

## Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Wednesday, 20 March 2019

Time: 2.00 pm

Present: Councillor J Cattnach in the Chair

Councillors D Peart (Vice-Chair), I Chilvers, R Musgrave, R Packham, P Welch and D White

Officers Present: Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Sarah Morton - Senior Solicitor, Julian Rudd - Head of Economic Development and Regeneration, Emily Mellalieu -Transport and Development (North Yorkshire County Council), Paul Roberts - Transport and Development (North Yorkshire County Council), Paul Edwards -Principal Planning Officer, Fiona Ellwood - Principal Planning Officer, Rebecca Leggott - Senior Planning Officer, Laura Holden - Planning Officer, Frances Maxwell - Solicitor, Victoria Foreman - Democratic Services Officer

Press: 1

Public: 8

### **50 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Casling and J Deans. Councillor I Reynolds was in attendance as a substitute for Councillor L Casling.

### **51 DISCLOSURES OF INTEREST**

Councillor J Cattnach declared a non-pecuniary interest in agenda item 6.3 – 2018/0818/EIA – Gascoigne Wood Rail Freight Interchange, Former Gascoigne Wood Mine, New Lennerton Lane, Sherburn in Elmet, and confirmed that he would leave the meeting during consideration thereof.

Councillor D Peart would chair the meeting during consideration of the item.

Councillor D White declared that she had received representations in relation to agenda item 6.3 – 2018/0818/EIA – Gascoigne Wood Rail Freight Interchange.

Councillor I Reynolds declared that he had had discussions relating to agenda item 6.5 – Land to the rear of The Lodge, 23 Selby Road, Riccall with the residents whose property backed onto the application site, but had not expressed opinions on the scheme and had kept an open mind.

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

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

Members noted that application 6.2 – Gale Common Moto Park had been withdrawn from the agenda and would therefore not be considered at the meeting. The Planning Development Manager explained the reasons for the report being withdrawn.

A report had been prepared and circulated to the Committee as part of the agenda. Section 7 of the report included information about potential enforcement options relating to previous breaches of planning control. It was made clear to Members that the information in the report about potential enforcement action was not relevant to the decision the Committee would be asked to make regarding planning permission.

The Committee noted that planning enforcement was a delegated power to the Head of Planning and therefore references to planning enforcement made in the report were irrelevant. The matter would come back to the Committee at a later date, with a new report having been written which would supersede the report included on the current agenda; Members were asked to ignore the withdrawn report and note that breaches of planning control should not be considered as part of their future deliberations on the scheme.

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. 2018/1108/FUL – Land to the Rear of The Lodge, 23 Selby Road
2. 2017/0219/FUL - New House, Wistowgate, Cawood
3. 2018/0898/EIA – Kingspan Ltd., Enterprise Way, Sherburn in Elmet
4. 2018/0818/EIA – Gascoigne Rail Freight Interchange

## **53 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.**

**54 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 6 February 2019.

**RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 6 February 2019 for signing by the Chairman.**

**55 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following applications:

**55.1 2018/1108/FUL - LAND TO REAR OF, THE LODGE, 23 SELBY ROAD, RICCALL**

**Application:** 2018/1108/FUL

**Location:** Land to the Rear Of The Lodge, 23 Selby Road, Riccall

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

The Planning Officer presented the application which had been brought back to Planning Committee following consideration at the 16 January 2018 meeting, where Members resolved to defer the application due to an objection which raised concerns over the ownership of the land. Since the 16 January 2018 resolution of Planning Committee, the applicant's agent submitted information clarifying that the applicant does own the land, and the correct ownership certificate had been signed.

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

In relation to the officer update note, the Committee acknowledged that following completion of the officer's report an amended red boundary line was submitted by the applicant, alongside additional information to clarify that the applicant owned the land and the correct ownership certificate had been submitted. Following receipt of the amended red line boundary, the neighbours were re-consulted.

Members noted that a further objection was received which disputed the land ownership; the objection included land registry evidence to show that the amended red line boundary was incorrect. Subsequently, officers carried out a land registry search which also raised doubt regarding the amended red line boundary. Discussions were undertaken with the applicant's agent resulting in a further amendment to the red line, which accorded with the evidence submitted by the objector and was included in the officer presentation. The amended red line boundary had been reduced slightly and was not considered to be a significant change and therefore did not alter the assessment of the application.

Claire Northern, applicant, spoke in support of the application.

Members queried whether the holiday lodges on the site would be twelve month occupancy; officers confirmed that the occupancy of the lodges was not relevant to the determination of the application. The Committee also emphasised importance of the propane gas being stored correctly on site.

It was proposed and seconded that the application be approved.

**RESOLVED:**

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

**55.2 2017/0219/FUL - NEW HOUSE, WISTOWGATE, CAWOOD, SELBY**

**Application:** 2017/0219/FUL

**Location:** New House, Wistowgate, Cawood, Selby

**Proposal:** Proposed conversion of existing residential ancillary building to separate dwelling

The Senior Planning Officer presented the application which had been brought to Planning Committee since it did not accord with Policy H12 (1) of the Selby District Local Plan. The plan required that the conversion of rural buildings to residential use in the open countryside would only be permitted where (amongst other criteria) it could be demonstrated that the building or its location was unsuited to business use or there was no demand for buildings for those purposes in the immediate locality.

Since the proposal would comply with all other relevant criteria, it was considered that there were material considerations which supported the application and the recommendation for approval.

The Committee noted that the application was for the proposed conversion of existing residential ancillary building to separate dwelling

In relation to the officer update note, the Committee acknowledged that since the report was written the applicant had provided additional information on the application. The applicant did not consider that a site visit had been undertaken, and had provided four photographs showing the internal use of the building, two photos of which were taken on 12 March 2019 and two from the website Rightmove dated approximately 2016. The applicant considered the images to show the use of the building as residential. The applicant also considered that the report should be amended at paragraph 1.4 to state that a site visit had not been carried out and evidence had been provided to confirm that the building was currently being used for residential purposes.

Members noted that a site visit had been carried out for the application in October 2017, and there had been a further visit on 18 March 2019; it was not considered that the additional information submitted by the applicant would alter the assessment of the application as a rural building.

In response to Members' queries, officers explained that there was no evidence that the existing building had been partially used as residential, and that as an existing building it would be an exception to the sequential flooding test.

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.**

**55.3 2018/0898/EIA - KINGSPAN INSULATION LTD., ENTERPRISE WAY, SHERBURN IN ELMET**

**Application:** 2018/0898/EIA

**Location:** Kingspan Insulation Ltd., Enterprise Way,

Sherburn in Elmet, North Yorkshire

**Proposal:** Section 73 application to vary condition 02 of approval 2016/1456/EIA Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m<sup>2</sup> Factory Extension and Associated Infrastructure

The Principal Planning Officer presented the application which had been brought to Planning Committee due to it being a variation to an application which was subject to an Environmental Impact Assessment Statement (EIA).

The Committee noted that the application was a Section 73 application to vary condition 02 of approval 2016/1456/EIA Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m<sup>2</sup> Factory Extension and Associated Infrastructure.

In relation to the officer update note, the Committee acknowledged that the wording of the recommendation had been amended to include delegation to the Development Manager, subject to expiry of the statutory EIA advertisement on 30 March 2019 and subject to no new issues arising from the expiry of the advertisement.

Members acknowledged that the increased stack height on the site was best practice in the industry in order to ensure that emissions were carried further up and away from the buildings and general area.

It was proposed and seconded that the application be minded to approve.

**RESOLVED:**

**The Committee were minded to approve with authority to APPROVE the application to be delegated to the Development Manager, subject to the expiry of the advertisement on 30 March 2019 and subject to no new issues arising from the expiry of the advertisement, and subject to the conditions set out in paragraph 6 of the report.**

**55.4 2018/0818/EIA - GASCOIGNE RAIL FREIGHT INTERCHANGE, FORMER GASCOIGNE WOOD MINE, NEW LENNERTON LANE, SHERBURN IN ELMET**

***At this point Councillor J Cattnach vacated the Chair.***

***Councillor D Peart, Vice-Chair, in the Chair.***

**Application:** 2018/0818/EIA

**Location:** Gascoigne Rail Freight Interchange, Former Gascoigne Wood Mine, New Lennerton Lane, Sherburn in Elmet

**Proposal:** Outline planning application with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and construction of up to 186,000 sq m (approx. 2,000,000 sq ft) of Class B2/B8 and associated Class B1 floor space with supporting container storage area and associated buildings, trackside facilities, access and landscaping.

The Principal Planning Officer presented the application which had been brought back to Planning Committee in the light of the resolution in December 2018 when the Committee was minded to refuse the application. Five potential reasons for refusal were given by Committee and officers were instructed to undertake further research and obtain more information in support of the suggested reasons, before bringing the matter back to Committee. The applicant had provided further information in response to the issues raised at Planning Committee and further representations had been received from other interested parties and consultees which needed to be taken into account in coming to an overall decision on the application.

Members noted that Appendices 1, 2 and 3 to the report were in a separate document pack to the agenda for ease of reference.

The Chair informed Members that the Council's Head of Economic Development and Regeneration and representatives from the Highways Authority were in attendance at the meeting to answer Members' questions if required.

The Committee noted that the application was for outline planning permission with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and construction of up to 186,000 sq m (approx. 2,000,000 sq ft) of Class B2/B8 and associated Class B1 floor space with supporting container storage area and associated

buildings, trackside facilities, access and landscaping.

Officers explained that of the five reasons for refusal suggested by the Committee at its meeting in December, officers had only been able to work one of these into a valid reason for refusal. This was set out at paragraph 4.5 of the report:

‘The development of approximately 43ha of unallocated agricultural land unrelated to any existing settlement and without any present relationship or connections to the existing rail freight infrastructure and poorly served by public transport would constitute development in the open countryside that would be of a form, location and a scale that was contrary to Policies SP2 and SP13 of the Selby District Core Strategy Local Plan and saved Policies EMP2 and EMP9 of the Selby District Local Plan.’

In relation to the officer update note, the Committee acknowledged that a hard copy of the Highway Authority note that had previously been circulated to the Committee was attached. The Highways Authority had confirmed that this was the final version. Members noted at paragraph 5 of the note that the Highway Authority was of the opinion that refusal of the application on highway grounds could not be sustained.

Members acknowledged that additional comments from the County Landscape Officer had been the subject of further discussions with the applicants; the County Landscape Officer had confirmed that as a result of these discussions there were no outstanding objections.

In respect of the previous representations made by Sherburn Aero Club, a Joint Position Statement had been agreed between the applicants and the Aero Club, which was also included in the officer update note. The statement anticipated the withdrawal of the Aero Club’s objection, subject to the conclusion of an obligation, the Heads of Terms of which had been agreed by those parties.

Members asked questions of officers on a number of matters, including work on estimating the cumulative impact on traffic in the surrounding areas of Saxton and Sherburn, if viability assessments had been produced for the site, the accuracy of job creation figures, the objections of the Aero Club, ecology matters, the application’s relationship to the Council’s Core Strategy



and Development Plan and the transportation of future workers to and from the site.

Dale Petty, Sherburn Aero Club, spoke to confirm that the Club's objection had been withdrawn on the basis that a Joint Position Statement had now been agreed with the applicants. Mr Brian Bartle of Bartles Chartered Surveyors spoke in objection to the application at the Chair's discretion. The two objectors shared the five minutes and were allocated two and a half minutes each in which to speak.

Stuart Natkus, agent, spoke in support of the application.

Members considered the application in full and expressed their concerns in relation to the scheme. Members felt that the development was not in line with the Council's Core Strategy and NPPF, particularly the amount of employment land, which would be over and above what had been identified as being required in the Core Strategy. Members were of the opinion that the development amounted to unacceptable development in the countryside, and was contrary to policies SP2, SP13, the Core Strategy, ENP2, ENP9 and SP1.

The Committee queried whether the workers at the site would come from Selby District or would need to be brought in from further afield, i.e. West Yorkshire. Members felt that the development was contrary to overarching elements of sustainability as set out in paragraph 8 of the NPPF, as well as undermining the Council's spatial strategy and distorting the Local Plan. In addition, the surrounding road networks and infrastructure would not be able to cope with a scheme of this size.

It was proposed and seconded that the application be refused.

**RESOLVED:**

**To REFUSE the application based on the officers recommended reason for refusal and subject to the following additional reasons proposed by the Committee:**

- i. The proposed development was unrelated to any existing settlement, poorly served by public transport and involved the**

development of approximately 43ha of unallocated agricultural land including best and most versatile land and would constitute inappropriate development in the open countryside.

- ii. The development would not be sustainable and be of a form, location, scale and extent that was contrary to the Council's Spatial Strategy, and specifically Policies SP1, SP2 and SP13 of the Selby District Core Strategy Local Plan and saved Policies EMP2 and EMP9 of the Selby District Local Plan.
- iii. In addition the three overarching objectives of achieving sustainable development set out in the National Planning Policy Framework would not be satisfied by this development. For the above reasons the application is contrary to the Development Plan and the National Planning Policy Framework and in the opinion of the local planning authority there were no material considerations of sufficient weight to justify overriding these objections.

The meeting closed at 3.33 pm.