

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

Planning Application:	2020/0366/FUL – Birchwood Lodge, Market Weighton Road, Barlby
Decision Maker:	Janet Waggott, Chief Executive
Other Officers Present at Remote Meeting:	Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Rebecca Leggott - Senior Planning Officer, Glenn Sharpe - Solicitor and Victoria Foreman - Democratic Services Officer
Title of Decision:	CEO Urgent Decision Session – 2020/0366/FUL – Birchwood Lodge, Market Weighton Road, Barlby
Ward(s):	Derwent
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>Location: 2020/0366/FUL – Birchwood Lodge, Market Weighton Road, Barlby</p> <p>Proposal: Erection of research and development building to replace an existing store building</p> <p>The matter had been brought to the Chief Executive for consideration under urgency as the application had been called in by Ward Councillor Karl Arthur due to concerns over the impact on the residential amenity of neighbouring occupiers.</p>

Officers presented the application to the Chief Executive who noted that it was for the erection of a research and development building to replace an existing store building.

An Officer Update Note had been circulated prior to the meeting which stated that since the publication of the report, additional written representations had been received from Councillors and a member of the public. This had resulted in several amendments to the Officer report.

The recommendation had been updated to Minded to Approve following the expiry of the consultation period on 29 May 2020, and subject the conditions and to no new material issues being raised.

An additional representation had been received from one of the neighbouring properties objecting to the proposed development and raised several concerns. These related to breaches of previous planning permissions, increased noise and pollution, loss of amenity to neighbours, over industrialisation, the viewing balcony, concerns that the site will become a mini airport, the stress and upset to surrounding residents and the increase of vehicle movements.

The Officer Update Note also included details of amendments to Conditions 7 and 8 within the Officer's report, which had been changed to read more concisely. Condition 7 had also been amended to include a reference to the Local Highways Authority (LHA).

As part of the decision-making process Members had been consulted on the application. These comments were collated presented to the Chief Executive as part of her decision making. Comments had been received from some Members of the Planning Committee and the Ward Members.

Some Members had expressed their agreement with the Officer's recommendation of approval, whilst also commenting that the fence along the southern boundary of the site should be strengthened to reduce the impact of noise on neighbours from gyrocopters, and that both committee site visits it was apparent that the biggest issue of noise was from traffic on the A163.

Other Members had concerns that the rural site was becoming increasingly industrialised beyond what was originally intended. The impact on the amenity of local residents would be exacerbated further by the proposals, including the cumulative impact of ongoing planning permission breaches, noise pollution, visual impacts and the effect on the health of neighbours and the surrounding natural environment. This would all result in concerns as to whether the amenity of the countryside could be protected. A number of

complaints had been received over the past five years from neighbours to the site.

Some Members were of the opinion that the application should be deferred for consideration by the Planning Committee and until Ward Members had met with the Planning Enforcement Team.

Lastly, a few Members had questioned whether there would be positive economic benefits to the scheme, as it was suggested that the employees at the site were not from Selby district.

The Officer addressed the points raised by Members and explained that the previous permissions and planning enforcement matters were not relevant to the determination of the application. The application had to be reviewed and determined on its own merits. With regards to the design and impact on the open countryside, the proposals were set within a cluster of existing buildings, with limited views if any from the surrounding area.

In relation to the residential amenity, the proposals were for a research and development building set within a cluster of existing buildings. It was not considered that there would be any noise impacts associated with the building, and furthermore it was set over 100m away from any residential property. Officers did not consider that the proposals had any adverse impacts of overlooking, overshadowing, overbearing or on health of neighbours.

The proposal would create 10 new jobs and support an existing business, would keep the company in the Selby District and have a positive economic benefit; whether the proposed employees lived in the District was not a material planning consideration.

North Yorkshire County Council Ecology had been consulted on the application and raised no objections. The proposals would replace an existing building and be located in a cluster of existing buildings, therefore having no adverse impacts on the natural environment.

The Solicitor commented on the application and recommended that whilst the application should be considered on its merits, as set out in the report, the enforcement issues should also be taken into account, as well as any issues with the existing business on site. Officers noted that it was likely that the enforcement issues on site would not be resolved soon. The Solicitor suggested that a decision on the application could be deferred in order to give the consultation period time to end on 29 May 2020.

Some Officers felt that a decision on the application should not be delayed further and could be taken at the meeting, but asked that if deferred, the matter be brought back to the following week for the

	<p>sake of expediency.</p> <p>The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed that whilst she was content with the Officer's report and recommendation, and with the relationship to application of the enforcement case, she had resolved to defer the application until the consultation period had ended on 29 May 2020. The Chief Executive agreed that the application should be brought back for a decision in the following week, on 3 June 2020.</p>
Resolution:	<p>RESOLVED:</p> <p>That consideration of the application be DEFERRED until after the expiration of the consultation period on Friday 29 May 2020, in order for any additional representations to be considered by the Chief Executive when making her final decision.</p>
Contact details for further information:	<p>Planning Officer: Rebecca Leggott, Senior Planning Officer rleggott@selby.gov.uk</p>
Signed:	<p><i>Janet Waggott</i></p> <p>Janet Waggott, Chief Executive</p>
Date of Decision:	<p>27 May 2020</p>