

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

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| Planning Application: | 2017/1381/FULM - Land At Viner Station, Roe Lane, Birkin |
| Decision Maker: | Janet Waggott, Chief Executive |
| Other Officers Present at Remote Meeting: | Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Fiona Ellwood - Principal Planning Officer, Glenn Sharpe - Solicitor and Victoria Foreman - Democratic Services Officer |
| Title of Decision: | CEO Urgent Decision Session – 2017/1381/FULM - Land At Viner Station, Roe Lane, Birkin |
| Ward(s): | Monk Fryston |
| 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: Land at Viner Station, Roe Lane, Birkin Proposal: Proposed erection of a new grain store including a chemical store and roof mounted solar PV</p> <p>The matter had been brought to the Chief Executive for consideration under urgency as it had been reported to the Planning Committee at its meeting on 6 June 2018 and was deferred. It was deferred for the following reasons, as per the minutes of the meeting on 6 June 2018:</p> |

“Members felt that they required more information on the application including on the unauthorised uses of some of the buildings before they could take a decision. Some members expressed a preference for a site visit; however, it was agreed that a decision on such a visit would be taken at a later date.”

Following this, a retrospective application, under reference 2018/0681/FULM for the Change of Use of the buildings and land from agricultural use to industrial B2 use (which included 5 Biomass Boilers for the drying and heating of woodchip) was reported to Planning Committee in December 2018 and subsequently refused permission on 6 February 2019. An appeal was lodged against the refusal and would be the subject of a Hearing in August 2020.

Officers explained that the application under consideration related solely to the new agricultural grain store. An appraisal had been obtained by an Independent Agricultural Consultant on behalf of the Council which justified the need for the grain store independent of the other buildings on the site. Further information had been provided on the blue line ownership for the entire holding, details of the farm business, justification for the agricultural need for the building and why the existing buildings were to be discounted.

The Chief Executive noted that the application was for the proposed erection of a new grain store including a chemical store and roof mounted solar PV. Officers explained that the report from the Agricultural Consultant had made clear that the proposed new buildings could be justified and were needed. This was because the farm had taken on more land, was producing more grain (as opposed to other crops) and storing it for longer. The grain that was produced came from the land holdings owned by the applicants across the District and required a modern grain drying facility.

The Chief Executive was informed that the report of the Agricultural Consultant had been made public and no comments had been received by Officers in relation to it.

An independent barrister had reviewed both the current application report and that of the appeal and had confirmed that it was possible to differentiate between the appeal site and the current application site. The Planning Solicitor also agreed with this assessment.

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

The Chief Executive noted that comments had been received from Members both supporting and opposing the application.

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| | <p>Some Members had made the point that the site was not in the Green Belt, referenced the use of an Agricultural Consultant had and that there were sufficient conditions to deal with flood risk and drainage issues.</p> <p>However, other Members felt strongly that the application should be deferred for a debate at a future public meeting of the Planning Committee for a number of reasons, including reputational issues, the contentious nature of the application, the number of objections submitted and general public concern, the adjacency to the Green Belt, validation of the application, maintenance of the 'status quo' of the site while the appeal was considered and details of the size of the proposed grain store.</p> <p>Officers explained that as the site was only adjacent to the Green Belt, not in it, this was not necessarily a relevant consideration for this application. The application had to be determined on its own merits.</p> <p>The Chief Executive accepted that this was a complex application that had been submitted back in 2017, and one which required resolution. However, there were some detailed technical questions that had also been raised by Members that it could be beneficial to consider and debate at a meeting of the Planning Committee.</p> <p>The Solicitor and other Officers confirmed that they had no further comments on the application.</p> <p>The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she would defer consideration of the application in order for a debate on the technical questions and aspects of the application to be undertaken at a meeting of the Planning Committee.</p> |
| Resolution: | <p>RESOLVED:</p> <p>To DEFER consideration of the application in order for a debate on technical questions and aspects to be undertaken to be undertaken at a meeting of the Planning Committee.</p> |
| Contact details for further information: | <p>Fiona Ellwood, Principal Planning Officer fellwood@selby.gov.uk</p> |
| Signed: | <p><i>Janet Waggott</i> Janet Waggott, Chief Executive</p> |
| Date of | |

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| Decision: | 24 June 2020 |
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