

**Officer Update Note
Planning Committee 6th June 2018**

Items 6.1 & 6.2

APPLICATION NUMBER:	2016/1077/FULM	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes (Yorkshire) Limited	VALID DATE: EXPIRY DATE:	08.09.2016 31.10.2017
PROPOSAL:	Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION	APPROVE subject to a Section 106 agreement and conditions.		

APPLICATION NUMBER:	2017/0853/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Ltd	VALID DATE: EXPIRY DATE:	4 th September 2017 4 th December 2017
PROPOSAL:	Proposed erection of 12 residential dwellings at Phase 3G		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION	APPROVE subject to a Section 106 agreement and conditions.		

Affordable housing

The Solicitor to the Council has asked for further clarification of the methodology underpinning the calculation of affordable housing provision for these two proposals.

Phases 3E, 3F and 3G have the benefit of an extant (and implemented) planning permission, which is the product of the original outline permission granted under reference CO/2002/1185 and reserved matters subsequently approved under reference 2015/0579/REM. The extant consent is bound by an obligation to make a 20% contribution to affordable housing. The two full applications currently under consideration will increase the overall number of houses within the area of the extant consent by 18. (Application ref. 2017/0853/EIA only relates to part of the extant consent for Phase 3G).

Notwithstanding that these two applications take us back to first principles, the extant consent represents a realistic “fallback” for the applicant and, as such, is a material consideration. Therefore, in considering revised proposals within Phase 3, it is considered reasonable to maintain a 20% requirement for dwellings up to the number approved by the extant consents, and only look to renegotiate the affordable housing contribution for any increase in numbers. The applicants have agreed this approach and have further agreed to make a 40% contribution for the increase proposed within the current applications. The consequences of this are summarised below:

	Units approved under extant consent (20% contribution of affordable housing)	Additional units proposed under current applications (40% contribution of affordable housing)
Phase 3F	21	16
Phase 3G	34	2
Totals	55 (of which 11 (20%) will be affordable)	18 (of which 7 (40%) will be affordable)

If these applications are approved, Phase 3 as a whole will provide 578 dwellings, of which 560 will make a 20% contribution towards affordable housing (112 units) and 18 will make a 40% contribution (7 units).

Planning obligations

Further to the conclusion of the reports into these two items, additional work has been undertaken to refine the heads of terms for the proposed section 106 agreement. These are summarised in the table below:

Category of Obligation	Current Terms of Obligation	Proposed Terms of Obligations in respect of applications 2016/1077/FULM & 2017/0853/EIA
Definition of “the Development”	Linked to 2005 Outline Planning Permission, which, amongst other things, limits development to 1,200 dwellings	Approved dwellings need to be explicitly credited against ceiling of 1,200 units established by original Outline Planning Permission. There are a number of ways to achieve this and further discussions with the applicant will be necessary to agree the simplest solution.
Affordable Housing	To be agreed and implemented on a phase-by-phase basis. For Phase 3 the agreement is currently 20% affordable housing provided as 50% Affordable Rent and 50% Intermediate, in unit sizes comprising 80% 3-bedroom and	Phase 3 commitment to be adjusted to 20% affordable housing for 55 units and 40% of 18 units as per the above table. Unit size requirement adjusted to reflect demand from Registered Providers, including one 4-bedroom

	20% 2-bedroom	dwelling.
Green Travel Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Green Travel Plan agreed for Phase 3.
Landscape Management Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Landscape Management Plan agreed for Phase 3.
Masterplan and Phasing Strategy	Development to proceed in accordance with agreed Masterplan and Phasing Strategy, which can be varied by agreement.	Obligation needs to be repeated.
Nature Conservation Management Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Nature Conservation Management Plan agreed for Phase 3.
Recreational Open Space	Recreational Open Space to be provided in accordance with Masterplan and offered to Council at no cost, but with Recreational Open Space Maintenance Payment	No recreational open space is being proposed within either of these two schemes. However, the Staynor Hall development as a whole is making significant provision which, in part, reflects the existing commitment to development within Phases 3F and 3G. Relying on that existing commitment (plus the additional contributions from CIL) will meet the expectations of Local Plan policy RT2.
	Additional Obligations	
Waste & Recycling	There is no obligation covering this requirement in the existing section 106 agreement.	The Council's Developer Contributions Supplementary Planning Document (March 2007) expects a financial contribution of £65 per dwelling towards "Waste and Recycling Facilities".

Trees

Phases 3F and 3G both abut an area of Ancient Woodland to the north. This is not directly affected by the proposals (confirmed in the Environmental Statement), although a number of self-seeded trees that have extended into the application site

are to be removed. These are not within the Ancient Woodland, they are not protected by a TPO and would have to be removed anyway in order to progress implementation of the extant permission for the site. However, an additional condition to ensure that the Ancient Woodland is protected during the course of development is now being recommended.

Re-publicity

The recent amendments to the layout for Phase 3F have brought the units on the western edge closer to occupied units in Phase 3H. This has triggered a further consultation with the immediate neighbours, the deadline for which as yet to expire.

AMENDMENTS TO RECOMMENDATIONS

2016/1077/FULM

APPROVE subject to:

- a. No objections following the further consultation on the latest layout amendments;
- b. A Section 106 agreement based upon the heads of term set out in the table above; and
- c. the conditions set out in the main agenda, plus the following additional condition relating to the adjoining Ancient Woodland:

No development shall commence until measures to safeguard to ensure the protection of the adjoining Ancient Woodland during the course of development have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining Ancient Woodland.

2017/0853/EIA

APPROVE subject to:

- a. A Section 106 agreement based upon the heads of term set out in the table above; and
- b. the conditions set out in the main agenda, plus the following additional condition relating to the adjoining Ancient Woodland:

No development shall commence until measures to safeguard to ensure the protection of the adjoining Ancient Woodland during the course of development have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining Ancient Woodland.

Item 6.3

APPLICATION NUMBER:	2016/1503/COU (8/10/194E/PA	PARISH:	Escrick Parish Council
APPLICANT:	Mr C Forbes Adam	VALID DATE: EXPIRY DATE:	22nd December 2016 16th February 2017
PROPOSAL:	Change of Use of land as an extension to an existing holiday park (caravan site) together with (in outline) a new laundry building and the construction of a package wastewater treatment plant: siting of caravans to provide classroom, cafe with WC accommodation and potting/machinery shed, additional parking and package wastewater treatment plant		
LOCATION:	Hollicarrs Holiday Park, York Road, Escrick, York, North Yorkshire YO19 6EE		
RECOMMENDATION	Approve		

2.0 CONSULATION AND PUBLICITY

The first paragraph should read:

The application was advertised by site notice and neighbour notification letter, with significant objections being received, primarily as a result of a Woodlands Trust online campaign which attracted the bulk of objections. The 807 objections raise a series of issues which can be summarised as follows:

Paragraph 4.11 of the report should read:

In relation to the extension to Hollicarrs, The site has a planning permission for the siting of 175 holiday lodges and is subject to conditions which restrict the use to holiday accommodation. The reason for the condition was because the site is not in an area where residential development would normally be permitted. A further condition was imposed to ensure the timber cabins are not occupied as a person's sole or main place of residence.

Paragraph 4.38 of the report should be deleted as it relates to the same point raised in paragraph 4.36.

Conditions

Amend the wording of Condition 21 to

- 21 No development shall commence on the extension to the holiday park site until a scheme of landscaping for the boundaries to the east, south and west have been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and

seeding season following occupation of any of the caravans or the completion of the development, whichever is the sooner; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory landscaped setting for the development in the interests of the character and appearance the area and to comply with policy ENV1 of the Local Plan.

Amend the order of the conditions with condition number 20 be moved to condition 4 and then re-number the list.

Item 6.5

APPLICATION NUMBER:	2018/0226/FUL	PARISH:	Thorganby Parish Council
APPLICANT:	Swanhome Developments Ltd	VALID DATE: EXPIRY DATE:	1 st March 2018 26th April 2018 (Extension of time until 7 th June 2018)
PROPOSAL:	Proposed demolition of existing dwellings, outbuildings and garages and the erection of 3 No. residential dwellings, garages and associated works and infrastructure (Amendment to planning permission 2016/1029/FUL)		
LOCATION:	East End Cottage, Main Street, Thorganby, York, North Yorkshire, YO19 6DB		
RECOMMENDATION	Approved amended to Defer		

An additional letter of representation has been received advising that buildings have been demolished on the site and concern has been raised regarding the potential impact of this on wildlife.

Subsequently it has been noted from a site visit that the outbuildings to the rear (west) of the site have been demolished. This would have required permission given that the site is located within the Conservation Area.

As such the previous planning permission is not considered to have been lawfully implemented as this permission incorporates pre-commencement conditions which not yet been discharged from the planning permission.

Therefore it is no longer considered that there is a fall back position of an extant implementable planning permission. In this respect it is noted that the recommended acceptability of the proposal in principle is based upon the ability to implement the existing planning permission.

Therefore it is recommended that Members defer consideration of this application to a future Planning Committee in order for Officers to consider whether there are any other further material considerations that may outweigh the existing conflict with Policy SP4 of the Selby District Core Strategy.

Item 6.7

APPLICATION NUMBER:	2017/1381/FULM	PARISH:	Birkin Parish Council
APPLICANT:	JE Hartley Ltd	VALID DATE: EXPIRY DATE:	10 th January 2018 11 th April 2018
PROPOSAL:	Proposed erection of a new grain store including a chemical store and roof mounted solar PV		
LOCATION:	Land At Viner Station Roe Lane Birkin Knottingley West Yorkshire		
RECOMMENDATION:	APPROVE		

In response to bullet point 2 in respect of the Neighbour comments noted on page 119, it is considered by officers that the agricultural holding does contain more than one planning unit. The agent has confirmed that grain proposed to be stored in the proposed agricultural building will only come from the JE Hartley farm business and would not store grain from any other farm business.

The agent has confirmed that 200 acres are farmed by Velcourt. However none of the grain from this farming business would be stored in the proposed agricultural building.

It is noted that objectors have raised concerns that the proposed agricultural building may be used for storing grain for other farms and that the building would not be used for the purposes of an agricultural grain store and that it may be used as a storage business building. As such they consider that the relevant policy by which the application should be considered against is policy EMP9 of the Selby District Local Plan.

The application form, letters and the supporting statements from the agent all confirm that the agricultural building is proposed to be used to store grain for the JE Hartley farm business.

Officers have also sought clarification from the agent regarding the proposed source of power and heat for the proposed agricultural building. The agent has stated the following:

“The grain store has a conventional fan house at the back as shown on the plans. The hope is that the grain store will be heated using heat from the proposed biomass scheme, which the proposed fan house will allow for. Should the biomass scheme not be approved in future then the grain store will be heated using LPG, which is the current arrangement for the existing grain store on site. The proposed fan house will allow for either heat use.”

I can also confirm that the all of the land is farmed by J E Hartley and almost all of the land is owned by the Hartley family, the exception being the land at Headley Hall which is contracted to J E Hartley under a cropping license.

The cropping licence at Headley Hall has come about as a result of Velcourt's existing relationship with Headley Hall. Velcourt are the farm managers for J E Hartley, hence the reference to Velcourt. We confirmed this in Section 2.07 of our Planning Statement, which confirms that Velcourt have been employed to manage the J E Hartley farm operations, and sets out that Velcourt have brought an additional 200 hectares to the J E Hartley partnership.

We therefore acknowledge that the agricultural holding comprises more than one planning unit given the distance between the parcels of land shown on the plans submitted yesterday.

The grain store is clearly for agricultural use and is to serve an established agricultural business as detailed within the submitted supporting information.

I can confirm that all of the land to be served by the proposed new grain store is being directly farmed by the applicant.”

Therefore it is considered necessary to recommend to Members that the following condition be imposed:

No development shall commence until details of how the grain store shall be heated and powered have been submitted and agree in writing with the local planning authority. The development shall be carried out in accordance with the approved scheme satisfying this condition.

Reason:

In the interest that building can be operated and in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

This Officer Update Note seeks to provide clarification that buildings 1 to 5 as discussed within paragraphs 4.7 to 4.11 on page 122 to 123 of the Planning Committee agenda are not within the red line application site boundary of this proposal. These buildings are within the blue line ownership of JE Hartley farm business. Regard has been had to these buildings in order for agricultural need to be demonstrated for the proposed agricultural building and consideration of the reasoning that these buildings cannot be used singularly and cumulatively.

Paragraph 4.7 of the Officer Report outlines that buildings 3 and 5 do not meet the current standards to store grain because of either their open nature or current construction. It is officer opinion that these buildings would be required to be re-built and could not be upgraded using permitted development rights due to the amount of works required in order for them to meet appropriate grain storing standards. In addition to this, both buildings 3 and 5 singularly and cumulatively do not meet the capacity required to meet the proposed intended expansion of the farming business.