

Officer Update Note
Planning Committee – 15th March 2023

Item 5.1

APPLICATION NUMBER:	2019/0547/EIA	PARISH:	South Milford Parish Council
APPLICANT:	Roadchef	VALID DATE: EXPIRY DATE: EOT:	14th June 2019 13th September 2019 17th March 2023
PROPOSAL:	Proposed construction of a motorway service area		
LOCATION:	Land At Lumby Lumby South Milford Leeds West Yorkshire LS25 5LE		
RECOMMENDATION:	REFUSE		

Amended Plans – 1

Since the agenda was published, discussions between the Applicant, the District Council and the Public Rights of Way Officer have resulted in the route of the public right of way to the north east corner of the site being amended. This has resulted in some amended plans and updated information being submitted as follows:

- Proposed Site Layout Plan – RC610-1001 Rev P17
- Landscape Masterplan – 1847.06 Rev P
- PROW Diversion Plan - VD18808-D101.0 Rev P09
- Revised Biodiversity Net Gain Calculation – SF2665 Rev A

The Public Rights of Way Officer raises no objections to the proposed alterations.

NYCC Ecology raise no objections to the proposed alterations – the proposal would still provide for over 10% biodiversity net gain (just over 11% biodiversity net gain provided on and off site through a combination of landscaping within the proposed development site and off-site habitat creation). This would be in excess of the 10% biodiversity net gain target.

Yorkshire Water have confirmed verbally that they would have no objections to the proposed alteration to the routing of the public right of way in principle, but we are still awaiting a formal written consultation response regarding this and whether the inclusion of the post and rail fence to the south side of the route within the easement area of the water main would be acceptable.

Amended Plans – 2

Since the agenda was published, an amended plan showing some of the off-site highway mitigation works has been submitted - VD18808-D102.0 Rev P03 – following discussions between the Applicant, the District Council, the Public Rights of Way Officer and the Highways Officer. The amended plan shows the existing gravel track to be either re-surfaced with bound rubber crumb or improved with additional stone to NYCC's specification to ensure it is suitable for all users, rather than remaining as existing. The Public Rights of Way Officer and Highways Officer raise no objections to the proposed alteration.

Surface Water Drainage

Paragraph 5.117 of the report states *“The applicant is in the process of putting together the further information requested by the Local Lead Flood Authority and Members will be updated on this matter at Planning Committee.”*

The Local Lead Flood Authority has advised that further information is required on the surface water drainage proposals prior to the determination of the application. Based on the submitted information, the Local Lead Flood Authority advise that they are not clear on whether there is a viable means of surface water disposal and so cannot be certain that the proposal would not lead to increased flood risk on site or elsewhere.

The Applicant has been asked to undertake soakaway testing to BRE365 to demonstrate that soakaways are a viable means of surface water drainage, or, to provide further information to confirmation that the site can connect to a watercourse and that there is a watercourse as part of a wider network.

The Applicant is in the process of collating the further information requested by the Local Lead Flood Authority but has not been able to collate and submit this for consideration prior to the Planning Committee meeting. In the absence of this information, Officers, having consulted with the Local Lead Flood Authority, would recommend that a further reason for refusal is added to the recommendation in Section 7 of this report as follows:

Insufficient information has been submitted to demonstrate that there is a viable means of surface water disposal. The applicant has indicated that the proposed development will discharge its surface water via infiltration, however no evidence has been provided to confirm that this is a viable option. If the site is not able to infiltrate, a Plan B would be expected as per the SuDS drainage hierarchy. The applicant has indicated that their Plan B would be to discharge surface water via watercourse, however, no evidence has been provided to confirm that the site can connect to a watercourse and that there is a watercourse as part of a wider network. The proposal is therefore contrary to the overarching principles set out in the Core Strategy, national planning policy contained within Chapter 14 of the NPPF and the North Yorkshire County Council Sustainable drainage systems guidance - 2022 update.

Representations

Since the agenda was published, two further letters of representation in support of the proposals have been received. The first sets out the proposal would provide safe parking and facilities for drivers; would boost the local economy; would reduce the need for HGVs to access fuel by travelling through local settlements, reducing traffic through those settlements; and would reduce HGV layby parking in the area where there are no facilities

or security. The second sets out that there is a need for such a facility in the area to support the growth in both employment and residential development in the area.

Since the agenda was published, twelve people who submitted representations in support of the proposals have contacted the Council to query their representations (in response to the letter sent to them to notify them that the application was going to be heard at planning committee). The Council has responded to each of these twelve representees providing them with a copy of their original representation and asking them whether they are aware of it and whether they are happy for it to remain on the file or whether they would like it removing.

As a result, two letters of representation have been removed, three letters of representation have confirmed to be correct and remain, and the Council are awaiting responses from seven of the representees who raised queries.

In addition, the Council received eleven bounce-back 'failed delivery' emails from people who submitted representations in support of the proposals (in response to the letter sent to them to notify them that the application was going to be heard at planning committee).

Item 5.2

APPLICATION NUMBER:	2022/1445/HPA	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr & Mrs David Hedderwick	VALID DATE: EXPIRY DATE:	12th December 2022 6th February 2023
PROPOSAL:	Demolition of attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room		
LOCATION:	Garth House Landing Lane Hemingbrough Selby North Yorkshire YO8 6RA		
RECOMMENDATION:	REFUSE		

The agent circulated a statement with photos to be read out at planning committee.

Item 5.3

No update.

Item 5.4

APPLICATION NUMBER:	TPO 27/2022	PARISH:	Escrick Parish Council
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TPO SERVED:	22nd December 2022	DEADLINE FOR CONFIRMATION:	22nd June 2023
LOCATION:	Oak Lodge Skipwith Road Escrick York YO19 6JU		
RECOMMENDATION:	TPO be confirmed with no modification		

There was a neighbour objection post comments deadline for the TPO. A summary of the objection is set out below:

- Shocked when the previous application to undertake much needed tree works was recommended for refusal by your colleague after inspecting the tree from a distance of circa 50 m away, not entering the property or any neighbouring properties, and making a conclusion based on generic assumptions about Oak trees generally, and not specifically the location of and appropriateness of very large specimens within a residential neighbourhood, and not within a rural environment surrounded by trees or woodland.
- The canopy of the oak tree overhangs a large section of our rear garden and significantly deprives that area of light for much of the year, adversely affecting the health and growth of trees and shrubs in our garden.
- The excessive prolonged shadow the tree extends and overcasts a large proportion of our garden. Thus, severely restricting our right to reasonable use and amenity of our garden.
- The branches that overhang our garden are significant in size and present a real and present danger when parts blow off into our garden.
- We have lived here for circa 25 years and, as discussed, the only work that has been undertaken on the tree in all of that period was in 2019 when your colleague recommended that further work was needed at that time but, due to cost, our previous neighbour only agreed to undertake works adjoining their side of the tree, thereby leaving outstanding much needed works even at that date. We were therefore extremely surprised and disappointed to read the previous report not even acknowledging that previous inspection and report and its recommendations.
- Also it stating that any works had not been justified, when no proper site visit had been undertaken and no discussion had been undertaken with the applicant / his tree consultant to agree an appropriate level of works, and dismissing of the application with a recommendation to place a TPO on the tree, that has never been in any danger and is already protected by its size and mass within the Conservation Area. This tree has never been at risk from deliberate damage or destruction and is already protected by its location within the Escrick Conservation Area.

- Therefore, the protection is already there and any future application for work will be considered in exactly the same way, and there is nothing to gain by the TPO. See [Tree Preservation Orders - Woodland Trust](#)