

**Officer Update Note
Planning Committee 10 October 2018**

Item 6.1

APPLICATION NUMBER:	2017/1052/FUL	PARISH:	Skipwith Parish Council
APPLICANT:	Mr C B Forbes Adam	VALID DATE: EXPIRY DATE:	28 September 2017 23 November 2017
PROPOSAL:	Proposed demolition of existing buildings to provide 8 No. dwellings, garages and parking		
LOCATION:	Red House Farm Main Street Skipwith Selby North Yorkshire YO8 5SQ		
RECOMMENDATION:	APPROVE		

Clarification is given on the 'The 'fall-back' which is discussed between Sections 4.8 and 4.12, of the report. Under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, agricultural buildings – or parts thereof – to residential development to provide up to 5 dwellings, with a maximum residential floor space of 865 square metres (which can be made up from a combination of larger and smaller dwellinghouses), subject to a prior approval application.

As no prior approval application has been submitted for the site, limited weight can be given to this fall-back position. In any event, the development of part of the site outside development limits under Class Q would result in a piecemeal form of development, whereas the application before planning committee is for the comprehensive re-development of the site, which Officers consider to be more appropriate to the site and to the locality than the aforementioned piecemeal form of development. This approach also reduces development into the open countryside.

Following consultation with the agent in relation to the pre-commencement conditions, it would be considered reasonable and necessary to amend Condition 12 as follows:

12. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment), shall be prepared and is subject to the approval in writing of the Local Planning Authority, if required following the investigation and risk assessment undertaken in relation to Condition 11. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The agent has confirmed in writing their agreement to the pre-commencement conditions recommended being attached to any planning permission granted, those being Conditions 08, 11 and the amended Condition 12 above.

All other parts of the recommendation and the proposed conditions are unchanged.

Item 6.2

APPLICATION NUMBER:	2018/0800/FUL	PARISH:	South Milford Parish Council
APPLICANT:	Mr Ian Lindsay	VALID DATE: EXPIRY DATE:	30 July 2018 24 September 2018
PROPOSAL:	Section 73 application to vary Condition 04 (drawings) of approval 2010/0507/FUL for the construction of a five bedroom, three storey detached house		
LOCATION:	Quarry Drop Westfield Lane South Milford Leeds West Yorkshire LS25 5AP		
RECOMMENDATION:	APPROVE		

Since the committee agenda was published, the applicant's appeal for non-determination of the application has been validated by the Planning Inspectorate. As such, it is no longer possible for the Council to determine the application. Given this, Planning Committee are requested to consider what decision the Council would have been 'minded to' make in respect of this development in order that Officers can use this as evidence in the Council's written representations on the appeal. As set out in Section 6 of the report to Planning Committee, Officer's recommend the application is approved subject to three conditions.

Following consideration of feedback from the applicant in relation to the timeframe referred to in Condition 2, it would be considered reasonable and necessary to amend this as follows:

02. No external facing materials shall be applied to the development hereby permitted, until details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be utilised.

Reason: In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

All other parts of the recommendation and the proposed conditions are unchanged.

Item 6.5

APPLICATION NUMBER:	2018/0697/OUTM	PARISH:	Sherburn in Elmet Parish Council
APPLICANT:	Bishopdyke Enterprises Ltd	VALID DATE: EXPIRY DATE:	20 June 2018 19 September 2018 Extension of time agreed until 19 October 2018
PROPOSAL:	<p>Revised Description:</p> <p>S.73A application for outline planning approval with all matters except access reserved for the erection of 117,000 sq m (1,250,000 sq ft) of Class B2 and B8 commercial floorspace (with ancillary Class B1 offices) and site infrastructure works without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016</p>		
LOCATION:	Land at former airfield, Lennerton Lane, Sherburn in Elmet		

As a result of ongoing discussions to seek to amend the recommended conditions in order to be as flexible as possible and so as not to delay a commencement on site, the previous list of recommend conditions in the Officer report has been further amended with the agreement of the relevant statutory and non-statutory consultees (neighbours).

Condition 8 on the existing schedule of conditions ('No access or egress...') is proposed to be deleted since it can be dealt with through the necessary submission of a Construction Management Plan.

The revised drafting of those conditions recommended to be changed are set out below, but in order that they might be compared with their previous draftings on the agenda without the renumbering, the numbers have not been changed in the revised wording below:

- No part of the development shall be brought into use until details of a programme to secure the permanent closure of the existing access onto Bishopdyke Road has been submitted to and approved by the local planning authority.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and in the interests of highway safety.

- No more than 4,700 sq m (50,000 sq ft) of floorspace hereby approved shall be occupied before details of the works to widen the approach arms and

roundabout at the A162/A63 junction and a timescale for implementation have been submitted to and approved by the local planning authority.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

12. No development shall take place on an individual plot or phase until details of the proposed means of disposal of foul water drainage for that phase including details of any balancing works and off-site works have been submitted to and approved by the local planning authority.

Reason: This is a pre-commencement condition for each phase since it is necessary to have this information before substantial works commence to ensure that the development can be properly drained.

15. Applications for the approval of the Reserved Matters for any part of the site referred to in Condition Nos 1 and 2 shall include details to demonstrate that the design specifications set out in the letter dated 19 September 2013 from Sherburn Aero Club Ltd to Iain Bath Planning and as shown on drawing no. 1695 127 have been taken into account as part of the scheme proposals and in consultation with Sherburn Aero Club.

Reason: In the interests of aviation safety.

18. The Reserved Matters to be submitted for each phase of the site pursuant to Conditions 1 and 2 shall include a Noise Impact Assessment in line with relevant guidance in force at the time* and noise monitoring methodology and criteria that have previously been submitted to and agreed in advance by the local planning authority. The designed mitigation shall ensure that the cumulative impact of the site shall not exceed a rating level of 5dB above the agreed noise criteria. All works which form part of the approved scheme for each phase shall be completed before any part of that phase is first occupied and shall thereafter be retained and maintained as such.

Reason: In order to protect residential receptors adjacent to the site such that the need for mitigation can be designed for each building/phase as the site develops taking account of the previously approved phase and mitigation in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

The proposed revision to Condition 18 means that Informative 3 and the Table beneath it on p.107 of the Officer Report are recommended to be deleted with the new drafting of Condition 18 above.

All other parts of the recommendation and the proposed conditions are unchanged.

Item 6.4

APPLICATION NUMBER:	2018/0642/FUL	PARISH:	Monk Fryston Parish Council
APPLICANT:	Ms Helen Ripley	VALID DATE: EXPIRY DATE:	11 June 2018 6 August 2018 Extension of time agreed until 12 October 2018
PROPOSAL:	Partial demolition of existing bungalow and erection of 3 No detached dwellings		
LOCATION:	The Bungalow 31 Lumby Hill Monk Fryston		
RECOMMENDATION:	APPROVE		

As a result of checking the final draft of the proposed conditions on any approval with the Highway Authority, it has been noticed that recommended Condition 10 has an error within it where the 'x' distance stated as 2.4m should in fact read 2m.

Thus the revised Condition 10 should read:

10. The first dwelling hereby approved to be occupied shall not be occupied until visibility splays providing clear visibility of 45m measured along both channel lines of Lumby Hill from a point measured 2.0m down the centre line of the access have been provided.

Reason: In order to ensure the provision of a satisfactory means of access to serve the increased numbers of dwellings in the interests of vehicle and pedestrian safety and convenience to accord with local plan Policy T2.

All other parts of the recommendation and the proposed conditions are unchanged.