



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 5 February 2020
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors I Chilvers, P Welch, M Topping, K Ellis, D Mackay, M Jordan and J Mackman (Vice-Chair)
Officers Present:	Martin Grainger – Head of Planning, Ruth Hardingham - Planning Development Manager, Kelly Dawson – Senior Solicitor, Frances Maxwell – Solicitor, Laura Holden – Planning Officer, Will Smith – Planning Policy Officer, Fiona Ellwood – Principal Planning Officer, Yvonne Naylor – Principal Planning Officer, Mandy Cooper – Principal Planning Officer, Gareth Stent – Principal Planning Officer, Chris Fairchild – Senior Planning Officer; and Dawn Drury – Democratic Services Officer
Press:	2
Public:	24

36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R Packham.

37 DISCLOSURES OF INTEREST

Councillor M Jordan declared a personal interest in agenda item 5.3 – Land off Highland Villas, Sherburn in Elmet as over the past ten years he had expressed opinions about the land and confirmed that as such he would leave the meeting during consideration of this item.

Councillor J Mackman declared a personal interest in three applications on the agenda, agenda item 5.3 – Land off Highland Villas, Sherburn in Elmet, agenda item 5.8 – Land off Station Road, Hambleton, and agenda item 5.9 – Land off Oaklands Crescent, Cambleforth, Selby: as he was the Chair of the

Selby and District Housing Trust (SDHT), and as such would leave the meeting during consideration thereof.

Councillor K Ellis declared a personal interest in in relation to three applications on the agenda, agenda item 5.11 – Land South of Main Street, Church Fenton, agenda item 5.4 – Hilahgarth, Main Street, Church Fenton, Tadcaster, and agenda item 5.5 – Hall Lane Stables, Church Fenton; he confirmed that he would stay in the room during consideration of the items, but would not take part in the debate or decision on the application.

All Councillors declared that they had received additional representations by email in relation to three applications on the agenda, agenda item 5.11 – Land South of Main Street, Church Fenton, agenda item 5.4 – Hilahgarth, Main Street, Church Fenton, Tadcaster, and agenda item 5.5 – Hall Lane Stables, Church Fenton; and confirmed that they had not expressed an opinion on the application and remained open minded, and as such would participate in the debate and decision.

38 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that an officer update note had been circulated, and that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application.

Members were advised that during consideration of agenda item 5.11 the meeting would be audio recorded.

The Chair also informed Members that agenda item 5.2 – 2018/0933/COU - The Orangery, Lumby Hall, Butts Lane, Lumby had been withdrawn by the applicant and as such would not be considered at the meeting.

39 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 15 January 2020.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 15 January 2020 for signing by the Chairman.

40 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications:

40.1 2017/0736/REMM: LAND SOUTH OF MAIN STREET, CHURCH FENTON

Councillor Keith Ellis did not take part in the debate or vote, as per his earlier declaration.

Application: 2017/0736/REMM

Location: Land South of Main Street, Church Fenton, Tadcaster

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

The Principal Planning Officer presented the application which had been brought before Planning Committee as more than 10 letters of representation have been received which raise material planning considerations and officers would otherwise determine the application contrary to these recommendations. It had also been requested by Cllr Musgrave.

This application had been brought back before Planning Committee due to deferral of the application at the 15th January 2020 Planning Committee. Members resolved to defer the application due to intermittent availability of Public Access, whereby objectors were unable to access relevant documents was given due consideration and further representations were received.

The Committee noted that the application was a 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.

In relation to the officer update note, members noted that several further letters of objection had been sent directly to the Chair, however the majority of issues had been raised previously and had been addressed in the report. In relation to the 50 dwellings, the indicative plan on the outline application showed 50 dwellings and therefore it was considered reasonable for this quantity to be approved on the reserved matters application. Members acknowledged that a number of amendments had been highlighted in the officer update note relating to the proximately of plots 9 and 10 to the existing hedgerow, a consultation response had been received from North Yorkshire Highways; and details of an additional condition related to flood risk. Officers highlighted that affordable housing was not being considered as a reserved matter, only the position and design in relation to the layout were matters for consideration

Members asked questions relating to whether the village

design statement had been taken into account and whether the proposed access road would be to adoptable standards, officers responded and confirmed both matters had been taken into account in determining the application.

Joseph Miller, objector, spoke in objection to the application.

Sarah Chester, Parish Councillor, spoke in objection to the application.

Mark Lane, agent, spoke in support of the application.

Members outlined their potential reasons for refusal:

- The application failed to meet the high standard of design quality demanded by Core Strategy Policy SP19
- The detrimental Impact on the Listed Buildings and their settings failed to have the “Special regard “ required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- The application failed to reflect the historic character of the village or enhance community cohesion, or have any regard to the local character and context of its historic surroundings
- The established historic links between the Grade II Listed Vicarage and the Grade I Listed Church of St Mary’s would be merged and diminished
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 intended that “ the desirability of preserving the significance of Listed Buildings should not be simply given. Careful consideration by the decision maker for the purpose of deciding whether there would be harm but should be given considerable importance and weight when the decision maker carried out the balancing exercise”
- The statutory duty within section 66 (1) required the LPA to have special regard to the desirability of preserving the listed buildings or their settings or

any features of a special architectural or historic interest. This had not been achieved to the level expected on this scheme

- Given the importance of the Heritage Assets and their unique setting, the appearance, layout and scale of the development should be exemplar and meet all the requirements of Paras 189 and 198 of the NPPF.
- Flood Risk - The responsible statutory body (the environment agency) had raised the site from Flood Zone 1 to Flood Zone 2. An up to date Flood Risk Assessment (FRA) and Sequential Test (ST) was required prior to determination. To date an updated FRA had not been carried out which in the circumstances was perverse and open to legal challenge.

It was proposed and seconded that Members were minded to REFUSE the application. Officers were requested to consider the indicative reasons for refusal and bring them back to Committee for Members consideration.

RESOLVED:

Minded to REFUSE the application and defer for reasons for refusal to be considered by the Committee.

40.2 2019/0513/FUL: HILAGARTH, MAIN STREET, CHURCH FENTON, TADCASTER

Councillor Keith Ellis did not take part in the debate or vote, as per his earlier declaration.

Application: 2019/0513/FUL

Location: Hilahgarth, Main Street, Church Fenton, Tadcaster

Proposal: Proposed erection of three detached dwellings following demolition of existing dwelling.

The Principle Planning Officer presented the application which had been brought before Planning Committee as it had received more than 10 letters of objection as a result of consultations which raise material considerations; as such it is considered locally controversial.

The Committee noted that the application was for the proposed erection of three detached dwellings following demolition of existing dwelling.

In relation to the officer update note, members had received a direct email of objection from a neighbour making comments on the officer's report, however having considered the matters raised, it was the view of officers that the recommendation was unchanged. Officers set out clarification of errors in paragraph 5.17 and paragraph 5.41 of the officer report; the officer also highlighted a change of wording at condition 13, to secure final details of all boundary treatments in response to neighbours' representations.

Mohammed Farooq, objector, spoke in objection to the application.

Sarah Chester, Parish Councillor, spoke in objection to the application.

Mark Newby, agent, spoke in support of the application.

Members considered the application and expressed concern regarding on-street parking and access at the property. The Committee were of the opinion that the application should be deferred, and a site visit arranged.

It was proposed and seconded that the application be DEFERRED in order for a site visit to be undertaken.

RESOLVED:

To DEFER consideration of the application in order for the Committee to undertake a site visit for the reasons outlined above.

Councillor M Jordan left the meeting during this item and did not return.

40.3 2019/0564/FUL: HALL LANE STABLES, HALL LANE, CHURCH FENTON

Councillor Keith Ellis did not take part in the debate or vote, as per his earlier declaration.

Application: 2019/0564/FUL

Location: Hall Lane Stables, Hall Lane, Church Fenton

Proposal: Proposed 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

The Principal Planning Officer presented the application which had been brought back before Planning Committee due to deferral of the application at the 15th January 2020 Planning Committee. Members resolved to defer the application due to intermittent availability of Public Access, whereby objectors were unable to access relevant documents was given due consideration.

The Committee noted that the application was for a proposed 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

Member's attention was drawn to the officer update note, which detailed that the wording to condition 2 and condition 4 of the report, in relation to a Manure Management Plan, had been amended; and a solicitor's letter had been received on 29 January 2020, on behalf of one of the objector's.

Sarah Chester, objector, spoke in objection to the application.

Michelle Seguss, Parish Councillor, spoke in objection to the application.

Christopher Kendall, agent, spoke in support of the application.

Members discussed the application and agreed with the officer's recommendation, that the increase in the number of horses kept at the stables, from 21 to 27 was acceptable, and would not have a detrimental impact on the residential amenity of the occupants of neighbouring properties.

It was proposed and seconded that the application be GRANTED.

RESOLVED:

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To GRANT the application subject to the conditions set out at paragraph 7 of the report and the officer update note.

40.4 2019/1093/FUL: LAND TO REAR OF THE LODGE, 23 SELBY ROAD, RICCALL

Application: 2019/1093/FUL

Location: Land to rear of the Lodge, 23 Selby Road, Riccall

Proposal: Proposed erection of two detached dwellings with associated access, drainage and landscaping

The Planning Officer presented the application which had been brought before Planning Committee having been called in by Councillor Duggan, as he believed the proposal was an appropriate infill development.

The Committee noted that the application was for the proposed erection of two detached dwellings with associated access, drainage and landscaping.

Councillor J Duggan, Ward Councillor, spoke in support of the application.

Mark Lane, agent, spoke in support of the application.

In response to a query regarding what constituted 'Open Countryside', the Planning Development Manager confirmed that Policy SP2A(c) of the Core Strategy defined the development types described as being appropriate in the Open Countryside (outside Development Limits); this proposal did not constitute any of the development types and was therefore contrary to Policy SP2A(c) of the Core Strategy.

Members considered the application and agreed that the application was in the open countryside, and did not comprise any of the types of development that were acceptable in principle under Policy SP2A(c) of the Core Strategy; and that there was a need for consistency of approach and considerable risk in setting a precedent for permitting such development outside development limits within the open countryside.

It was proposed and seconded that the application be REFUSED.

RESOLVED:

To REFUSE the application, for the

reasons set out at paragraph 7 of the report.

40.5 TPO 6/2019: ROSE COTTAGE, 11 CHURCH STREET, RICCALL

Application: TPO 6/2019

Location: Rose Cottage, 11 Church Street, Riccall

Proposal: In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report seeks the permission of the Planning Committee to “Confirm, with no Modification”, Tree Preservation Order No. 6/2019.

The Planning Policy Officer presented the application which had been brought before Committee as an objection has been received, and in accordance with the scheme of delegation, the report to verify the Tree Preservation Order could not be issued under delegated powers due to the objection.

The Committee noted that the application was to seek permission of the Planning Committee to “Confirm, with no Modification”, Tree Preservation Order No. 6/2019.

The Committee heard that the tree was a single, veteran Copper Beech of exceptional form and condition. An objection had been received due to the excessive flocking of pigeons to the tree, and the resulting bird fouling.

Members acknowledged that healthy and attractive trees were an asset to the environment and bird fouling was not considered to be sufficient justification for such a tree to be removed. It was further noted that special attention had to be paid to the desirability of preserving the character and appearance of the Conservation Area.

Raymond Smith, objector, spoke in objection to the application.

Members discussed the application and agreed with the Officer’s recommendation; it was therefore proposed and seconded that the Tree Preservation Order be CONFIRMED.

RESOLVED:

To CONFIRM, with no modification, the Beech Tree - Preservation Order No.6/2019.

Councillor Keith Ellis left the meeting at this point.

40.6 2019/0995/FULM: DOVECOTE PARK, BANKWOOD ROAD, STAPLETON

Application: 2019/0995/FULM

Location: Dovecote Park, Bankwood Road, Stapleton

Proposal: Erection of a new beef protein building (7.5 x 18.1m), extension to the existing fat processing plant (3.5m x 5m) and erection gas tank (10.6m x 3.1m) - (Retrospective).

The Principal Planning Officer presented the application which had been brought to Committee because it constituted inappropriate development within the Green Belt, but it was considered that there were very special circumstances which would justify approval of the application.

The Committee noted that the application was for the erection of a new beef protein building (7.5 x 18.1m), extension to the existing fat processing plant (3.5m x 5m) and erection gas tank (10.6m x 3.1m) - (Retrospective).

Members supported the officer's recommendations and considered that the building and extension was a small addition within a site set back from the highway, well landscaped and a distance away from neighbouring properties; it was also felt that the company had demonstrated very special circumstances for the development to be approved within the green belt.

It was proposed and seconded that the application be GRANTED.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 7 of the report.

Councillor K Ellis re-joined the meeting at this point but did not take part in the debate or the vote on this item.

The Chair paused the meeting at 4.20 pm for a comfort break; the meeting re-commenced at 4.25 pm.

40.7 2020/0023/MAN2: STAYNOR HALL, ABBOTS ROAD, SELBY

Application: 2020/0023/MAN2

Location: Staynor Hall, Abbots Road, Selby

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)

The Senior Planning Officer presented the application which had been brought before Committee as non-material amendments to applications that were accompanied by an Environmental Statement were not listed as types of application that had to go to Planning Committee, nor was there express reference that they could be determined by Officers. Given this position, officers were minded the most transparent approach was to refer the matter to Planning Committee for decision.

The Committee noted that the application was for a 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)

Members acknowledged that the application sought revisions to the location of particular house types, the introduction of one house type, minor changes to the parking layout, amendment to the design and layout of the community centre, a slight change to landscaping; and the provision of electric charging in those dwellings with garages. Officers considered the effect of the proposals were non-material to the extant permission.

In relation to the officer update note Members noted that a number of consultation responses have been received from Ecology, Yorkshire Water, Secured by Design, Environmental Health and Natural England.

The Committee queried if the community centre had been re-consulted on the proposed changes; it was confirmed by officers that they had, and had raised no issues.

Members were pleased to note the addition of the electrical charging points.

It was proposed and seconded that the application be GRANTED.

RESOLVED:

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

As per his earlier declaration, Councillor John Mackman left the room and did not return.

40.8 2019/1158/FUL: LAND OFF HIGHLAND VILLAS, SHERBURN IN ELMET

Application: 2019/1158/FUL

Location: Land off Highland Villas, Sherburn in Elmet

Proposal: Erection of 2no semi-detached and 1no detached 2 bed single storey affordable dwellings

The Principal Planning Officer presented the application which had been brought before Committee as the applicant was Selby District Council.

The Committee noted that the application was for the erection of 2no semi-detached and 1no detached 2 bed single storey affordable dwellings.

In relation to the officer update note, the Committee acknowledged that there was an error on page 55, paragraph 5.15 of the report, the net loss of open space should read 1.4%, and not 0.4 %. Officers informed Members that this would be a minded to decision subject to the expiry of re-consultation, and members giving officers delegation to issue the decision subject to no issues being raised.

Members noted that there was a particular need for affordable housing in the Selby district, and agreed with the Officer's recommendation; it was therefore proposed and seconded that the application be GRANTED. Officers informed Members that this would be a minded to decision subject to the expiry of re-consultation, and members giving officers delegation to issue the decision subject to no issues being raised.

RESOLVED:

To be minded to GRANT the application subject to giving officers delegation to issue the decision subject to no issues being raised during the re-consultation, the conditions set out at paragraph 7 of the report and in the officer update note.

40.9 2019/1159/FUL: LAND OFF STATION ROAD, HAMBLETON

Application: 2019/1159/FUL

Location: Land off Station Road, Hambleton

Proposal: Erection of 2 No semi-detached and 1no detached 2 bed single storey dwellings

The Principal Planning Officer presented the application which had been brought before Committee as the applicant was Selby District Council.

The Committee noted that the application was for the erection of 2no semi-detached and 1no detached 2 bed single storey dwellings.

In relation to the officer update note, the Committee noted that one further letter of representation had been received which objected on the grounds of traffic and parking, the applicants had agreed to remove the landscaping in the visibility splay areas at the junctions; and an additional condition was required to ensure that the scheme was acceptable in terms of road safety. Members were given details of the Council's Environmental Health Officer's (EHO) response which had not previously been included in the report, and noted that the EHO had requested that an acoustic barrier be installed, as set out in the officer update note. Members were informed that a suitably worded planning condition to reflect the EHO comments would be attached to the decision notice.

Members discussed the application and agreed with the Officer's recommendation; it was therefore proposed and seconded that the application be GRANTED.

RESOLVED:

To GRANT the application subject to the completion of an appropriate Section 106 Agreement, and the conditions set out at paragraph 7 of the report and in the officer update note.

40.10 2019/1234/FUL: LAND OFF OAKLANDS CRESCENT, CAMBLESFORTH, SELBY

Application: 2019/1234/FUL

Location: Land off Oaklands Crescent, Camblesforth, Selby

Proposal: Erection of a terrace of three 2-storey affordable homes

The Principal Planning Officer presented the application which had been brought before Committee as the applicant was Selby District Council.

The Committee noted that the application was for the erection of a terrace of three 2-storey affordable homes.

In relation to the officer update note, the Committee noted that concern had been raised regarding the minimum acceptable distance between the house at plot 3 and the bungalow on Oaklands, however amended plans had been received which pulled the terrace forward by 1.2m, and also moved the rear bedroom windows further along the side elevation. Minimum distances would now be achieved, and the dwelling was considered acceptable in terms of the impact on residential amenity.

Members considered the application and agreed with the Officer's recommendation; it was therefore proposed and seconded that the application be GRANTED.

RESOLVED:

To GRANT the application subject to the completion of an appropriate Section 106 Agreement, and the conditions set out at paragraph 7 of the report and in the officer update note.

The meeting closed at 4.47 pm.