

Officer Update Note

23 March 2016

Item 5.1 (Page 3)

APPLICATION NUMBER:	2015/1403/FUL	PARISH:	Thorpe Willoughby and Hambleton
APPLICANT:	Mr Jonathan Philpott	VALID DATE:	18 th December 2015
		EXPIRY DATE:	12 th February 2016
PROPOSAL:	Construction of a balancing pond and associated wildlife area on land South of Leeds Road		
LOCATION:	Street Record Leeds Road Thorpe Willoughby Selby North Yorkshire		

Additional Parish Council consultation and neighbour notification via site notice and letter occurred following the receipt of the latest amended plans. This ended on 16th March 2016.

Page 6 Hambleton Parish Council

Thorpe Willoughby Parish Council discussed the above amended planning application at their meeting last night (21st March 2016) and it was resolved that: "No Objections because there is no Planning Grounds to object"

Page 6 Publicity

One letter of support has been submitted:

- We live at Plot 59, a property with one of the longest boundaries to the proposed pond. It is arguably one of the most affected by the new proposal because it was not affected by the original pond.
- We are pleased to see that the current, amended plans have removed the 2.4m fencing around Pond Lane along with the repositioning of trees to avoid clashes with the overhead power lines. As a result of these changes we are now fully supportive of the plans.
- The main reason to submit this letter of support is in direct response to those calling for open access to the pond. This is something we do not desire and agree that this area should not be accessible.
- When buying our property we were not led to believe that this pond was an open area for dog walkers and children; there was nothing to identify this in sales literature

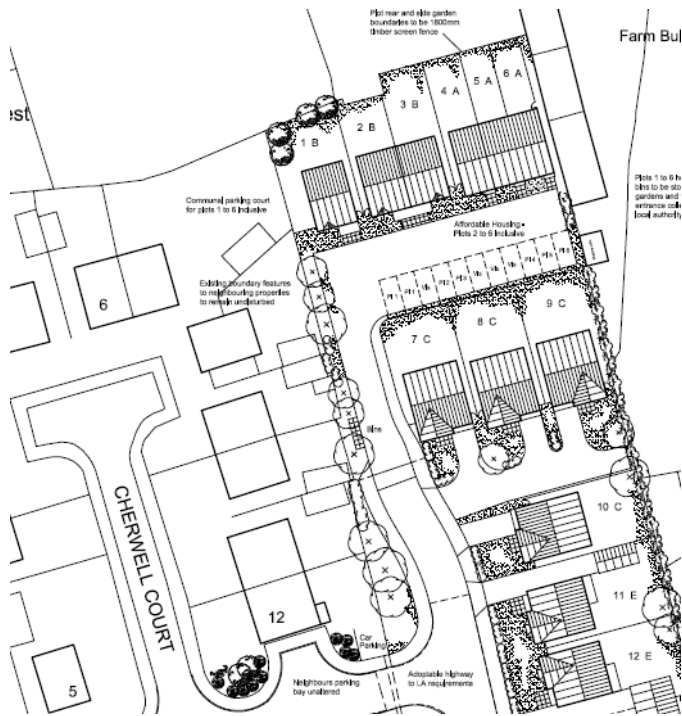
- Before buying our property we researched the 2012 approved balancing pond plans which do not show any walkways or access to the public
- The addition of a path/walkway to the pond would bring foot traffic right up to the boundary of our garden where we expected open fields to remain.
- An open access pond gives the potential for the congregation of people as well as presenting a serious safety risk to unsupervised children close to open water.
- Should the pond be opened for public access we would withdraw our support. There are plenty of public footpaths, countryside and areas to walk in the local area.

One additional ground for objection has been submitted:

- The S.104 agreement that Linden Homes have with Yorkshire Water has no reference to securing that area and restricting access to the balancing pond and wildlife area.
- I do not want to look out across to a gate across the road. A post and wire fence to surround the access road area, using the same fence that is in place around the wildlife area to the farmer's field, would be preferred.

Item 5.2

APPLICATION NUMBER:	2015/1266/FUL	PARISH:	Hambleton
APPLICANT:	Berkeley De Veer	VALID DATE:	27th November 2015
		EXPIRY DATE:	26th February 2016
PROPOSAL:	Section 73 application for the variation of condition 02 (plans) granted on appeal under reference APP/N2739/W/15/3009006 (2014/0500/FUL) for erection of 22 dwellings with associated access and landscaping		
LOCATION:	Cherwell Croft Hambleton Selby North Yorkshire		



Please note the correct site layout above showing the position of Plot 1.

Item 5.3

APPLICATION NUMBER:	2015/1389/FUL	PARISH:	Hambleton
APPLICANT:	Berkeley De Veer	VALID DATE:	31st December 2015
		EXPIRY DATE:	25th February 2016
PROPOSAL:	Section 73 application for the variation of condition 2 (drawings) of approval 2015/0333/FUL: Erection of 22 No. dwellings with associated access and landscaping		
LOCATION:	Cherwell Croft Hambleton Selby North Yorkshire		

The second bullet point to paragraph 1.2.1 should read plots 15, **16**, 20 and 21.

Item 5.5

APPLICATION NUMBER:	2016/0115/FUL 8/69/48A/PA	PARISH:	Towton Parish Council
APPLICANT:	Mr Tony Timmermans	VALID DATE: EXPIRY DATE:	9 February 2016 5 April 2016
PROPOSAL:	Provision of private rear garden, garage, carport, greenhouse and outbuildings following demolition of existing pole barn and breaking up of concrete silo bases and hardstanding		
LOCATION:	Towton Grange, Main Street, Towton, Tadcaster, North Yorkshire, LS24 9PB		

1.5 Publicity

The proposal has been advertised in the local press as a departure and as such, the paragraph in the report should read as follows:

“The application was advertised by site notice and neighbour notification letter resulting in no representations being received to date.”

Since the compilation of the Officer Report, five letters of support have been received stating:

- The proposal will improve part of the approach to the village and is in keeping with the setting of his house;
- The application area sits in Green Belt and therefore I realise that “Very Special Circumstances” need to be proven. We have experience of this in Towton, since the other end of the village is marred by a gipsy site that has been imposed on the village by mischievous pleading of Very Special Circumstances. It will be a gross injustice to Towton if an enhancement to the village is rejected for failing the same test that the gipsy development opposed by the community apparently passed;
- The complete structure is an eyesore and serves no useful purpose;
- This would make a vast improvement to the outlook from our end of the village;
- Would like to see removal of the barn and the development of gardens. The barn will slowly deteriorate, and become a liability;
- Making the plot into gardens (with strict covenants, to ban the future building of a permanent dwelling) would be an enhancement to the village.
- [the proposal] will remove an unsightly and redundant building with virtually no architectural merit, and open up a vista across farmland.

Agenda Item No. 5.6

APPLICATION NUMBER:	2015/1392/EIA	PARISH:	Eggborough
APPLICANT:	Mr Scott Appleyard	VALID DATE: EXPIRY DATE:	22nd December 2015 12th April 2016
PROPOSAL:	Erection of a new single storey production facility for the manufacture of insulation boarding together with associated vehicle movement and parking areas.		
LOCATION:	St Gobain Glass UK Ltd Glassworks Weeland Road Eggborough Goole East Yorkshire DN14 0FD		

Minor word changes to section 2.6.1 The Principle of the Development

Paragraph 2.6.10 shall now read as;

A further important material consideration is the planning background to the site. The site was proposed to be included as an employment allocation (EGG/6) in the Deposit Draft SDLP, but objections from the EA and YW regarding the impact on the underlying aquifer and the need to protect the groundwater meant SDC deleted the allocation from the plan as a Pre-Inquiry Change.

By the time the Inquiry was held there was a planning permission in place for the St Gobain glass factory, but this did not have any bearing on the SDLP being a planning permission granted in exceptional circumstances. As such the site was de-allocated and remained outside the development limits.

The site proposed for the new factory falls entirely within the original application site area for the Saint Gobain factory where Planning Permission was granted on a much larger site than needed for the factory to allow for future expansion, although the development limits for Eggborough were not finally adjusted to reflect this. However, since the development has been implemented, the permission remains valid in perpetuity for the entire site. The development now proposed would therefore be on a site with an extant permission for an existing employment use.

Paragraph 2.6.13 shall now read as;

Therefore, provided that there are no adverse impacts of the proposed development that would outweigh the benefits of the development, planning permission for new factory development should be approved.

Recommendation changes

The recommendation is subject to the variation of a Section 106 Agreement. The document contains a clause which provides that the buildings on site shall only be used for the manufacture processing storage and distribution of glass and glass products with ancillary uses. However it goes on to provide that if the Council grants planning permission for an alternative use for the site or part of it (as is proposed here) and that permission is

implemented then the covenant is discharged. In respect of the part of site covered by the alternative permission, there is no other reason for requiring a s106 and the use of the new building would be controlled by condition. Therefore the Committee should be advised that they can grant permission, if so minded, without the prior completion of an agreement or Variation Deed.

Therefore the recommendation should be amended as follows:

This application is recommended to be APPROVED subject to the following conditions and reasons;

Item 5.7

APPLICATION NUMBER:	2015/1235/FUL	PARISH:	Birkin Parish Council
APPLICANT:	Booths Brothers Energy Limited	VALID DATE: EXPIRY DATE:	14 th January 2016 10 th March 2016
PROPOSAL:	Proposed installation of an agricultural dryer, feed hopper and associated storage building		
LOCATION:	Smeathalls Farm, Birkin Lane, Birkin		

1.4 Consultations

1.4.1 Birkin Parish Council

It should be noted the Birkin does not have a Parish Council but Parish Meetings are held as and when necessary and they do not comment on planning applications.