

**Officer Update Note
Planning Committee – 9th October 2019**

Item 5.1

APPLICATION NUMBER:	2018/1387/FUL	PARISH:	Cliffe Parish Council Barlby and Osgodby Parish Council
APPLICANT:	Condor Projects Ltd	VALID DATE: EXPIRY DATE:	11 th December 2018 12 th July 2019
PROPOSAL:	Proposed Forming of new storage area, forming of new workshop and use of runway for any day of the week		
LOCATION:	Birchwood Lodge Market Weighton Road Barlby Selby North Yorkshire YO8 5LE		
RECOMMENDATION:	APPROVE		

Since the Officers Report was written a minor typo has been amended including an amendment to condition 12 has been made to refer to 'Public Holidays' rather than 'Bank Holidays'.

Further to this, a copy of the flight log has been provided including flights from March 2019 up to October 8th 2019 has been provided. This is attached as Appendix 1 to this update note.

In considering all of the above, this information this is not considered to alter the assessment made.

Appendix 1 – Flight Log

Birchwood Lodge flight logs - 6 months, April to October 2019

DATE	AIRCRAFT	PILOT	FROM	TO	DEPARTURE	ARRIVAL
28-Mar	Redacted	Redacted	Birchwood Lodge	Birchwood Lodge	14.20	14.55
29-Mar			Birchwood Lodge	Mount Airey	16.40	17.05
19-Apr			Brighton	Birchwood Lodge	13.45	13.55
19-Apr			Birchwood Lodge	Mount Airey	16.00	16.45
19-Aug			Mount Airey	Birchwood Lodge	12.25	13.05
19-Aug			Birchwood Lodge	Brighton	13.40	14.00
19-Aug			Brighton	Birchwood Lodge	14.40	15.05
20-Aug			Birchwood Lodge	Birchwood Lodge	14.45	15.20
23-Aug			Birchwood Lodge	Birchwood Lodge	12.00	12.22
23-Aug			Birchwood Lodge	Brighton	13.30	13.55
23-Aug			Brighton	Birchwood Lodge	14.05	14.20
23-Aug			Birchwood Lodge	Birchwood Lodge	15.55	16.27
03-Sep			Birchwood Lodge	Birchwood Lodge	17.25	18.15
10-Sep			Birchwood Lodge	Brighton	13.30	13.45
10-Sep			Brighton	Birchwood Lodge	14.00	14.45
10-Sep			Birchwood Lodge	Birchwood Lodge	16.10	16.36
14-Sep			Mount Airey	Birchwood Lodge	14.20	15.10
14-Sep			Birchwood Lodge	Birchwood Lodge	15.45	16.15
17-Sep			Birchwood Lodge	Birchwood Lodge	14.30	14.50
17-Sep			Birchwood Lodge	Birchwood Lodge	17.00	17.15
17-Sep			Birchwood Lodge	Birchwood Lodge	17.30	18.15
19-Sep			Great Heck	Birchwood Lodge		15.45
19-Sep			Birchwood Lodge	Birchwood Lodge	16.00	16.35
19-Sep			Birchwood Lodge	Great Heck	17.05	

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APPLICATION NUMBER:	2019/0110/COU	PARISH:	Ryther Parish Council
APPLICANT:	Spinko Ltd	VALID DATE: EXPIRY DATE:	15 th February 2019 7 th July 2019
PROPOSAL:	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn		
LOCATION:	Far Farm Mill Lane Ryther Tadcaster North Yorkshire LS24 9EG		
RECOMMENDATION:	REFUSE		

Since the Officers Report was written the applicants Acoustic Consultant has had further discussions with the Council's Environmental Health Officer. Following this, further comments have been provided to the officer in an internal memo.

A summary of the Environmental Health Officers comments is provided below:

The EH Officer and acoustic consultant discussed the installation of an acoustic barrier to the perimeter of the neighbouring garden and how this would serve to reduce the impact of noise associated with the car park. They also discussed the proposed enhanced sound insulation at the dwelling façade, notably glazing and ventilation, and how this should serve to protect internal living areas.

However, the EH Officer still stands by comments dated 16th September 2019 whereby unacceptable noise impact is likely in external garden areas, and possibly internal living areas with windows open.

Target noise limits set out within the acoustic report are in accordance with BS8233: Guidance on Sound Insulation and Noise Reduction for Buildings; however, the scope of the standard excludes assessing the effects of changes in the external noise levels to occupants of an existing building. This remains Environmental Health's justification for using Defra Guidelines: Noise from Pubs and Clubs and, more importantly, the existing background sound levels are much lower than BS8233 criteria meaning that the increase in noise to achieve these levels would be significant.

While the EH Officer notes the situation that neighbours have a vested interest in the business, and that there is no intention to sell the property or the wedding venue. The EH Officer has advised that without formally tying Ryden House to the proposed scheme for a wedding venue Officer's would need to consider the two under independent ownership.

The comments also states that, the Acoustic Consultant and EH Officer discussed the option of a temporary permission to further assess the noise impact which the Environmental Health Officer “*is not strictly opposed to provided that the target criteria would be those set out within Defra Guidelines.*”

In considering the above comments from Environmental Health, officers have advised the applicant that further works and discussions would be required to explore this option.

Item 5.4

APPLICATION NUMBER:	2018/0931/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Yorkshire	VALID DATE: EXPIRY DATE:	22nd August 2018 21st November 2018
PROPOSAL:	Section 73 application to vary condition 14 (drawings) of approval 2015/0580/EIA for reserved matters application for the erection of 44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185)		
LOCATION:	Staynor Hall Abbots Road Selby		
RECOMMENDATION:	APPROVE		

Revised Recommendation

Members will note that the Committee report identifies that the level of affordable housing previously approved on this phase remains unchanged. However the recommendation is revised to **‘Approve subject to a Deed of Variation to secure the affordable housing requirements under the existing section 106.**

Conditions

Paragraph 5.13 of the committee report relates to condition 06 which controls opening hours for the retail units. These will remain unchanged from the previous approval on the site however for clarity the condition should include which days the hours relate to as follows:

Opening hours for the retail units identified on drawing hereby approved drawing reference: AY-R/A3-Planning/01, shall not be outside the hours:

07:00 to 23:00 hours Monday to Saturday

08:00 to 22:00 hours Sunday and Bank/Public Holidays

Reason: To protect the amenity of the adjoining and nearby properties (Policy ENV1 of the Selby District Local Plan.)

Condition 11 includes a ‘typo’ and should refer to noise ‘insulation’ not insolation.

Condition 23 (see also para 5.16) relates to hours of construction. This includes an error and should read:

23 Construction work shall be limited to the following hours:

08:00 to 18:00 hours Monday to Friday
08:00 to 13:00 hours Saturday

Reason: In the interests of residential amenity.

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APPLICATION NUMBER:	2018/1139/FUL	PARISH:	Thorganby Parish Council
APPLICANT:	Mr Chris Garland	VALID DATE: EXPIRY DATE:	10th October 2018 5th December 2018
PROPOSAL:	Proposed construction of 1 No. dwelling on land to the rear of		
LOCATION:	Jubilee Cottage 13 Main Street Thorganby York North Yorkshire YO19 6DB		
RECOMMENDATION:	Minded to Grant subject to the completion of a planning obligation		

Amendments to Conditions

There is an error in section 1.2 of the report that states that the existing dwelling is set approximately 22m back from Main Street. This should read 42m. And similarly at para 1.3 of the report it states that the proposed dwelling will be set approximately 30m back from the Main Street. This should read approximately 58m back from the road. This is a typo and the officer assessment is based on viewing the development on site and the relationship in the plans between the development site and surrounding development. The error in the report does not change the assessment of the material considerations made nor the consideration of the planning balance.

It is recommended that the following changes to the recommended conditions are made:

In relation to condition 02 this should read

02 The development hereby permitted shall be carried out in accordance with the plans/drawings/surveys listed below:

Site Location Plan JUB/003 REV B
Proposed arrangement dwg no. JUB/002 REV F

Reason:
For the avoidance of doubt.

Condition 04 Insert the words above slab level.....The condition as amended will read:

No development of the dwelling above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on

site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

It is also recommended that condition 11 is changed to state:

The construction of the dwelling above slab level shall not commence until details of biodiversity enhancement in the form of bat and owl boxes, have been submitted to, and approved in writing by the local planning authority. Thereafter the dwelling shall not be occupied until such approved works are carried out on site.

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APPLICATION NUMBER:	2019/0793/S73	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr Keith Ellis	VALID DATE: EXPIRY DATE:	31st July 2019 25th September 2019
PROPOSAL:	Section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL granted on 09 February 2017		
LOCATION:	Old Forge Cottage Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	Grant		

Flood Risk

The Selby District Council Flood Risk Sequential Test Developer Guidance Note is due to be updated in October 2019. The update would remove the bullet point in paragraph 5.21 of the report which says “do not increase the net footprint of the building(s)”.

On the basis of the updated Selby District Council Flood Risk Sequential Test Developer Guidance Note, Officers can confirm that the sequential test would not be required in this instance as the proposals would be exempt.

Updated recommendation

The Local Planning Authority is still awaiting confirmation from the Environment Agency (due 22.10.19) that the Flood Risk Assessment is acceptable therefore no decision can be made until the Local Planning Authority has receipt of this. On this basis the recommendation in Section 7 of the report should be amended to:

This application is one of **minded to approve** unless objections are raised by the Environment Agency as a result of the outstanding consultation on the Flood Risk

Assessment. Agreement is also given to the Head of Planning to add any necessary conditions recommended by the Environment Agency subject to the conditions set out below.

Conditions deleted

The applicant has been in discussions with Yorkshire Water over connecting surface water to the mains system due to the IDB raising concerns over the suitability of soakaways in the area. Yorkshire Water have agreed this connection providing they are piped in the neighbouring property system which is the land owner. On this basis the need for percolation tests (Condition No.7) and the need for separate drainage systems (Condition No.8) are not required.

Conditions amended

The wording of Condition No.1 needs to be amended to:

“01. The development for which permission is hereby granted shall be begun before 9.2.2020.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.”

The wording of Condition No.3 needs to be amended to:

“03. The proposed boundary treatments (as shown on drawing no. MAS-571-01-01 REV B) shall be implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter shall be retained as such.

Reason:

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

The wording of Condition No.15 needs amending to:

“15. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan and Site Plan, Drawing No. MAS-571-01-01 REV B, received 16th Sept 2019.
Proposed Floor Plans Elevations, Drawing No. MAS-571-01-100 Rev A, received 16th Sept 2019.

Reason:

For the avoidance of doubt.”

Item 5.9

APPLICATION NUMBER:	2017/0736/REM M	PARISH:	Church Fenton Parish Council
APPLICANT:	Strata Homes	VALID DATE: EXPIRY DATE:	13th July 2017 12th October 2017
PROPOSAL:	Reserved matters application relating to appearance, landscaping, layout and scale for erection of 50 dwellings of approval 2015/0615/OUT for outline application to include access for a residential development		
LOCATION:	Land South Of Main Street Church Fenton Tadcaster North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO COMPLETION OF A DEED OF VARIATION TO s106		

Further representation received from Nigel Adams MP requesting the application be considered in the light of the re-classification by the Environment Agency from Flood Zone 1 to Flood Zone 2.