

Planning Committee

Venue:	Council Chamber
Date:	23 November 2015
Time:	2.00 p.m.
Present:	Councillors Cattanach (Chair), R Musgrave (Vice Chair), Mrs L Casling, I Chilvers, J Deans, C Pearson, S Duckett (substitute for J Crawford) and B Marshall.
Apologies for Absence:	Councillor J Crawford
Officers Present:	Richard Sunter - Lead Officer, Planning, Yvonne Naylor - Principal Planning Officer, Louise Milnes - Principal Planning Officer, Calum Rowley - Senior Planning Officer, Nigel Gould - Planning Officer, Kelly Hamblin - Senior Solicitor, and Janine Jenkinson - Democratic Services Officer.
Public:	74
Press:	1

40. DISCLOSURES OF INTEREST

All Councillors declared that they had received representations in relation to the following applications:

- 2015/0684/FUL- Ings View Farm, Main Street, Thorganby
- 2015/0615/OUT – Main Street, Church Fenton
- 2015/1025/OUT – Land off York Road, Main Street, North Duffield

The Chair declared that he had received a number of representations in relation to 2015/0518/OUT – Land to North West of Castle Close, Cawood.

Councillor Musgrave stated that for the reasons for openness and transparency wished to declared that he had requested that application –

2015/1004/OUT Croft Farm, Oxmoor Lane, Biggin, be considered by the Planning Committee.

41. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that he had been notified that Item 5.1 – 2015/0684/FUL Ings View Farm, Main Street, Thorganby, would be audio recorded by a member of the public.

42. SUSPENSION OF COUNCIL PROCEDURE RULES

The Planning Committee was asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6 (a) for the Committee meeting. The Solicitor explained that this would facilitate an open debate within the Committee, on the planning merits of the application.

RESOLVED:

To agree the suspension of Council Procedure Rules 15.1 and 15.6 (a) for the Committee meeting.

43. PLANNING APPLICATIONS RECEIVED

- 43.1 Application: 2015/0684/FUL**
Location: Ings View Farm, Main Street, Thorganby
Proposal: Erection of 7 dwellings and garages.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the update note.

The application had been brought before the Planning Committee due to the proposal being a departure from the Development Plan and being considered locally controversial due to the number of objections received.

Whilst it was noted that the proposed scheme failed to comply with Policy SP2A (c) of the Core Strategy, the Committee was advised that the Policy was out of date in so far as it related to housing supply, due to the fact that the Council did not have a five year housing land supply.

As such, the Committee was advised that the proposal for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the National Planning Policy Framework (NPPF).

The Principal Planning Officer reported that there were no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was therefore considered acceptable when assessed against

the policies in the NPPF, in particular paragraph 14, the Selby District Local Plan and the Core Strategy. It was on this basis that permission was recommended to be granted, subject to conditions and a Section 106 Agreement.

Robert Worthington, resident spoke in objection to the application.

David Woolgar, Parish Councillor spoke in objection to the application.

Mark Newby, Agent spoke in support of the application.

A proposal to approve the application was moved and seconded.

An amendment to refuse the application for the reasons of detrimental impact on the open countryside and the proposal not being in-keeping with the character and form of the village was proposed and seconded. The amendment was not supported by the Committee and fell accordingly.

The Principal Planning Officer's recommendation was moved and voted upon.

RESOLVED:

That the Planning Committee give a minded decision to APPROVE the application, subject to the completion of a Legal Agreement, the ratification of the Certificates of Ownership, if required, and subject to the conditions detailed in section 2.22 of the report, revised highways related conditions / informative, and the revised conditions detailed in the update note.

43.2 Application: 2015/0615/OUT
Location: Main Street, Church Fenton
Proposal: Outline application to include access for .
a residential development on land to the
south of Main Street, Church Fenton.

The Planning Officer introduced the application and referred the Committee to the additional information provided in the update note.

The application had been brought before the Planning Committee due to it being recommended for approval contrary to the provisions of the Development Plan.

It was stated that the proposal was considered, on balance, acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

With regard to heritage issues, the Planning Officer reported that the minor harm to the setting of the Listed Church was outweighed by the public benefits of the proposal, such that on balance the application was acceptable.

It was on this basis that Councillors were recommended to approve planning permission, subject to conditions and the completion of a Section 106 Agreement.

Nina Wrightson, resident spoke in objection to the application.

Rebecca Slade, Parish Councillor spoke in objection to the application.

Alex Cowling, Agent spoke in support of the application.

Councillors raised some concerns in relation to size, scale and detrimental impact on the nearby Grade I Listed Church.

The Planning Officer's recommendation was moved and seconded.

An amendment to refuse the application on the grounds that the proposal would have only a minimal public benefit and would have a significant detrimental impact on the form and landscape of the setting of the Grade I Listed Church was proposed and seconded. The amendment was not supported by the Committee and fell accordingly.

The Planning Officer's recommendation was voted upon.

RESOLVED:

To APPROVE the application, subject to no objections being received from WPA (the Council's Contaminated Land Adviser), and the completion of a Section 106 Agreement to secure:40% on-site provision for affordable housing, a waste and recycling contribution, a contribution for off-site highway works, monitoring fee towards the implementation of the travel plan, an education contribution for Kirk Fenton Parochial CE Voluntary Controlled Primary School the provision of an on-site recreational open space, conditions detailed in section 3.0 of the report and subject to the amendments and additional conditions as detailed in the update note.

**43.3 Application: 2015/1025/OUT
Location: Land off York Road
Main Street, North Duffield
Proposal: Outline planning application for up to 65 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved).**

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the update note.

The application had been brought before the Planning Committee due to the proposal being contrary to the Development Plan; however planning officers considered there

were material considerations to justify approval of the application. It was also noted that there had been a high level of local objection.

Claire Walker, resident spoke in objection to the application.

Bob Wells, Parish Councillor spoke in objection to the application.

Karl Arthur, Ward Councillor spoke in objection to the application.

Richard Morton, the applicant spoke in support of the application.

Councillors raised concerns regarding overlooking and density and the lack information provided in relation to: the archaeological significance of the site, surface water drainage issues and ecology.

An amendment to refuse the application was proposed and seconded.

RESOLVED:

To REFUSE the application for the following reasons:

- I. The applicant has failed to provide sufficient information, in the form of trial trenching to allow the Local Planning Authority to make an appropriate and full assessment of the archaeological significance of the application site, given that the site had been indicated to have potential for archaeological remains from the Iron Age/ Romano British periods. The proposal is therefore contrary to Policy ENV28(A) of the Selby District Local Plan, Policy SP18 of the Core Strategy and paragraph 128 of Section 12 of the National Planning Policy Framework.**
- II. The applicant has failed to provide sufficient information to allow the Local Planning Authority to undertake a full and proper assessment of the drainage strategy for the sustainable disposal of surface water and therefore to mitigate against flooding elsewhere as required by Policy SP15 (d) of the Selby District Core Strategy Local Plan and paragraph 103 of the National Planning Policy Framework.**
- III. The applicant has failed to provide sufficient information to allow the Local Planning Authority to fully assess the ecological importance of the site, and in particular to birds and therefore to assess the proposal against the requirements of Policy ENV1(5) of the Selby District Local Plan, Policy SP18 of**

the Core Strategy and paragraph 118 of the National Planning Policy Framework.

- IV. Notwithstanding the indicative nature of the Indicative Plan the proposal would by virtue of the density of the proposed development unacceptably alter the outlook from neighbouring properties and by virtue of the resulting proximity between existing and proposed dwellings result in unacceptable levels of overlooking. As such the proposal would fail to provide a good standard of amenity as required by Policy ENV1(1) of the Selby District Local Plan and paragraph 17 of the National Planning Policy Framework.

43.4 **Application:** 2015/0518/OUT
 Location: Land to north west of
 Castle Close, Cawood
 Proposal: Proposed outline application for the residential
 development (access and layout to be approved all
 other matters reserved) for 17 dwellings with
 garages, creation of access road and associated
 public open space following demolition of existing
 garages.

The Principal Planning Officer introduced the application.

The application had been brought before the Planning Committee due to proposal being a departure from the Development Plan and the number of objections received.

Whilst it was noted that the proposal failed to comply with Policy SP2A (c) of the Core Strategy, the Committee was advised that this Policy was out of date in so far as it related to housing supply, due to the fact that the Council did not have a five year housing land supply. As such, proposals for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF.

The Committee was advised that the application would deliver a level of open market and affordable housing in Cawood, promoting a sustainable and balanced community and would assist the Council in achieving a five year supply of housing land.

Brian Scott, Agent spoke in support of the application.

The Principle Planning Officer's recommendation was proposed and seconded.

RESOLVED:

To APPROVE the application, subject to delegation being given to officers to complete the Section 106 Agreement to secure 40% on

site Affordable Housing provision, on-site recreational open space, a waste and recycling contribution and conditions detailed in section 2.21 of the report.

43.5 Application: 2015/1004/OUT
Location: Croft Farm, Oxmoor Lane, Biggin
Proposal: Outline application for the erection of 5 No. dwellings including details of access (all other matters reserved).

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the update note.

The application had been brought before the Planning Committee as officers considered that although the proposal was contrary to the provisions of the Development Plan, there were material considerations that would justify approval of the application. Councillor Musgrave had also requested the application be considered by the Planning Committee.

Whilst it was noted that the application was contrary to Policy SP2A (c) of the Core Strategy, Councillors were informed that the Council did not have a five year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF.

The Principal Planning Officer reported that having assessed the proposal, it was considered that there would be no significant harm arising from the development and as such, any adverse impact of the development did not demonstrably outweigh the benefits of the application. Therefore, the proposal was considered acceptable when assessed against the policies in the NPPF taken as a whole, Selby District Local Plan and the Core Strategy.

Shirley Hill, resident spoke in objection to the application.

Melissa Madge, Agent spoke in support of the application.

The Principal Planning Officer's recommendation was moved and seconded.

RESOLVED:

To APPROVE the application, subject to a legal agreement for an affordable housing contribution, waste and recycling contribution, provision and management of off -site recreational open space and the conditions detailed in section 2.22 of the report.

43.6 Application: 2015/0835/FUL
Location: Old Forge Cottage
Main Street, Church Fenton
Proposal: Proposed erection of 9 No dwellings.

The Planning Officer introduced the application.

The Committee was informed that the proposal would have an adverse impact on the open character, form and purpose of the Strategic Countryside Gap between the two separate settlements of Church Fenton.

It was considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposal was considered unacceptable when assessed against the policies in the NPPF, in particular paragraph 14 of the Selby District Local Plan and the Core Strategy.

It was on this basis that Councillors were recommended to refuse planning permission.

Note – At this point, the Committee meeting had been in session for nearly three hours. In-line with the Council’s procedure, Councillors took a vote to continue the meeting. This was supported by the Committee and the meeting continued.

Lesley Wright, resident spoken in objection to the application.

Mark Newby, Agent spoke in support of the application.

The Planning Officer’s recommendation was moved and seconded.

An amendment to approve the application on the grounds that the provision of housing outweighed any harm resulting from the proposal was moved. The amendment was not seconded and fell accordingly.

The Planning Officer’s recommendation was voted upon.

RESOLVED:

To REFUSE the application, for the following reasons:

The proposal would have an adverse effect on the open character, form and purpose of the strategic Countryside Gap between the two separate settlements of Church Fenton. The proposed development does not constitute a use with minimal intrusion and does not enhance the overall open character by the removal of existing structures. The proposal is therefore contrary to Policy SG1 of the Selby District Local Plan.

At this point in the meeting Councillor Musgrave left Council Chamber and did not return.

**43.7 Application: 2015/0786/FUL
 Location: Manor Farm, Manor Road, Beal
 Proposal: Proposed installation of an agricultural dryer.**

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the update note.

The application had been brought before the Planning Committee due to the proposal being a departure from the Development Plan; however officers considered that very special circumstances existed to justify approval.

The Senior Planning Officer reported that the proposal constituted inappropriate development within the Green Belt, wherein there was a presumption against inappropriate development that should only be allowed where very special circumstances had been demonstrated.

The Committee was advised that the applicant had outlined the environmental and economic benefits of the scheme, such that the proposed dryer would be proximate to a renewable heat source, would support the diversification and expansion of the agricultural enterprise and would utilise residual heat from the Anaerobic Digester plant that would have wider environmental benefits, as it would reduce Manor Farm's reliance on non-renewable energy sources. It was considered that the harm to the Green Belt and any other harm were clearly outweighed by the environmental and economic benefits of the scheme, as such very special circumstances had been demonstrated to justify approval of the proposal.

It was on this basis that the Committee was recommended to approve planning permission.

The Senior Planning Officer's recommendation was moved and seconded.

RESOLVED:

That the Planning Committee gives a minded decision to APPROVE the application, subject to conditions detailed in section 3.0 of the report, an amended condition 2 as detailed in the update note and delegated authority to officers to determine the application after the 21 days consultation period had expired, provided no new issues arose as a result of the consultation.

The Chair closed the meeting at 5.09 p.m.