

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 16 January 2019
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors D Peart (Vice-Chair), I Chilvers, J Deans, R Musgrave, R Packham and P Welch
Officers Present:	Martin Grainger, Head of Planning, Ruth Hardingham, Helen Robinson, Solicitor, Planning Development Manager, Paul Edwards, Principal Planning Officer, Yvonne Naylor, Principal Planning Officer, Rachel Smith, Principal Planning Officer, Jenny Tyreman, Senior Planning Officer, Simon Eades, Laura Holden, Planning Officer, Victoria Foreman, Democratic Services Officer
Press:	0
Public:	25

38 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Casling and D White.

39 DISCLOSURES OF INTEREST

Councillor R Musgrave declared a non-pecuniary interest in agenda item 6.9 – 2018/0743/FUL - Former Mushroom Farm, Gateforth New Road, Brayton as knew the applicant. Councillor Musgrave confirmed that he would leave the meeting during consideration of the application and would therefore not take part in the debate or vote.

40 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reminded Committee that the agenda for the meeting was a busy one and as such, should the meeting reach three hours in length, a vote to

continue would need to be taken.

The Chair also 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. 2017/0701/OUT – Yew Tree House, Main Street, Kelfield
2. 2018/1123/REM – Land at Broach Lane, Kellington
3. 2018/1108/FUL – Land To Rear Of The Lodge, 23 Selby Road, Riccall
4. 2018/0742/FULM – Level Crossing on Cow Lane, Cow Lane, Womersley
5. 2018/1043/OUT – 1 The Bungalow, Weeland Road, Eggborough
6. 2018/0743/FUL – Former Mushroom Farm, Gateforth New Road, Brayton
7. 2018/1402/DOV – Pinfold Garth, Sherburn in Elmet
8. 2018/0941/OUT – Castle Close, Cawood
9. 2017/0872/FUL – Land at Wharfe Bank, Tadcaster
10. 2018/0450/FULM – Dovecote Park, Bankwood Road, Stapleton
11. 2018/1141/OUT – 25 Sand Lane, South Milford, Leeds
12. 2018/1424/DOV – Land to the West of Mill Hill Cottage, Hull Road, Osgodby

Lastly, the Committee acknowledged that agenda item 6.10 – 2018/0562/FULM – Ibbotsons, Mill Hill had been pulled from the agenda and would not be considered at the meeting.

41 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.

42 MINUTES

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

RESOLVED:

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

43 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications.

44 2017/0701/OUT - YEW TREE HOUSE, MAIN STREET, KELFIELD, YORK

Application: 2017/0701/OUT

Location: Yew Tree House, Main Street, Kelfield

Proposal: Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved)

The Senior Planning Officer presented the application which had been brought back before Planning Committee following consideration at the 5 December 2018 Planning Committee where Officers recommended refusal of the application but Members resolved the following:

“The Committee were minded to APPROVE the application, and asked Officers to bring back to Committee suitably worded conditions to limit the number of properties on the site to the number proposed in the outline application.”

The Committee noted that the application was an outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved).

Officers explained that since the Planning Committee meeting in December 2018, legal advice had been sought on the appropriateness of proposed conditions limiting the number of properties at the site. A recent appeal decision against grant of outline planning permission at Barff Lane, Brayton, where a condition was attached limiting the number of properties on the site, was rejected by the Inspector and costs awarded against the Council. The Committee noted that the legal advice in relation to the application for Yew Tree House was that a condition restricting the number of dwellings on the site would not be appropriate, and Officers therefore did not recommend that such a condition be attached to any planning permission granted.

In relation to the officer update note, the Committee acknowledged that condition 12 on page 24 of the agenda had been amended, and noted that all pre-commencement conditions recommended to be attached had the prior written agreement of the applicant.

Nigel Drayton, Kelfield Parish Council, spoke in objection to the application.

Melissa Madge, agent, spoke in support of the application.

Members considered the application in full and accepted the Officer advice regarding a condition limiting the number of properties on site.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to conditions set out in paragraph 3 of the report and the officer update note.

45 2018/1123/REM - LAND AT BROACH LANE, KELLINGTON, GOOLE

Application: 2018/1123/REM

Location: Land At Broach Lane, Kellington, Goole

Proposal: Reserved matters application including access, appearance, landscaping, layout and scale of approval APP/N2739/W/15/3136685 (2015/0546/OUT) for erection of 3 bungalows and 1 dormer bungalow

The Senior Planning Officer presented the application which had been brought before Planning Committee as at least 10 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations.

The Committee noted that the application was a reserved matters application including access, appearance, landscaping, layout and scale of approval APP/N2739/W/15/3136685 (2015/0546/OUT) for erection of 3 bungalows and 1 dormer bungalow.

Councillor John McCartney, Kellington Parish Council, spoke in objection to the application.

Councillor Mary McCartney, local Member, spoke in objection to the application.

Members queried if concerns had been raised by the Planning Inspector relating to the non-linear layout of the scheme; Officers confirmed that this had not been raised as an issue by the Inspector.

Members were mindful of the outline approval granted at appeal with all matters reserved for future consideration, and acknowledged that the principle of development had been established through the outline permission and only reserved matters could be considered at the meeting. The Committee agreed that the proposal would not result in detrimental impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, or highway safety.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to conditions set out in paragraph 6 of the report.

46 2018/1108/FUL - LAND TO REAR OF THE LODGE, 23 SELBY ROAD, RICCALL, YORK

Application: 2018/1108/FUL

Location: Land To The Rear Of, The Lodge, 23 Selby Road, Riccall, York

Proposal: Proposed erection of amenity block following demolition of existing stables

The Planning Officer presented the application which had been brought before Planning Committee as more than 10 objections had been received contrary to the Officer recommendations to approve the application.

The Committee noted that the application was for the proposed erection of amenity block following demolition of existing stables.

Members asked for clarification regarding the definition of amenity uses and if this included social activities; Officers confirmed that the amenity uses for this application were only as detailed in the application, i.e. office, cloakroom, laundry and storage.

Mark Newby, on behalf of objectors, spoke in objection to the application.

During the representations made on behalf of the objectors, a question was raised as to whether the correct ownership certificate for the site had been submitted with the application. This led Members to question whether the application had been correctly validated. It was felt that this matter required further investigation and that the application should not be considered any further until this had been clarified.

It was proposed and seconded that the application be deferred.

RESOLVED:

To DEFER consideration of the application until Officers have checked that the correct certificate of ownership for the site had been submitted and that it was therefore a correctly validated application.

47 2018/0742/FULM - LEVEL CROSSING ON COW LANE, COW LANE, WOMERSLEY, DONCASTER

Application: 2018/0742/FULM

Location: Level Crossing On Cow Lane, Cow Lane, Womersley, Doncaster

Proposal: Proposed new access road to serve existing agricultural fields on the north-eastern side of the railway line together with the formation of a turning head adjacent to Cow Lane to allow the removal of vehicular crossing rights over Post Office Lane Level Crossing

The Principal Planning Officer presented the application which had been brought before Planning Committee because it constituted inappropriate development within the Green Belt.

The Committee noted that the application was for proposed new access road to serve existing agricultural fields on the north-eastern side of the railway line together with the formation of a turning head adjacent to Cow Lane to allow the removal of vehicular crossing rights over Post Office Lane Level Crossing.

In relation to the officer update note, the Committee acknowledged that the pedestrian bridge no longer formed part of the application, the pre-

commencement conditions included in the recommended conditions had been agreed by the applicant, the recommendation for approval was subject to no objection being received from the Highways Authority and changes had been made to conditions 2 and 3.

Councillor John McCartney, on behalf of Womersley Parish Council, spoke in objection to the application.

Diane Cragg, applicant (Network Rail), spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to no adverse comments being received from the Highway Authority and the conditions set out in paragraph 5 of the report and the officer update note.

48 2018/1043/OUT - 1 THE BUNGALOW, WEELAND ROAD, EGGBOROUGH, GOOLE

Application: 2018/1043/OUT

Location: 1 The Bungalow, Weeland Road, Eggborough, Goole

Proposal: Outline application for up to 6 dwellings including access with all other matters reserved

The Senior Planning Officer presented the application which had been brought before Planning Committee as 10 letters of representation had been received which raised material planning considerations and Officers would otherwise determine the application contrary to these representations.

The Committee noted that the application was an outline application for up to 6 dwellings including access with all other matters reserved.

Officers confirmed that the application site was located partly in Eggborough Parish, and partly in Kellington Parish, and was not outside development limits.

Members acknowledged that the existing bungalow on the site would be demolished as part of the application, and that the details of parking on the site would be considered at the later reserved matters stage as part of the layout of the development; the Committee were only being asked to consider access to the site in the application before them.

Councillor Mary McCartney, local Member, spoke in objection to the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to conditions set out in paragraph 6 of the report.

49 2018/0743/FUL - FORMER MUSHROOM FARM, GATEFORTH NEW ROAD, BRAYTON, SELBY

Councillor R Musgrave left the meeting at this point.

Application: 2018/0743/FUL

Location: Former Mushroom Farm, Gateforth New Road, Brayton, Selby

Proposal: Demolition of buildings and removal of concrete hard standing and redevelopment of site to create a retirement village comprising a change of use of land to site 168 residential park home caravans, temporary reception lodge, shop and sales office, community centre with meeting hall, kitchen, toilets, office, shop, outdoor terrace, village green, and provision of lakes, ponds, public and private amenity spaces, estate roads, car parking, bus laybys, refuse stores, maintenance building and yard

The Principal Planning Officer presented the application which had been brought before Planning Committee as the application was a departure from the Development Plan and there were material considerations which would support the recommendation for approval.

The Committee noted that the application was for demolition of buildings and removal of concrete hard standing and redevelopment of site to create a retirement village comprising a change of use of land to site 168 residential park home caravans, temporary reception lodge, shop and sales office, community centre with meeting hall, kitchen, toilets, office, shop, outdoor terrace, village green, and provision of lakes, ponds, public and private amenity spaces, estate roads, car parking, bus laybys, refuse stores, maintenance building and yard.

In relation to the officer update note, the Committee acknowledged that further detail had been provided regarding additional representations from the Council's Contaminated Land Consultant and the Highways Authority. Members also noted that no planning obligation was required regarding the offered shuttle bus, and that a number of changes had been made to various conditions.

Phil Brierley, applicant, spoke in support of the application.

Members agreed that the site in question required redevelopment and supported the application.

It was proposed and seconded that the application be approved.

RESOLVED:

The Committee was MINDED TO APPROVE the application subject to the delegation of authority to the Planning Development Manager to approve the application subject to

the conditions set out at paragraph 7 of the report and in the officer update note. The delegation shall include the alteration, addition or removal of conditions from those set out if amendment becomes necessary as a result of continuing negotiations with the Highway Authority and advice, and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of Committee.

50 2018/1402/DOV - REQUEST FOR A DEED OF VARIATION TO SECTION 106 AGREEMENT SEEKING A REDUCTION IN THE PROPORTION OF AFFORDABLE HOUSING TO BE PROVIDED WITHIN SCHEME FOR UP TO 60 DWELLINGS APPROVED UNDER REFERENCES 2016/1256/OUTM (OUTLINE) AT PINFOLD GARTH SHERBURN IN ELMET

Application: 2018/1402/DOV

Location: Pinfold Garth, Sherburn in Elmet

Proposal: Request for a Deed of Variation to Section 106 agreement seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 60 dwellings approved under references 2016/1256/OUTM (outline) at Pinfold Garth Sherburn in Elmet

The Principal Planning Officer presented the matter to Planning Committee for consideration due to it being a proposal to reduce the percentage of on-site affordable housing from the 40% agreed by Members in June 2017.

The Committee noted that the matter was a request for a Deed of Variation to Section 106 agreement seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 60 dwellings approved under references 2016/1256/OUTM (outline) at Pinfold Garth Sherburn in Elmet.

In relation to the officer update note, the Committee acknowledged that the scheme would deliver 25% provision of affordable housing via 15 units, not 20% as stated in the summary. An executive summary of the Viability Assessment had been provided by the applicants, as well as a revised plan of the site showing the placement of the affordable units.

Members queried how the split between shared ownership and social rent was arrived at, and the layout of the affordable properties on the site. Officers confirmed that the divide was a straight 50/50 split, and that Housing Trusts often preferred affordable units to be grouped together on site as this was easier for maintenance and management.

Lucie Jowett, agent, spoke in support of the application.

It was proposed and seconded that the request for the Deed of Variation 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 25%, with tenure split as per Plan PA-HL-18 Revision C shared ownership and social rent. The variation shall be time limited for a period of 3 years from the date of the decision.

51 2018/0941/OUT - CASTLE CLOSE, CAWOOD, SELBY

Application: 2018/0941/OUT

Location: Castle Close, Cawood, Selby

Proposal: Section 73 Variation of condition 21 (plans) of approval 2015/0518/OUT Proposed outline application for the residential development (access and layout to be approved all other matters reserved) for 17 dwellings with garages, creation of access road and associated public open space following demolition of existing garages at land to the north west

The Principal Planning Officer presented the application which had been brought before Planning Committee because it sought to vary application 2015/0518/OUT which was a departure from the Development Plan. It was considered however that there were material considerations which justified approval of the application. The current application sought to vary that permission and therefore it did not fall within the Scheme of Delegation.

The Committee noted that the application was an application for a retrospective change of use of agricultural buildings to B8 (Storage & Distribution); erection of enlarged commercial building (B8) following demolition of existing general purpose agricultural building & improvements to existing site access (New Red Line).

In relation to the officer update note, the Committee acknowledged that clarification was required in relation to newt mitigation and a Deed of Variation in respect of the Section 106 associated with application 2015/0518/OUT. An updated ecological report had been submitted by the applicant, which contained specific mitigation enabling a more precise condition to be added. The County Ecologist had been re-consulted on the updated report and it was confirmed that the development would not be detrimental to the maintenance of the Great Crested Newt population; condition 12 had been revised accordingly, and condition 21 revised to make specific reference to the habitat survey.

Lucie Jowett, agent, spoke in support of the application.

Officers confirmed that the District Valuer had been consulted in relation to the level of affordable housing.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

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- i. the conditions set out in paragraph 5 of the report and the officer update note;
- ii. clarification in relation to newt migration; and
- iii. a deed of variation in respect to the Section 106.

52 2017/0872/FUL - LAND AT WHARFE BANK, TADCASTER

Application: 2017/0872/FUL

Location: Land At Wharfe Bank, Tadcaster

Proposal: Proposed installation of a recreational raised seating area over the existing temporary bridge foundation

The Senior Planning Officer presented the application which had been brought before Planning Committee at the discretion of the Head of Planning.

The Committee noted that the application was for the proposed installation of a recreational raised seating area over the existing temporary bridge foundation.

In relation to the officer update note, the Committee acknowledged that all pre-commencement conditions that had been recommended had the prior written agreement of the applicant.

Members queried the accessibility of the site for non-ambulant members of the public; Officers advised that the scheme incorporates the provision of ramped access to the recreational raised seating area within the land which forms part of the application site. It was advised that to the north west of the application site (outside of the red edge) there are existing kissing gates to access the riverside public footpath walks, however these are outside the application site and the applicant does not have control over this area or the removal of the kissing gates. Access to the riverside and Local Amenity Space for non-ambulant members of the public therefore would remain as at present.

Lisa Teasdale, objector, spoke in objection to the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to conditions set out in paragraph 6 of the report.

53 2018/0450/FULM - DOVECOTE PARK, BANKWOOD ROAD, STAPLETON, PONTEFRACT

Application: 2018/0450/FULM

Location: Dovecote Park, Bankwood Road, Stapleton, Pontefract

Proposal: Proposed erection of a new dry aged chiller and extension to the

fat processing room and retrospective extensions to the venison lairage facility

The Senior Planning Officer presented the application which had been brought before Planning Committee as it constituted inappropriate development in the Green Belt.

The Senior Planning Officer stated that the applicant had coherently and cogently demonstrated that there were overwhelming benefits arising from the proposal. The case for very special circumstances considered cumulatively had been made. Members acknowledged therefore that the case put forward for very special circumstances by the applicant outweighed any harm by virtue of inappropriateness, and any other harm in terms of openness or the visual amenities of the Green Belt.

The Committee noted that the application was for the proposed erection of a new dry aged chiller and extension to the fat processing room and retrospective extensions to the venison lairage facility.

It was proposed and seconded that the application be approved.

RESOLVED:

- i. The Committee were MINDED TO APPROVE the application subject to the conditions set out at paragraph 7 of the report.**
- ii. That authority be given to refer the application to the Secretary of State under the 2009 Consultation Direction with the indication that the authority is minded to approve it.**
- iii. That in the event that the application is not called-in, authority be delegated to the Planning Development Manager to approve the application in accordance with the conditions set out paragraph 7 of the report and the officer update note, and subject to any necessary changes to them subsequent to the Minister's decision.**
- iv. That in the event the application is called-in, a further report be presented to Committee to outline the authority's case in support and the other and financial implications.**

54 2018/1141/OUT - 25 SAND LANE, SOUTH MILFORD, LEEDS

Application: 2018/1141/OUT

Location: 25 Sand Lane, South Milford, Leeds

Proposal: Outline application (with all matters reserved) for demolition of existing buildings and erection of a residential development

The Senior Planning Officer presented the application which had been brought

before Planning Committee as at least 10 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations.

The Committee noted that the application was an outline application (with all matters reserved) for demolition of existing buildings and erection of a residential development.

Members acknowledged that with regards to the loss of the shop there was alternative provision of a similar type within walking distance, therefore satisfying the requirements of policy S3(B).

The Committee expressed their support for the informative that the indicative layout plans submitted with the application had been dealt with on that basis and did not form a part of the approval; it had been advised that the indicative three pairs of semi-detached properties would not be in keeping with the character of the locality and would therefore, without prejudice, not have the authority's support.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to conditions set out in paragraph 6 of the report.

55 2018/1424/DOV - REQUEST FOR DEED OF VARIATION TO SECTION 106 AGREEMENT DATED 2 DECEMBER 2015 SEEKING THE REMOVAL OF THE AFFORDABLE HOUSING REQUIREMENT ASSOCIATED WITH A SCHEME FOR RESIDENTIAL DEVELOPMENT WITH ALL MATTERS RESERVED APPROVED UNDER REFERENCE 2015/0433/OUT ON LAND TO THE WEST OF MILL HILL COTTAGE, HULL ROAD, OSGODBY

Application: 2018/1424/DOV

Location: Mill Hill Cottage, Hull Road, Osgodby

Proposal: Request for a Deed of Variation to Section 106 agreement dated 2 December 2015 seeking the removal of the affordable housing requirement associated with a scheme for residential development with all matters reserved approved under reference 2015/0433/OUT on land to the west of Mill Hill Cottage, Hull Road, Osgodby

The Senior Planning Officer presented the matter to Planning Committee for consideration due to it being a proposal to amend the affordable housing contribution agreed by Members on 9 September 2015.

The Committee noted that the matter was a request for a Deed of Variation to Section 106 agreement dated 2 December 2015 seeking the removal of the affordable housing requirement associated with a scheme for residential development with all matters reserved approved under reference 2015/0433/OUT on land to the west of Mill Hill Cottage, Hull Road, Osgodby.

In relation to the officer update note, the Committee acknowledged that since the report in the agenda had been written, the Parish Council had commented on the application and stated that there should be no additions to the site if the affordable housing requirement was removed. As set out in the report at paragraph 3.2, no further reserved matters applications could be submitted pursuant to outline planning permission; Officers would not accept any amendments to the current application which would result in an increase in the number of dwellings over the threshold of 10.

It was proposed and seconded that the request for the Deed of Variation 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 remove the requirement for affordable housing associated with a scheme for residential development with all matters reserved approved under reference 2015/0433/OUT on land to the west of Mill Hill Cottage, Hull Road, Osgodby. The variation shall be time limited for a period of 3 years from the date of the decision.

The meeting closed at 4.40 pm.