

## Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 6 July 2022
Time:	2.00 pm
Present:	Councillor M Topping in the Chair  Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, P Welch, J Duggan and D Mackay
Officers Present:	Martin Grainger – Head of Planning, Hannah Blackburn – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent – Principal Planning Officer, Jenny Tyreman – Assistant Principal Planning Officer, Emma Howson – Senior Planning Officer, Bethany Harrison – Planning Officer, Josh Turner – Planning Officer
Public:	12

### **6 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Packham.

Councillor K Franks was in attendance as a substitute Councillor R Packham.

### **7 DISCLOSURES OF INTEREST**

Councillor M Topping declared a personal non-pecuniary interest in agenda item 2021/0788/EIA – Land North and South of Camela Lane, Camblesforth. As a result, Councillor Topping confirmed that he would leave the meeting during consideration thereof. The Committee's Vice Chair, Councillor C Richardson, would Chair the meeting in his absence for the duration of the item.

### **8 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would

be summarised by the Officer in their presentation.

The Chair informed the Committee that as he would be stepping down as Chair for agenda item 5.2 – Land North and South of Camela Lane, Camblesforth, the order of the agenda had been amended so that the item in question was taken last.

## **9 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 1 June 2022.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 1 June 2022 for signing by the Chairman.**

## **10 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

### **10.1 2022/0188/FUL - LAND OFF MAIN STREET, SKIPWITH**

**Application:** 2022/0188/FUL

**Location:** Land off Main Street, Skipwith

**Proposal:** Change of use of land from agricultural to wildflower meadow with new perimeter timber fence to 2 No sides with double gates, new pedestrian access and 3 No new rustic timber benches

The Planning Development Manager informed Members that a request had been received from the applicant, Skipwith Parish Council, for the Planning Committee to defer consideration of the application following a late representation from the landowner and to allow time for further discussion between the applicant and landowner. Officers supported the request.

Members agreed with the Officers recommendation to defer the application.

It was proposed, seconded and a vote was taken and was carried to DEFER consideration of the application.

### **RESOLVED:**

**That consideration of the application be DEFERRED.**

## 10.2 2020/1042/FULM - POLICE STATION BROWNFIELD SITE, PORTHOLME ROAD, SELBY

**Application:**2020/1042/FULM

**Location:** Police Station Brownfield Site, Portholme Road, Selby

**Proposal:** Demolition and construction of a Class E foodstore, together with car parking, landscaping and associated works

The Principal Planning Officer presented the application which had been brought before Planning Committee as the application was previously presented to the committee on 1 June 2022 and deferred for further discussions to take place with the NYCC Highways Authority, relating to the mitigation of expected traffic difficulties caused by the development. In particular:

1. The acceptability of the access/ egress given the proximity of two other supermarkets;
2. Additional traffic on the localised network and;
3. A better understanding of the 'Selby Places and Movement Study' in particular what NYCC plan to do to improve the local highway network and its timings.

The report had been updated to reflect the Officer Update Notes from the meeting on 1 June 2022. The highway section had been amended to reflect post deferral discussions with NYCC Highways regarding the impact of the traffic generated by the proposals, the need for the financial contribution and the movement study.

The application has been brought before Planning Committee as part of the site i.e., the north-eastern corner (0.04 ha) was still owned by Selby District Council and included some existing trees and redundant gas governor. The sale was agreed to Aldi in June 2021; however, its completion was subject to planning permission being obtained. Hence, the Council were still landowners. This therefore did not comply with Council's Constitution (3.8.9 b (ix)), which did not allow applications on Council owned land to be determined under delegated powers, unless they were minor applications and no objections had been received. The application had received objections and was not minor in nature.

Members noted that the application was for it was for the demolition and construction of a Class E foodstore, together with car parking, landscaping and associated works.

Gareth Roberts, Senior Transport and Development Engineers from North Yorkshire County Council Highways was in attendance at the meeting.

The Committee considered the Officer Update Note which set out two additional letters of support and an applicants update from the Highways Engineer.

The Committee asked numerous questions of the Officer relating to consultation of disability groups, the legal repercussions if the recommendations of the Highways Officer were not taken into account, if pedestrian safety would be included in any future Access and Movement study, the possibility of a routing agreement for HGVs and the option of traffic being directed a particular way to the supermarket.

The NYCC Highways Officer explained that all highway designs were considered with regards to street and disabled access guidance as well as pedestrian access. Members were advised that a routing agreement for HGVs had not been considered considering arrangements at other supermarkets in the locality, and that directing traffic a particular way to the supermarket would be unmanageable, unenforceable and unreasonable.

The Solicitor explained that for the Committee go against the recommendations of the Highways Officer was one that members were entitled to reach.

Andrew Moseley, agent, spoke in support of the application.

Members debated the application further and agreed that the committee's concerns expressed at the previous meeting had been addressed by Officers and as such they were minded to support the application.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

**RESOLVED:**

**That the application be GRANTED,**

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**subject to the conditions set out in the report.**

**10.3 2022/0381/COU - BRAEMAR, WEELAND ROAD, EGGBOROUGH**

**Application:** 2022/0381/COU

**Location:** Braemar, Weeland Road, Eggborough

**Proposal:** Change of use from C3 to C2 to be a Children's home for 4 Children ages 8 – 18

The Senior Planning Officer presented the application which had been brought before Planning Committee due to 3.8.9(b)(vi) as more than 10 letters of representation had been received which raised material planning considerations and Officers were recommending approval contrary to these representations.

Members noted that the application was for the change of use from C3 to C2 to be a Children's home for 4 Children ages 8 – 18.

The Committee considered the Officer Update Note which set out additional consultation responses and representations.

The Committee asked numerous questions of the Officer relating to the types of care that could be provided in a C2 category home, provision of parking and potential traffic concerns.

Officers confirmed that Use Class C2 related to residential institutions to accommodate those in need of care and included children's homes such as the one proposed in the application. With regards to parking, three spaces would be provided, two of which would be for care staff and a minibus; any other parking would be on-street. Officers were not aware of the previous occupiers of the house having raised issues regarding traffic.

Colin White, Eggborough Parish Council, spoke against the application.

Leanne Smith, applicant, spoke in support of the application.

Members debated the application further, with some expressing concerns about the provision of parking spaces, management of the scheme, the potential need

for more parking and issues that could be caused by vehicles being left on the road and verge outside the property. It was suggested that deferral and a site visit may be appropriate.

Other Members were of the view that, having studied the pictures in the Officer's presentation to the Committee, parking would not be an issue, management of the scheme was not relevant to the planning aspects of the application and that a site visit would not be necessary.

It was proposed and seconded that the application be DEFERRED for a site visit; a vote was taken and was carried.

**RESOLVED:**

**That the application be DEFERRED in order for a site visit to be arranged.**

**10.4 2022/0455/HPA - FIELD VIEW, WISTOW ROAD, SELBY**

**Application:** 2022/0455/HPA

**Location:** Field View, Wistow Road, Selby

**Proposal:** Siting of a static caravan for purposes ancillary to the main dwellinghouse

The Planning Officer presented the application which had been brought before Planning Committee by the Head of Planning and Interim Head of Regulatory Services. It was a re-submission of application ref: 2021/0518/HPA which had been the subject of a recently dismissed appeal.

Members noted that the application was for the siting of a static caravan for purposes ancillary to the main dwellinghouse.

The Committee considered the Officer Update Note which set out some amendments to the report and details of three additional neighbour letters that had been received since the completion of the report.

The Committee asked numerous questions of the Officer about action to be taken should the caravan be used permanently in the future, flood risk, clarification as to when the caravan first appeared on the site, the definition of ancillary usage, clarification of development limits, the proposed colour finish, previous reasons for refusal and the caravan's hardstanding.

Officers confirmed that should the caravan be used as

independent accommodation not in accordance with a planning decision, any enforcement after local government reorganisation would fall to the new North Yorkshire Council. The painting of the caravan had been proposed to reduce its visibility. The caravan had appeared on the site in 2019 but an exact date could not be ascertained.

Officers explained that the flood risk to the caravan was the same as that which applied to the main dwelling, and that 'ancillary' meant that the premises could not be occupied separately and was therefore required to be used by members of the same household.

Members noted the Officer's clarification of the development limits on the site; the application site itself was within the limits. The current application for the siting of the caravan included the colour finish which improved the visual impact and made it less dominant in the landscape. Members were shown a picture of the caravan in its current location and colour.

Alan Cross, objector, spoke against the application.

Members debated the application further and felt that the caravan created an unsuitable gateway into the settlement and was a separate dwelling to the main accommodation, not ancillary.

However, some Members supported the Officer's recommendation to grant permission.

It was proposed and seconded that the application be REFUSED on the grounds of harm to the character of the area and that the reasons for refusal be refined by and delegated to the Chair and Vice Chair of the Committee in consultation with the Head of Planning; a vote was taken and was carried.

**RESOLVED:**

**That the application be REFUSED on the grounds of harm to character of the area and that the reasons for refusal be refined by and delegated to the Chair and Vice Chair of the Committee in consultation with the Head of Planning.**

## 10.5 TPO 3/2022 - PIGEON POST, MAIN STREET, BILBROUGH

**Application:** TPO 3/2022

**Location:** Pigeon Post, Main Street, Bilborough

**Proposal:** Confirmation of Provision TPO Reference 03/2022 relating to 1(no) Eucalyptus

The application to be considered by the Planning Committee was an exercise of the powers conferred by Section 198 of the Town and Country Planning Act 1990. The report sought the permission of the Planning Committee to "Confirm, with no Modification", Tree Preservation Order No. 3/2022 to which objections had been received. In accordance with 3.8.9 (b) (viii) of the scheme of delegation, the confirmation of the Tree Preservation Order could not be issued under delegated powers where it was subject to a valid objection.

Members noted that the application was for the confirmation of provision TPO reference 03/2022 relating to 1(no) Eucalyptus.

The Committee considered the Officer Update Note which set out details of two additional letters of representation that had been received.

The Committee asked numerous questions of the Officer relating to the value of the tree and its siting in a conservation area, whether the tree blocked light for the property's residents and potential works to reduce its height. Officers explained that as an authority the Council could either support the proposed works to the tree or place a TPO on it if it had amenity value. Officers made the point that the tree caused shade to the gardens, as do many trees within gardens and questioned whether this was grounds to fell them.

The photograph included in the presentation was taken in 2012 and as such the size of the tree had increased since then; this would mean that its loss would have more of an impact on the amenity of the conservation area.

The Democratic Services Officer read out a representation submitted on behalf of the applicants, Mr and Mrs Lewis, who had asked that it be read out to the Committee.

Members debated the application further with some of



the opinion that the tree in question did not require protection and would not affect the local amenity should it be felled. However, some committee Members were concerned that the felling of such a mature tree would put more pressure on native stock.

It was proposed that the confirmation of TPO 3/2022 be REFUSED; the proposal was not seconded and therefore fell.

It was proposed and seconded that the confirmation of TPO 3/2022 be CONFIRMED; a vote was taken and was carried.

**RESOLVED:**

**To authorise the confirmation of Tree Preservation Order 3/2022 to protect 1 (no) Eucalyptus at Pigeon Post, Main Street, Bilbrough, Selby, North Yorkshire, YO23 3PH.**

**10.6 HUMBER LOW CARBON PIPELINES - NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT**

The Planning Committee received the report which had been brought before them for information purposes. The report recommended that the contents be noted, and that authorisation be sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services, in consultation with the Executive Member for Place Shaping, to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Members noted that the report set out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these were dealt with. The Planning Committee had considered similar NSIP reports in respect of the Drax Bioenergy and Carbon Capture Project in April 2021 and the Yorkshire GREEN Project in February 2022. Applicants for infrastructure projects were required to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision was made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities were statutory consultees in the process.

Officers explained that National Grid Carbon Limited (part of National Grid Ventures) was proposing to submit an application for a DCO for the construction of dual pipelines to transport carbon dioxide (to facilitate carbon capture, usage and storage (CCUS)) and hydrogen between Drax in North Yorkshire to a landfall point on the Holderness coast in East Riding of Yorkshire, together with associated above ground installations (AGIs); this scheme was a Nationally Significant Infrastructure Project (NSIP) to be determined by PINS. At the landfall point the project would connect to an offshore pipeline for onward transportation of carbon dioxide to the Endurance saline aquifer under the North Sea. This offshore pipeline and associated work formed part of a separate consent for which BP was the project proponent.

Members were informed that two rounds of public consultation were taking place; non-statutory consultation took place in Q3/Q4 2021; statutory consultation was anticipated to take place in Q3 2022. It was anticipated that National Grid Carbon Limited would submit their DCO application to PINS during Q3 2022.

The Committee acknowledged that once the DCO application had been submitted to PINS, they would have 28 days to decide whether or not the application met the standards required to be accepted for examination. Following acceptance, an Examining Authority would be appointed, and all Interested Parties would be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS would have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which Officers may need to attend. After the examination a decision would be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council would have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

**RESOLVED:**

**The Planning Committee noted the content of the report and that authorisation was to be sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report,**

**Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

**10.7 2021/0788/EIA - LAND NORTH AND SOUTH OF CAMELA LANE, CAMBLESFORTH**

*Councillor Topping stepped down as Chair for the remainder of the meeting and left at this point. Councillor Richardson chaired the rest of the meeting until its end in his role as Vice Chair.*

**Application:** 2021/0788/EIA

**Location:** Land North and South of Camela Lane, Camblesforth

**Proposal:** Development of a ground-mounted solar farm including associated infrastructure

The Assistant Principal Planning Officer presented the application which had been brought before Planning Committee in accordance with 3.8.9(b)(i) as it had been accompanied by an Environmental Impact Statement.

Members noted that the application was for development of a ground-mounted solar farm including associated infrastructure.

The Committee considered the Officer Update Note which set out updated wording to Conditions 3 and 28 and confirmation that all pre-commencement conditions had been agreed by the applicant.

The Committee asked numerous questions of the Officer relating to the potential for the creation of a public right of way, proximity to archaeological sites and location of the construction compound.

Officers explained that a new public right of way was not being proposed but that there would be a permissive path on the site for the lifetime of the solar farm. North Yorkshire County Council's Archaeology Team had not expressed any concerns with regards to archaeological locations on the site. Members were shown the anticipated location of the construction compound on the map by Officers, who also referred to a proposed condition requiring a Construction Management Plan.

Ian Douglass, agent, spoke in support of the application.

Members debated the application further and were supportive of the proposals.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

**RESOLVED:**

**That the application be GRANTED, subject to the conditions set out in the Officer Update Note and report.**

The meeting closed at 4.35 pm.