

**Chief Executive Officer Urgent Decision Session – Planning:
Decision Record**

Planning Application:	2019/0941/FUL – Selby District Council, Old Civic Centre, Portholme Road
Decision Maker:	Martin Grainger, Head of Planning
Other Officers Present at Remote Meeting:	Rebecca Leggott - Senior Planning Officer, Glenn Sharpe - Solicitor and Victoria Foreman - Democratic Services Officer
Title of Decision:	CEO Urgent Decision Session – Planning: 2019/0941/FUL – Selby District Council – Old Civic Centre, Portholme Road
Ward(s):	Selby East
Type of Decision:	<input type="checkbox"/> Key decision <input type="checkbox"/> Non key decision discharging (or connected to the discharge of) an Executive function <input checked="" type="checkbox"/> Specific delegation from Council or Committee <input type="checkbox"/> Grant of permission / licence <input type="checkbox"/> Affecting the rights of an individual <input type="checkbox"/> Awarding a contract or incurring expenditure which materially affects the financial position of the Council <input checked="" type="checkbox"/> Decision under urgency
Details of decision:	<p><i>NOTE: The Chief Executive and the Planning Development Manager did not take part in this part of the remote meeting, or the discussion or decision on this item.</i></p> <p>Location: 2019/0941/FUL – Selby District Council – Old Civic Centre, Portholme Road</p> <p>Proposal: Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space</p>

The matter had been brought to the Chief Executive for a decision under urgency after being deferred on the 8 April 2020 on the basis of the Officer seeking further information on urban design, open spaces, highways, S106, biodiversity and affordable housing.

The application had been presented to the CEO Urgent Decision Session – Planning as Selby District Council was a landowner for part of the site. The Head of Planning who noted that the application was for the proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space.

Officers presented further information on the matters previously raised by the Head of Planning, as requested.

With regards to urban design, the general design of the scheme had not been objected to, but certain issues would require consideration, such as street trees, the interface of the development with the supermarket which was adjacent to the site through appropriate boundary treatments and the suggested provision of basement parking for the flats.

Additional information had been provided in the report as part of the planning statement, as well as further comments from the Urban Design Officer detailing some of the concerns that had been addressed. Officers confirmed that the concerns raised by the Head of Planning had all been addressed by condition, apart from basement parking for the flats which was considered to be unreasonable due to the type of modular housing on the site.

In terms of affordable housing, further negotiations had been undertaken with the applicant who had agreed to a change in tenure to provide a 50% affordable rented and 50% shared ownership split between the 18 no. units. This was felt to be a reasonable rate of affordable housing for the site when considering the viability of the scheme. Additional comments had been sought from Housing Officers who supported the changes made to the proposals.

The applicant had agreed to ensure no net loss of biodiversity; condition wording had been secured in relation to this, and further comments had been sought from the Ecology Officer who had raised no objections to such a condition. The current policy and legislative positions were such that this was acceptable. Officers also explained that the removal of trees on the site was necessary in order to raise levels and reduce flood risk. Permission was not required for the removal of the trees.

Further details had been provided in the report by Officers with regards to highways matters. The applicant had confirmed that the

road layout was designed in accordance with North Yorkshire County Council adoptable standards, with the exceptions of street trees and parking, the former of which would require a licence from Selby District Council.

There was some disparity between the number of car parking spaces that would be provided on site and the number the Local Highways Authority had stated should be made available. Issues had also been raised around the potential displacement of vehicles onto the highway and subsequent problems with safety, deliveries, carriageway width, turning circles and refuse collection.

Officers explained that as the Local Highways Authority had made objections, siting safety issues. The developer had resolved to move forward with the application as non-adoptable, and as a result the Local Planning Authority had asked for further comment from an independent consultant on the matter. The conclusion from the consultant was that the internal layout of the site was to a safe standard. Matters relating to the external layout were dealt with by the Local Planning Authority in consultation with the Local Highway Authority. Officers had asked the Local Highways Authority for some suggested conditions most of which had been applied where relevant. Conditions that were not specifically applied included the discharge of surface water as it was covered by the overall drainage strategy conditions; a highway condition survey was not considered reasonable or necessary; a travel plan has been submitted and it was considered reasonable to condition compliance with this.

It was also noted that further discussions may be required with the Waste and Recycling Officer around private road access for refuse lorries in terms of liability, although this would be beyond the planning process.

The Solicitor confirmed that he had no concerns relating to highways matters that would be dealt with by the Section 106 Agreement, including maintenance and management of the private road network and highway improvement works.

Additional information relating to open space had been provided in the report as requested and there would be further details provided via condition and in the Section 106 Agreement relating to the future management and maintenance of the space, and the layout and type of equipment that could be provided for a potential children's play area. The Head of Planning noted that there would be no contribution from the developer to off-site open space.

Further clarification regarding Network Rail had been included in the report and dealt with by condition.

The Solicitor explained that a draft Section 106 Agreement had been discussed with the applicant's solicitor, and that whilst it needed further work and negotiation, the discussion had been constructive and sensible and as such he had no current concerns.

As part of the decision-making process Members were consulted on the applications. These comments were collated and presented to the Head of Planning as part of his decision making.

Comments had been received from some Members of the Planning Committee around affordable housing provision, inadequate open space, the unadopted road network on the site, impact on ecology and loss of trees, landscaping, electric vehicle charging points and the omission of land at the nearby old Police Station site from the scheme.

Officers responded to Members' comments and explained that the highway layout had been confirmed as safe internally and externally by a suitably qualified expert, though it was noted that the road safety audits were to be signed off beyond the planning process. Specifically, the main access to the site would be dealt with by the Local Highway Authority via a Section 278 Agreement and the internal layout would be dealt with by the Local Planning Authority in consultation with the Local Highway Authority and independent consultants. Officers also concluded that in having regard to independent advice, sufficient parking had been provided. Details would be secured by condition in consultation with the Local Highways Authority, independent consultants and via the Section 106 agreement.

In relation to lack of open space, the site was adjacent to a large playing field therefore justifying the lower level of open space provided on site; further details regarding open space would be secured by condition and the Section 106 agreement.

The provision of affordable housing was concluded via negotiations; in taking into account the viability of the site, the Housing Strategy Officer supported the amendments to the affordable housing tenure.

Officers explained that planning permission was not required for the removal of trees on site. Details regarding landscaping, trees and securing no net loss of biodiversity would be dealt with via condition as detailed in the Officer report; relevant Officers such as the Ecologist, Landscape Architect and Urban Designer would be consulted on these conditions.

Members' points about the land at the neighbouring old Police Station site were not relevant to the determination of the application.

	<p>Lastly, electric vehicle charging points had has been included at Condition 44.</p> <p>The Solicitor confirmed that he had no concerns regarding the application and felt that the points raised by both the Head of Planning and by Members had been addressed in full by the Officer. Legal mechanisms were available for appropriate controls should they be required.</p> <p>The Head of Planning, having considered the report and representations from Members and Officers in full, confirmed that he agreed with the Officer's recommendation to approve the application.</p>
Resolution:	<p>RESOLVED:</p> <p>To APPROVE the application subject to the prior completion of a Section 106 Agreement relating to affordable housing, maintenance and management of open space, maintenance and management of highways and highway improvement works, and subject to the conditions and informatives set out at paragraph 7 of the report.</p>
Contact details for further information:	<p>Planning Officer: Rebecca Leggott, Senior Planning Officer rleggott@selby.gov.uk</p>
Signed:	<p><i>Signature redacted</i></p> <p>Martin Grainger, Head of Planning</p>
Date of Decision:	<p>29 April 2020</p>