

**Officer Update Note  
6 May 2020**

**Item 1.1**

APPLICATION NUMBER:	2020/0016/S73	PARISH:	South Milford Parish Council
APPLICANT:	Mr Ian Lindsay	VALID DATE:	10th January 2020
		EXPIRY DATE:	6th March 2020
PROPOSAL:	Section 73 application to vary condition 04 (approved plans) of planning permission 2010/0507/FUL for construction of a five-bedroom, three storey detached house		
LOCATION:	Quarry Drop Westfield Lane South Milford Leeds West Yorkshire LS25 5AP		
RECOMMENDATION:	GRANT		

Since the Officers Report was written, two further letters of representation from neighbouring properties have been received, objecting to the application, and raising the following points:

- State at paragraph 1.4 that *“the increase in the height of the dwelling by approximately 0.8 metres”* can you confirm that you are recommending for approval something that cannot be determined. Also, on the same point can you confirm if the approximate 0.8 metres is based on the 2010 or the 2016 application as there is a difference between the two.

**Officer Response:** The increase in the height of the dwelling is by reference to the 2010 permission, which this application is seeking to amend. In terms of the measurements, an approximation is given due to the potential for a degree of error when scaling the plans and it is normal practice to report measurements in this way when scaling the plans.

- Now it has been confirmed that this section 73 is based on the 2010 permission when you will be taking action on the temporary dwelling that has been constructed and lived in for a number of years.

**Officer Response:** This matter is with the Council’s Planning Enforcement Team for investigation and is not a matter for consideration under the current application.

- The 2016 application already allowed for an approximate 0.8m raise in the building height and now you are allowing another 0.8m raise in the building height which means the building is at least 1.6m higher than the original 2010 permission which is currently being assessed. There were also changes to the footprint that were approved in the 2018 application. You are allowing Mr

Lindsay to increase the development incrementally which in turn hides the true reflection on the scale of change from the original development.

**Officer Response:** For clarification, the 2016 application granted permission for an increase in the height of the dwelling approved under the 2010 permission by approximately 0.8metres; and the current application similarly seeks an increase in the height of the dwelling approved under the 2010 permission by approximately 0.8metres. Furthermore, the 2018 application granted permission for changes to the footprint of the dwelling approved under the 2010 permission; while the current application seeks slightly different changes to the footprint of the dwelling approved under the 2010 permission, by comparison to those approved under the 2018 permission.

- In paragraph 5.10 you accept that the changes to the footprint have been accepted in the 2018 application and in paragraph 5.11 you state that the change in height has been already approved in the 2016 application. If this is the case why is Mr Lindsay making a further application.

**Officer Response:** The current application is required to bring all of the changes under one planning permission.

- In paragraph 5.13 you states there is a 1.8m wall with fence on top to the western elevation, but there is no mention to the height of the fence so you have no idea if there would be an adverse impact or not but you are happy to approve the proposal. Also question the proposed floor level of this amenity area, as structural steel has been erected already which must be 3m off the floor.

**Officer Response:** To clarify, the overall height of the wall with fence on top is 1.8 metres. In terms of the raised amenity area, the submitted plans show this to be approximately 6.1 metres above ground floor level (the quarry floor) adjacent to Westfield Lane.

- The access has not been laid out and constructed and no vehicle has ever used it to travel from Westfield Lane to ground level of Quarry Drop. It is still debatable if is in fact possible to get a vehicle in and out using the ramp due to the steep gradient it has been constructed on.

**Officer Response:** NYCC Highways have confirmed that the vehicular access has been constructed.

- In paragraph 5.28 you state that planning conditions should be kept to a minimum and this development has never had more than 3 at anyone time and you have stated in 5.12 that one of these conditions has in fact been removed. It is my belief that a completion date condition can meet “the six tests”.

**Officer Response:** to clarify, paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: (1) necessary; (2) relevant to planning; (3) relevant to the development to be permitted; (4) enforceable; (5) precise; and (6) reasonable in all other respects. As set out in paragraph 2.28 of the Officer Report, a condition requiring a development to be carried out in its entirety within a specified timeframe would not meet all of ‘the 6 tests’, as it would not be reasonable or enforceable. This has been confirmed by an Inspector under the appeal relating to planning permission reference 2018/0800/FUL.

- Astounded that the Officer's can recommend approval when it is not clear what the changes are. The Applicant has deliberately left vital information out of the drawings he submitted. You have no idea what is being constructed on this site and have failed in your duty of care to control this development and protect local residents from loss of amenity.

**Officer Response:** Officers understand the amendments proposed and these are clearly set out in paragraph 1.4 of the Officers Report. Officers are required to assess the proposals put before them in the application - should the development constructed on site not conform to approved plans, this would be a matter for the Planning Enforcement Team to investigate.

## Item 1.2

APPLICATION NUMBER:	2020/0155/S73	PARISH:	Beal Parish Council
APPLICANT:	Harworth	VALID DATE:	13th February 2020
		EXPIRY DATE:	14th May 2020
PROPOSAL:	Section 73 application to vary condition 01 (approved plans) and 02 (use class of plots 1a and 2) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sqft (135,500sqm) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019		
LOCATION:	Former Kellingley Colliery Turvers Lane Kellingley Knottingley West Yorkshire WF11 8DT		
RECOMMENDATION:	MINDED TO GRANT		

The recommendation in Section 7 of the Officers Report needs updating as follows:

'This application is recommended to be MINDED TO GRANT subject to (i) the expiration of the consultation period with no new material considerations being raised; (ii) referral of the application to the Secretary of State and their confirmation that the application is not to be called in for their consideration; (iii) the completion of a Deed of Variation to the original Section 106 agreement, and the following conditions:...'