parking etc.

Ideally, would like to see garages on Plot 1 relocated to create less impact on our dwelling (Prospect House) which, in turn, could also potentially even negate the need for another access road. However, overall, as stated previously, would like to see the area developed, just with a couple of minor tweaks.

Contrary to condition 7

Condition 7 on the outline 2017/0701/OUT states:

07. No building or other obstruction including landscape features shall be located over or within 3.5 metres either side of the centre line of the public sewer i.e. a protected strip width of 7 metres that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

The reserved matters submission only allows for 3m so is 500mm out...the applicant has submitted a non-material minor amendment under section 96a to reduce this to 3m. Yorkshire Water have previously agreed this.

Item 5.3

APPLICATION NUMBER:	2019/0559/FU LM	PARISH:	Colton Parish
APPLICANT:	Braegate Produce Ltd	VALID DATE:	05.06.2019
		EXPIRY DATE:	EOT in place
PROPOSAL:	Use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal road way and footpath, construction of water tanks, excavation of lagoons, and construction of hardstandings.		
LOCATION:	Ibbotsons Mill Hill Braegate Lane Colton Tadcaster LS24 8EW		
RECOMMENDATION:	Planning Permission be GRANTED subject to conditions.		

Additional comments from LLFA

Additional comments from the LLFA on the amended plans and information.

The LLFA state that they have no further comments and the condition recommended is still required.

Additional representation

An additional representation has been received from Mr S Vendy of Veritas Planning on behalf of Samuel Smith Old Brewery (Tadcaster).

The representation is summarised below:

- The proposal is contrary to policy – spatial strategy restricts development in countryside locations with preference being urban centres and locations
- The site is in the countryside and adjacent to the Green Belt but not within it – this has not been assessed. The use will have an impact on the Green Belt due to the activities associated with the use.
- The lawful use is agriculture and the use of the site is unauthorised
- Additional policies referenced that are not included/should not be included in the officer report namely:
ENV 2 (Environmental Protection and Contaminated land),

ENV 21 (Landscaping Requirements),
EMP7 (Employment Development in the Countryside),
T2 (Access to Roads)
SP2 Green Belt

SP13 Scale and Distribution of Economic Growth

- Insufficient information provided to assess the proposal in terms of landscape impact and impact on openness of Green Belt
- The proposal is not sustainable development
- The proposal leads to highway safety issues
- The proposal is not sustainable development due to it being remove from the main centres
- The site is not previously developed land as the NPPF definition excludes agricultural buildings
- The proposal is not diversification or expansion of an existing industrial/business use
- The proposal will result in significant new journeys that could otherwise be directed to rail/bus/walking/cycling
- The location of the site does not provide a safe access

Officers Comments on the additional representation

Whilst the lawful use may be agricultural the current use has evolved from agriculture with ancillary importation, to 50/50 import with ancillary agriculture to then importation alone. Changes of use are considered in terms of fact and degree and assessment of the LPA to determine if and when a change of use has occurred.

Planning History

Planning Investigation took place following concerns raised to the LPA with regards to a potential change of use, works and increased traffic.

Application 2018/0562/FULM was submitted to the Council but withdrawn as officers were of the view that there was insufficient information with regards to the impacts of the development.

This application (2019/0559/FULM) was submitted in 2019 with additional information including transport assessment.

It is not clear whether the critical changes which amounted to a change in the use occurred beyond the last 10 years. Officers have been advised that Braegate Produce was set up in 2013 which involved a change of ownership rather than clear changes in activity.

There is no information available with regards to previous employee numbers or traffic movements. Highways have advised officers based on the typical movements associated with the nature of agriculture and the information contained in the transport assessment on the use.

The business occupies 86 staff members which would be at risk should the application be refused.

Policy EMP7 is relevant as set out by the representation. EMP7 states that outside Green Belt areas small scale business and farm diversification will be permitted in the countryside providing the proposal:

1. Requires a countryside location which will benefit the rural economy
 2. Sensitive design and scale appropriate to the locality
 3. Not have an adverse effect on the character and appearance
 4. Would not create highway safety issues or significant effect on local amenity
 5. Adequately screened
-
- The proposal is related to agriculture and supports a rural economy by processing, storing and distributing food products.
 - The design is acceptable in terms of scale and appearance.
 - The use does not affect the character and appearance
 - There are no highways safety issues
 - The site can be adequately screened by hedgerow and tree planting and the condition regarding outdoor storage will ensure the wider landscape is not significantly harmed.

Landscape

There are no important landscape designations as such formal assessments have not been requested. Officers have made an assessment of the landscape and the impact on the area.

Item 5.4

APPLICATION NUMBER:	2021/1087/FU LM	PARISH:	Selby Town Council
APPLICANT:	Parkside Corporation Investment Opportunities Ltd	VALID DATE: EXPIRY DATE:	31 st August 2021 30 th November 2021
PROPOSAL:	Development of one ground floor commercial unit [class uses E[a] and E[b] and 13 no. residential apartments to include landscaped gardens; cycle storage and refuse storage provision; access and flood barrier walls		
LOCATION:	Toll Bridge Filling Station Ousegate Selby North Yorkshire		
RECOMMENDATION	APPROVE subject to a Unilateral Undertaking		

Paragraph 1.2 of the Planning Committee Report – Note the open space should be referred to as to the west side and not to the east.

Additional Highway Officer comments on the amended plans:

Confirm that the amended plans address the Highway Authorities concerns regarding surface water drainage into the highway and therefore no objections are raised to the proposed development.

Email received from applicant querying inclusion of several conditions – This is acknowledged and relevant conditions have been amended or removed as detailed below. However, whilst several details have been submitted and discussed as part of the application, they are not precise or sufficiently detailed and therefore the relevant conditions remain, as they are applicable to the site, not the applicant.

Materials Condition (03) to be removed as all considered to be acceptable and amended drawings confirm that a Flemish Bond arrangement will be used for brickwork.

Additional information submitted to address conditions 11 (Piling) & 12 (Foundations) – Environmental Health Officer and National Rivers Trust advise conditions to remain.

Highways Condition (19): It is considered unreasonable to require the applicants to provide a crossing which they state would make the scheme financially unviable and was not included as part of the conditions under the original (fall-back) permission. In addition, given that there is only one commercial unit now proposed when there was previously 4, this would result in reduced pedestrian footfall to the development. On

this basis, the condition to be amended to remove this element and amended as follows:

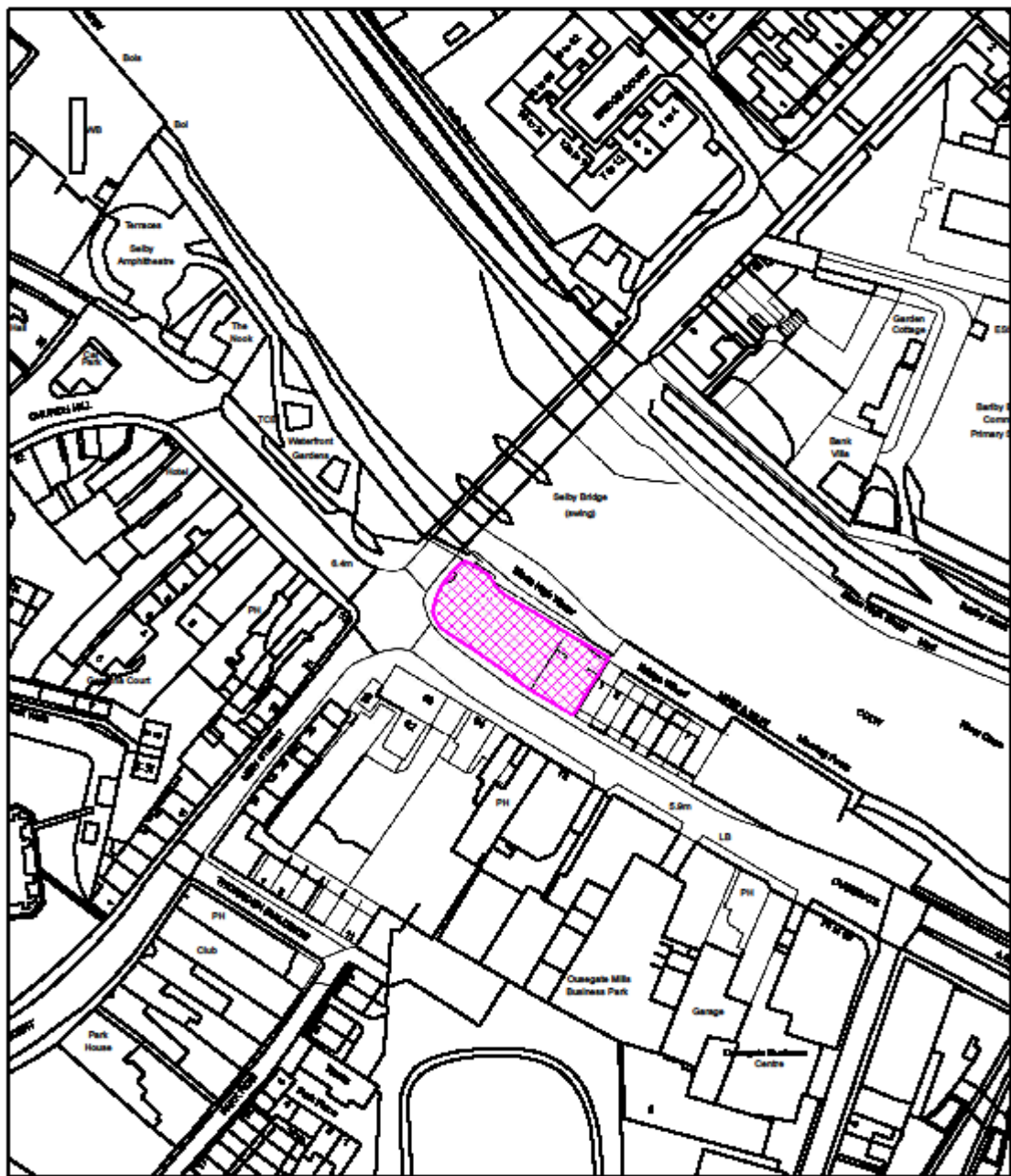
Unless otherwise agreed in writing by the Local Planning Authority the footway fronting the whole of the site must be built with Chinese Granite Stone

Reason: As it forms part of the Selby Renaissance Scheme area.

Drainage Condition (22) to be removed as the LLFA are now satisfied with the additional details as submitted.

Incorrect location plan included in Planning Committee Report – please see correct plan as below:

Toll Bridge Filling Station, Ousegate, Selby
2021/1087/FULM



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Item 5.5

APPLICATION NUMBER:	2019/0031/FUL	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr David Tomlinson	VALID DATE: EXPIRY DATE:	6th February 2019 3rd April 2019 EOT 19 th January 2022
PROPOSAL:	Proposed erection of three dwellings		
LOCATION:	Land South of Chapel View, Marsh Lane, Bolton Percy, York		
RECOMMENDATION:	REFUSE		

Planning History

In terms of the Planning History of the site then the Officers Report sets out the previous refusal for a similar scheme on the site, under Application 2017/0411/FUL, which was refused in January 2018 by Planning Committee, for the reasons noted at Page 184 of the Officers Report. This is the only reported application within the Report given that the historic applications date back to 1980, 1981, 1982 and 1984 for residential development on parts of the site and were applications considered against historic local plans. These were all refused in terms of being outside the village, being uncharacteristic and on highways grounds with one, Application 8/78/34C/PA, actually being dismissed by an Inspector following an Appeal. This dismissal was on the grounds that the site was outside the village in the then Draft proposals in the Selby Rural Area Local Plan, that the scheme would extend the built up area into the open countryside in a manner which would have an unacceptable detrimental effect on the form and layout of the village and to the appearance of the surrounding rural area. There has also been a refusal for glasshouses (with associated earth works) on the site under 8/78/34D/PA which was again refused on the grounds of impact the rural setting of the village on a prominent slope in the countryside.

Consultation Responses

Additional consultations responses have been received further to those noted in the Officers Report as a result of changes made to the scheme following the deferral from the August 2019 Meeting. These are as follows:

Landscape Officer – the Officer commented on the submitted Landscape Management Plan stated that “in my view the proposed development would not be supported in landscape terms as it is not sympathetic to the character and layout of the existing settlement, further extending linear development to the south along Marsh Lane into the open countryside.” It was however noted that “if the application was to be supported then recommended that existing boundary trees and hedgerow are retained and protected, and that a detailed

and soft landscaping scheme is submitted which could be secured via condition”.

Parish Council – advised by email on 10th January 2022 that

“The Parish Council were asking a planning consultant advice on this application but due to Christmas/New Year break they weren’t able to get a letter to us, but they have looked at the information on the SDC website and agree with the Parish Council that since the original planning was submitted in 2019 nothing has changed, refer to our letter dated 4th April 2019. The houses are completely out of character in the setting, outside the village development area, on a green field site, and whatever Rachael Wood claims buildings haven’t been on the site. So the conclusion is the Parish Council reject this application totally. “

Third Party Responses

Additional comments have been received on the application since the Report was drafted from one individual, who restated objections made to the application at the initial consultation stage. These comments are already covered in the Officers Report.

Comments from Applicants

Upon publication of the Officers Report the Applicants have raised concerns in terms of the Officers summary of the application within the report. They have also raised concerns that the comments of the objectors to the scheme seek to question if letters of support are honest, noting that this was addressed on earlier applications and the letters are robust.

Reason for Refusal 2

Does not need to refer to the NPPF and can solely refer Policy SP2 of the Core Strategy, as such it should read as follows:

“The site is outside the development limits of Bolton Percy and the proposed scheme does not fall within any of the acceptable forms of development included in Policy SP2 (c) of the CS. It would be a substantial encroachment of a greenfield site in the open countryside and would not represent a natural rounding off to the settlement. The scheme would therefore result in a development which would have a significant and demonstrably harmful impact on the character, form and setting of the village contrary to Policy SP2 of the Core Strategy and the NPPF”.