

**Officer Update Note
Planning Committee – 5th February 2020**

Item 5.3

APPLICATION NUMBER:	2019/1158/FUL	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Selby District Council	VALID DATE: EXPIRY DATE:	19th November 2019 14th January 2020
PROPOSAL:	Erection of 2no semi-detached and 1no detached 2 bed single storey affordable dwellings		
LOCATION:	Land Off Highfield Villas Sherburn In Elmet North Yorkshire		
RECOMMENDATION:	GRANT subject to the completion of an appropriate Section 106 Agreement		

Correction to paragraph 5.15

On balance the loss of 1.4% (not 0.4%)

The appropriate means to secure the affordable housing will need to be by condition.
Wording to be;

The affordable housing hereby permitted shall be meet the definition of affordable housing in the NPPF or any future guidance that replaces it and shall thereafter be so retained.

Reason

It is necessary that the dwellings provide affordable housing to meet a particular need for low cost housing in the local area in perpetuity by secure arrangements and to comply with Policy RT1 of the Local Plan.

In view of the above it is more appropriate to secure the replacement open space by a condition worded as follows;

Before any of the dwellings are occupied, the replacement open space area (indicated as solid blue on plan reference) on the adjoining land to the east shall be provided as public recreational open space and integrated into the adjacent recreation open space area in a useable form in accordance with details which will have received the prior written approval of the local planning authority and the land shall thereafter be retained and maintained for such purposes in perpetuity.

Reason

To comply with Policy RT1 of the Local Plan and to maintain the overall level of recreational land provision.

Item 5.4

APPLICATION NUMBER:	2019/0513/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	The Estate Of R F Dean (Deceased)	VALID DATE: EXPIRY DATE:	29th May 2019 24th July 2019 (Extension of Time to 7 th February 2020)
PROPOSAL:	Proposed erection of three detached dwellings following demolition of existing dwelling		
LOCATION:	Hilahgarth Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	GRANT		

Report and Conditions

Paragraph 5.17 should read “It is noted that objections have been received in relation to impacts on residential amenity particularly in terms of the relationship to Northfield Court (to the north) and existing properties fronting Main Street to the east”. **Thus removing the reference to “no” as set out in the Agenda.**

Paragraph 5.41 should read “On balance it is considered that the Applicants have demonstrated to the satisfaction of the consultees that the impacts on protected species and habitats subject to the noted conditions, **the scheme is acceptable**”. Thus adding the reference to the approach being acceptable.

Condition 13 change of wording proposed to secure final details of all boundary treatments

13. Notwithstanding the detail shown on Plan S/YTA/01/061 Revision C no development shall commence above slab level until a full detailed landscaping / planting scheme, **boundary treatments** and fencing details has been submitted and agreed with the Local Planning Authority. The scheme shall include:-
 - Details of the species, location, planting density and stock size in respect of all tree and shrub planting
 - Details of the measures for the management and maintenance of the approved landscaping

All planting, seeding or turfing comprised in the approved plan shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five

years shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure for the preservation and planting of trees, **boundaries** and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

Email from Neighbour to Councillors

Officers are aware that Members of the Committee have received a direct email from an occupier of 1 Northfield Court (adjacent to the site), making comments on the Officers Report but also enclosing copies of their submissions made on the application.

The additional points made in the email pertaining to the Officers Report

- a) Existing Hedge to 1 Northfield Court – the hedge was noted on the Officers Site Visit and does afford screening between the existing dwelling and the proposed dwelling. The Officers Report notes that there will be a need for the consideration of fencing and Condition 13 as set out below will require confirmation of all boundary treatments. Ownership of land and hedging is a civil matter and not a planning matter.
- b) Existing trees within 1 Northfield Court – it is accepted that these are outside the site and could be removed. This area of the site was considered during Officer Site Visit
- c) Relationship to 1 Northfield Court – this was viewed on site and has been assessed in the Officers Report accordingly.
- d) Objections on Application and Paragraph 5.17 – as noted above this is in correctly drafted and the Update clarifies this matter

As such having considered the matters it is the view of Officers that these have been considered Officers and no the recommendation is unchanged.

Item 5.5

APPLICATION NUMBER:	2019/0564/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr S Hudson & Ms R Harrison	VALID DATE: EXPIRY DATE:	6th June 2019 5th September 2019
PROPOSAL:	Section 73 application to vary condition 11 (to increase the maximum number of horses from 21 to 27) of permission 2009/0565/FUL (allowed on appeal 01 April 2011) for the erection of 3 blocks of 7 No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle park and siting of a mobile home		
LOCATION:	Hall Lane Stables Hall Lane Church Fenton Tadcaster North Yorkshire LS24 9RN		

RECOMMENDATION	GRANT
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The wording to Conditions 2 and 4 have been amended as follows:

02. A Manure Management Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the granting of this permission. The submitted information shall include the following details:

- o Frequency of disposal to storage facility and removal off site of manure and soiled bedding
- o Maximum volume of manure and soiled bedding to be stored within the facility at any time such volume not to exceed 140cubic metres
- o Control of odour and flies

Any works for such storage and disposal shall be completed within six months or a timescale to be agreed with Selby District Council and subsequently maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

Reason: To ensure that appropriate facilities are provided for the storage and removal of waste at the site in the interests of the amenity of surrounding occupiers and to preserve the character and appearance of the area in accordance with the requirements of policy ENV1 of the Selby District Local Plan.

04. At no time shall the number of horses at the development exceed 27. Other than a maximum of 6 horses at any one time, the horses shall be kept there on a full livery or part livery basis only; the term livery being taken as meaning the provision of facilities for, and the supervision and care of horses that are not the property of the proprietor, in return for remuneration or reward. Horses shall at no time be offered for hire at the development hereby permitted for supervised or unsupervised riding on or off the site.

Reason: In the interests of residential amenity in accordance with Policy ENV1 of the Local Plan.

A letter was received from a solicitor on the 29th January 2020 on behalf of one of the objectors on the following page:

WHEN CALLING OR TELEPHONING ASK FOR

Mr Ware

DIRECTORS:
R. W. RUSBY, B.A.
A. L. WARE, LL.B.
C. R. SPENCE, LL.B. (Hons), M.A.
J. R. HANLEY, LL.B.
L. A. HARVEY, LL.B.
ASSISTANT SOLICITORS:
H. I. KNIGHT, B.A.
CONVEYANCING EXECUTIVE
C. R. TATE

COWLING, SWIFT & KITCHIN,
SOLICITORS
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OUR REF:

YOUR REF:

ALW/SS

29th January 2020

Dear Sirs

Reference Planning Application 2019/0564/FUL: Application under S73 of the Town and Country Planning Act 1990 (as amended) for planning permission for use as a horse livery and training centre without compliance with conditions 1, 2, 3, 4, 5, 6, 9 and 10 and in accord with varied conditions 7, 8 and 11 of planning permission 2009/0565/FUL dated 01 April 2011.

We refer to our letter of the 14th January and we have now had sight of the additional condition that has been incorporated into the officers report regarding a Manure Management Plan for the site.

We have discussed the proposed condition with those of the local residents that we represent and their observations at this stage are as follows:-

1. Whilst it is noted that your authority intends a Manure Management Plan shall be submitted and approved within three months of the granting of admission, no mention is made as to the positioning of the manure bund in relation to the neighbouring properties. Furthermore, there appears to be no restriction which links the approval of the Manure Management Plan to the implementation of any permission that may be granted. In other words we take the view that it is appropriate and within the powers of your authority to insist that the Manure Management Plan be not only approved but also any replacement manure bund be constructed before any planning consent can be implemented. We take the view that at the moment it is perfectly open for the applicants to commence activities under any planning consent in a manner which would completely disregard the concerns which the proposed condition is designed to reflect.

We look forward to hearing from you in respect of the concerns and with an appropriately worded, amended condition.

Yours faithfully

COWLING, SWIFT & KITCHIN

Selby District Council
Planning Committee

OFFICE HOURS: MONDAY TO FRIDAYS 9-0 a.m. - 5-0 p.m. CLOSED ON SATURDAYS
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Item 5.8

APPLICATION NUMBER:	2019/1159/FUL	PARISH:	Hambleton Parish Council
APPLICANT:	Selby District Council	VALID DATE:	19th November 2019
		EXPIRY DATE:	14th January 2020
PROPOSAL:	Erection of 2 No semi-detached and 1 no detached 2 bed single storey dwellings		
LOCATION:	Land Off Station Road Hambleton Selby North Yorkshire		
RECOMMENDATION:	GRANT subject to the completion of an appropriate Section 106 Agreement		

The appropriate means to secure the affordable housing will need to be by condition.
Wording to be

The affordable housing hereby permitted shall be meet the definition of affordable housing in the NPPF or any future guidance that replaces it and shall thereafter be so retained.

Reason

It is necessary that the dwellings provide affordable housing to meet a particular need for low cost housing in the local area in perpetuity by secure.

One further letter of representation received objecting on the grounds of traffic and parking

Highways

The applicants have agreed to remove the landscaping in the visibility splay areas at the junctions. However, the fencing is still shown on the plans and therefore an additional condition is required to ensure anything within the visibility (from the car parking areas to the red lines) will need to be reduced to 0.6 metres and the vegetation removed/set back. Subject to this the scheme is considered acceptable in terms of road safety.

Contaminated land

Comments received. No issues raised. Standard condition for unexpected contamination recommended. These should be added to the decision notice.

Environmental Health officer

Comments as follows;

Objections from the village hall are noted. Given the close proximity of the village hall to existing residential dwellings, struggle to see how the proposals will put undue burden on the running of the village hall, notably that the premises currently operate within the requirements of its Premises Licence. The village hall should provide further detail in this regard for consideration. NB we have one noise complaint on record against the village hall dated 02/2014 which was resolved.

Have some concerns regarding noise impact on future occupants in rear garden areas from road traffic noise and I note that the proposed boundary fencing is 1.8m high close boarded fence which should sufficiently serve as an acoustic barrier. I would advise that the barrier should be minimum 1.8m in height, can be of wooden fence or brick wall construction, should be of close boarded construction, be free from holes, sealed at the base and have a minimum mass of 10kg/m² which should be secured with a suitably worded condition.

Condition 04 in the report requires boundary details to be agreed. The wording of the report can be amended to be more specific to require is details to ensure that the rear boundaries to the gardens meet the requirements of the EHO and that the boundaries within the visibility spays are kept to the appropriate height..

Item 5.9

APPLICATION NUMBER:	2019/1234/FUL	PARISH:	Camblesforth Parish Council
APPLICANT:	Selby District Council	VALID DATE:	25th November 2019
		EXPIRY DATE:	20th January 2020
PROPOSAL:	Erection of a terrace of three 2-storey affordable homes		
LOCATION:	Land Off Oaklands Crescent Camblesforth Selby North Yorkshire		
RECOMMENDATION:	GRANT subject to the completion of an appropriate Section 106 Agreement		

The appropriate means to secure the affordable housing will need to be by condition. Wording to be

The affordable housing hereby permitted shall be meet the definition of affordable housing in the NPPF or any future guidance that replaces it and shall thereafter be so retained.

Reason

It is necessary that the dwellings provide affordable housing to meet a particular need for low cost housing in the local area in perpetuity by secure.

Highways

Revised plans have been received to match up the ownership with the NYCC records.

Residential Amenity

Revised plans received which increase the distance of the dwellings to the properties to the rear. The rear bedroom window has been moved further forward down the side elevation increasing the distance from properties to the rear.

These are now considered acceptable in terms of the impacts on residential amenity.

Item 5.10

APPLICATION NUMBER:	2020/0023/MAN2	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Yorkshire	VALID DATE: EXPIRY DATE:	10th January 2020 7th February 2020
PROPOSAL:	Non material amendment of 2015/0580/EIA Reserved matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185)		
LOCATION:	Staynor Hall Abbots Road Selby		
RECOMMENDATION:	GRANTED		

Since the Officers Report was written the applicant, additional consultation responses have been provided. These are summarised as follows:

Ecology

The changes will not result in an adverse ecological impact.

Yorkshire Water

Following consultation Yorkshire Water responded with no comment.

Secured by Design

The issues raised in my previous report dated 4 February 2019 are still relevant in relation to this amended scheme. A desire line has become apparent.

Environmental Health

The impact will be no greater than the current approved scheme.

Natural England

Following consultation Natural England responded with no comment.

These additional comments do not change the Officers recommendation or the scope of the suggested conditions.

Item 5.11

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		

Several further letters of objection have been sent direct to the Chairman of this committee. The majority of the issues have previously been raised and have been addressed in the report.

Comments raised summarised below

- Reference to S66(1) P (LB & CA's) Act 1990 – 'special regard' when assessing development that affects a LB
- Adverse impact on the heritage assets
- No reference in outline to number of dwellings therefore it could be less than 50
- 50 dwellings is in excess of the neighbourhood plan which indicates max 10 units schemes
- Public benefit of housing diminished as we have a 5 year land supply
- Housing not needed/ exceeds expected growth for Church Fenton
- Lack of Affordable housing reduces balance of public benefit
- AH is less than policy requirement
- AH – can't claim lack of viability as a reason to reduce
- Various comments about poor Design –at odds with the housing characteristics of the village
- Unsustainable location
- Flood Risk- outdated FRA- site specific FRA needed
- Ability to install attenuation tanks within an area of flooding is not addressed in the RM application.
- Raising of floor levels would exacerbate impact on Heritage assets
- Viability Exec summary falls far short of what should be made public
- Increase in road traffic

The majority of these points have already been covered in the officer's reports. In relation to the 50 dwellings, the indicative plan on the outline application showed 50 dwellings and therefore it is considered reasonable for this quantity to be approved on the reserved matters application.

Amendments

Plots 9 & 10 –still may be a bit too close to the existing hedgerow – add condition to increase the gap and for hedgerow to be protected during development. There is adequate space to achieve this and the developers have agreed to the amendment.

Highways- consultation response received and a number of standard conditions are recommended. It is recommended these are all added to the decision notice

Flood Risk

Advise adding the following condition;

Before any work on the construction of the dwellings commences, details shall be submitted for the written approval of the local planning authority to provide details of;

- The average ground level of the buildings
- The finished floor level of the lowest habitable rooms.

Ground floor levels should be a minimum of whichever is the higher of;

- 300 millimeters (mm) above the general ground level of the site
- 600mm above the estimated river or sea flood level

If floor levels cannot be raised then details of extra flood resilience and resilience measure should be submitted for written approval. The approved details shall be implemented in full.

Reason

To increase the resilience and reduce the risk of flooding of dwellings