

## Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 10 October 2018
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair  Councillors D Buckle, J Deans, R Packham, P Welch and D White
Officers Present:	Martin Grainger, Head of Planning, Ruth Hardingham, Planning Development Manager, Sarah Morton, Solicitor, Paul Edwards, Principal Planning Officer, Jenny Tyreman, Senior Planning Officer and Victoria Foreman, Democratic Services Officer
Press:	0
Public:	10

### **20 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Liz Casling, Ian Chilvers, Richard Musgrave and Dave Peart.

Councillor David Buckle was in attendance as a substitute for Councillor Casling. Councillor Ian Reynolds was in attendance as a substitute on behalf of Councillor Peart.

### **21 DISCLOSURES OF INTEREST**

All Committee Members declared that they had received representations in relation to agenda item 6.2 – 2018/0800/FUL – Quarry Drop, Westfield Lane, South Milford, but had not expressed opinions on the scheme.

Councillor Ian Reynolds declared a personal and pecuniary interest in agenda item 6.1 – 2017/1052/FUL – Red House Farm, Main Street, Skipwith and confirmed that he would leave the meeting during consideration of the

application and would therefore not take part in the debate or vote.

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

The Chairman informed the Committee that an officer update note had been circulated.

The Committee noted that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. The order of business would therefore be as follows:

1. 2017/1052/FUL – Red House Farm, Main Street, Skipwith, Selby
2. 2018/0800/FUL – Quarry Drop, Westfield Lane, South Milford, Leeds
3. 2018/0697/OUTM – Land at former airfield, Lennerton Lane, Sherburn in Elmet
4. 2018/0579/FUL – 215 Weeland Road, Knottingley
5. 2018/0642/FUL – The Bungalow, 31 Lumby Hill, Monk Fryston
6. 2015/1405/OUT – Selby Road, Camblesforth

The Chair was pleased to announce that at the Yorkshire 'Insider' Property Industry Awards Selby District Council had won local authority of the year, in recognition of the work of both the Planning and Economic Development Teams. The Committee agreed that the award was a great tribute to the quality of the work across the whole service.

The Committee were also informed that item 6.2 – 2018/0800/FUL - Quarry Drop, Westfield Lane, South Milford, Leeds would be audio recorded.

## **23 SUSPENSION OF COUNCIL PROCEDURE RULES**

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

### **RESOLVED:**

**To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.**

## **24 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 5 September 2018.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 5 September 2018 for signing by the Chairman.**

## **25 PLANNING APPLICATIONS RECEIVED**

The Committee considered the following applications:

**25.1 2017/1052/FUL - RED HOUSE FARM, MAIN STREET, SKIPWITH, SELBY**

***Councillor Ian Reynolds left the meeting at this point.***

**Application:** 2017/1052/FUL

**Location:** Red House Farm, Main Street, Skipwith, Selby

**Proposal:** Proposed demolition of existing buildings to provide 8 No. dwellings, garages and parking

The Senior Planning Officer presented the application which had been brought to committee because it was a departure from the Development Plan, but there were material considerations which would justify approval of the application. In addition, more than 10 letters of representation had been received, which raised material planning considerations, and officers would otherwise recommend the application contrary to these representations.

The Committee noted that the application was for the proposed demolition of existing buildings to provide 8 No. dwellings, garages and parking.

In relation to the officer update note, the Committee acknowledged that clarification was given on the 'fall-back', which was discussed between sections 4.8 and 4.12 of the report. As no prior approval application had been submitted for the site, limited weight could 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 was for the comprehensive re-development of the site, which officers considered to be more appropriate to the site and to the locality than the aforementioned piecemeal form of development. This approach also reduced development into the open countryside.

As a result and following consultation with the agent in relation to pre-commencement conditions, it was considered reasonable that Condition 12 be amended. The agent had confirmed in writing their agreement to the pre-commencement conditions recommended being attached to any planning permission granted, those being Conditions 08, 11 and amended Condition 12. Lastly, Members were informed that an amended location plan had been submitted and that Condition 2 also required amending, as set out in the officer update note.

Members queried whether officers would still have recommended approval of the scheme had a fall-back position not been proposed; officers confirmed that they would.

Michael Ward, representing Skipwith Parish Council, spoke in objection to the application.

Jennifer Hubbard, agent, spoke in favour of the application.

Members agreed that the scheme needed to be considered on its merits and that there were no viable reasons for refusal.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To APPROVE the application subject to the conditions set out in paragraph 6 of the report, with the wording of Conditions 2 and 12 amended by way of the Officer Update Note.**

**25.2 2018/0800/FUL - QUARRY DROP, WESTFIELD LANE, SOUTH MILFORD, LEEDS**

***Councillor Ian Reynolds returned to the meeting at this point.***

**Application:** 2018/0800/FUL

**Location:** Quarry Drop, Westfield Lane, South Milford, Leeds

**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.

The Senior Planning Officer presented the application which had been brought to committee because 10 letters of representation had been received which raised material planning considerations, and officers would otherwise determine the application contrary to these representations.

Members noted that the application was a Section 73 application to vary Condition 04 (drawings) of approval

2010/0507/FUL for the construction of a five bedroom, three storey detached house.

In relation to the officer update note, the Committee acknowledged that since the agenda had been published, the applicant's appeal for non-determination of the application had been validated by the Planning Inspectorate. As such, it was no longer possible for the Council to determine the application. Given this, Planning Committee was requested to consider what decision the Council would have been 'minded to' make in respect of this development, in order that Officers could use this as evidence in the Council's written representations on the appeal. As set out in Section 6 of the report, Officers recommended the application was approved, subject to three conditions. It was also proposed in the officer update note that Condition 2 be amended.

David Cook, objector, spoke in objection to the application.

Ian Lindsay, applicant, spoke in favour of the application.

It was queried by Members if it was possible to lawfully add a condition to the application relating to a scheme completion date; officers stated that this was not advisable as a condition requiring a development to be completed in its entirety would fail the test of necessity and would also likely be difficult to enforce, but that the use of a completion notice would be explored.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**The Committee were minded to APPROVE the application subject to the conditions set out in paragraph 6 of the report with the wording of Condition 2 amended by way of the Officer Update Note.**

**25.3 2018/0697/OUTM - LAND AT FORMER AIRFIELD, LENNERTON LANE, SHERBURN IN ELMET**

**Application:** 2018/0697/OUTM

**Location:** Land at former airfield, Lennerton Lane, Sherburn in Elmet

**Proposal:** 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 B1, B2 and B8 commercial floorspace without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016

The Principal Planning Officer presented the application which had been brought before Members since the scheme of delegation required Departure applications which were recommended for approval to come to Committee. Although there were three previous approvals (in outline) for this development on this site there was no discretion in the Scheme of Delegation for this instance, even where work had lawfully commenced under the previous consent(s). Thus this application must be determined by Committee and it was considered that there were material considerations that would justify approving the application.

Members noted that the application was a 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 B1, B2 and B8 commercial floorspace without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016.

In relation to the officer update note, the Committee acknowledged that as a result of ongoing discussions 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 had been further amended with the agreement of the relevant statutory and non-statutory consultees (neighbours). Condition 8 on the existing schedule of conditions was proposed to be deleted since it could be dealt with through the necessary submission of a Construction Management Plan.

Members noted that the revised drafts of conditions recommended for amendment were set out in the officer update note.

The Committee asked the Principal Planning Officer questions in relation to the amended conditions, the upgrade work that would be required to the roads following construction of the business park and ensuring applicants worked collaboratively on any such road works.

It was proposed and seconded that the application be

approved.

**RESOLVED:**

**To APPROVE the application subject to delegation being given to officers to complete the Deed of Variation to the original Section 106 agreement and the conditions set out in paragraph 6 of the report and the officer update note.**

**25.4 2018/0579/FUL - 215 WEELAND ROAD, KNOTTINGLEY**

**Application:** 2018/0579/FUL

**Location:** 215 Weeland Road, Knottingley

**Proposal:** Proposed redevelopment of site to form one 4-bedroom detached house

The Principal Planning Officer presented the application which had been brought before Members because the scheme of delegation required Departure applications which were recommended for approval to come to Committee.

Members noted that the application was for the proposed redevelopment of the site to form one 4-bedroom detached house.

The Committee felt that it would be appropriate to impose an additional condition to restrict construction/working hours in order to protect the amenity of neighbouring properties. Members agreed that working hours should be restricted to 8am to 6pm, Monday to Friday, 9am to 1pm on Saturdays and that no work take place on Sundays or Bank Holidays.

It was proposed and seconded that the application be approved with the additional condition for working hours, as detailed above.

**RESOLVED:**

**To APPROVE the application subject to the conditions set out in paragraph 6 of the report, and an additional condition that restricted working hours to 8am to 6pm Monday to Friday, 9am to 1pm on Saturdays, and that no work could take place on Sundays or Bank Holidays.**

**25.5 2018/0642/FUL - THE BUNGALOW, 31 LUMBY HILL, MONK FRYSTON**

**Application:** 2018/0642/FUL

**Location:** The Bungalow, 31 Lumby Hill, Monk Fyston

**Proposal:** Partial demolition of existing bungalow and erection of 3 No detached dwellings

The Principal Planning Officer presented the application which had been brought before Members since it was a revision of a scheme that was refused by Committee in March 2018, and since the negotiated changes had led to an officer recommendation for approval, it was right that this came before Committee.

Members noted that the application was for the partial demolition of an existing bungalow and erection of 3 No detached dwellings.

In relation to the officer update note, the Committee noted that as a result of checking the final draft of the proposed conditions on any approval with the Highway Authority, it was noticed that recommended Condition 10 had an error within it, where the 'x' distance stated as 2.4m should in fact read 2m.

Members queried whether taking a decision on this application would have a detrimental effect on the Council's case relating to the current appeal against the Committee's refusal for 5 dwellings on the site in March 2018. Officers confirmed that consideration of this application would not undermine the Council's case at appeal.

The Committee felt that it would be appropriate to impose an additional condition to restrict construction/working hours in order to protect the amenity of neighbouring properties. Members agreed that working hours should be restricted to 8am to 6pm, Monday to Friday, 9am to 1pm on Saturdays and that no work take place on Sundays or Bank Holidays.

It was proposed and seconded that the application be approved with the additional condition for working hours, as detailed above.

**RESOLVED:**

**To APPROVE the application subject to the conditions set out in paragraph 6 of the report, and an additional condition**



**that restricted working hours to 8am to 6pm Monday to Friday, 9am to 1pm on Saturdays, and that no work could take place on Sundays or Bank Holidays.**

**25.6 2015/1405/OUT - REQUEST FOR A DEED OF VARIATION TO SECTION 106 AGREEMENT DATED 25 MAY 2017 SEEKING A REDUCTION IN THE PROPORTION OF AFFORDABLE HOUSING TO BE PROVIDED WITHIN SCHEME FOR UP TO 45 DWELLINGS APPROVED UNDER REFERENCES 2015/1405/OUT (OUTLINE) AT SELBY ROAD, CAMBLESFORTH**

**Application:** 2015/1405/OUT

**Location:** Selby Road, Camblesforth

**Proposal:** Request for a Deed of Variation to Section 106 agreement dated 25 May 2017 seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 45 dwellings approved under references 2015/1405/OUT (outline) at Selby Road, Camblesforth

The Principal Planning Officer presented the application which had been brought before Members for consideration due to it being a proposal to reduce the percentage of on-site affordable housing from the 40% agreed by Members in 2015.

Members noted that the application was a request for a Deed of Variation to Section 106 agreement dated 25 May 2017, seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 45 dwellings approved under references 2015/1405/OUT (outline) at Selby Road, Camblesforth.

Members expressed frustration that developers did not produce reliable viability calculations before applying for planning permission, therefore resulting in situations where schemes with acceptable levels of affordable housing having these levels amended after permission had been granted.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To APPROVE the request for a Deed of Variation, subject to delegation being given to Officers to complete a Deed of Variation to the original Section 106**

**agreement to reduce the overall provision of affordable housing to 22.22%, with tenure split circa of 70/30 between affordable rent and intermediate. This variation shall be time limited for a period of 3 years from the date of the decision.**

The meeting closed at 3.40 pm.