

Minutes

Planning Committee

Venue:	Council Chamber
Date:	1 June 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), D Peart (Vice Chair), D Buckle (substitute for Mrs E Casling), I Chilvers, J Deans, D Mackay), P Welch, B Marshall, and C Pearson.
Apologies for Absence:	Councillor Mrs E Casling.
Officers Present:	Ruth Hardingham – Principal Planning Officer, Calum Rowley – Senior Planning Officer, Nigel Gould – Principal Planning Officer, Keith Thompson – Senior Planning Officer, Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.

Public: 9

Press: 1

1. DISCLOSURES OF INTEREST

Councillor Dave Peart declared a non-pecuniary interest in agenda items 6.6 – 2016/0312/ADV – Selby Leisure Village, Scott Road, Selby and 6.7 – 2016/0254/FUL – Selby Leisure Centre, Scott Road, Selby, due to having been a member of the Executive of Selby District Council when funding for the proposals was considered. He stated that in the interest of transparency, he would take no part in the consideration of the applications.

2. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that on 11 May 2016 the Court of Appeal had allowed the Secretary of State's appeal in the challenge brought by Reading Borough

Council and West Berkshire District Council against the Written Ministerial Statement (WMS) dated 28 November 2014 in relation to affordable housing and tariff based contributions on small schemes. Officers had reviewed the judgement and in light of the decision, the Written Ministerial Statement was a material consideration and therefore, a report would be brought to next week's Committee meeting in relation to the applications affected and to consider the creation of a Sub-Committee.

In addition, the Chair reported that Councillor Richard Musgrave had resigned from the Planning Committee and had been appointed as a member of the Executive. The Committee was informed that Councillor Dave Peart had joined the Planning Committee as Vice Chair. Members welcomed Councillor Peart to the Committee.

3. MINUTES

The Committee considered the minutes of the meeting held on 11 May 2016.

RESOLVED:

To APPROVE the minutes of the Planning Committee held on 11 May 2016, and they be signed by the Chair.

4. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) in the Constitution, to allow a more effective discussion on applications.

RESOLVED:

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

5. PLANNING APPLICATIONS RECEIVED

- 5.1**
- | | |
|---------------------|---|
| Application: | 216/0161/MLA |
| Location: | Flaxley Road
Selby |
| Proposal: | Application to modify a section 106 planning obligation under section 106BA following approval of 2015/0341/OUT. |

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 to Planning Committee following the lodging of an Appeal by the appellants in relation to a decision issued on 13 April 2016.

The Committee was informed that a Hearing was expected to be held in late June/July 2016 with evidence and the agreements of Statements of Common Ground to be completed and submitted by officers in advance. As such, councillors' views were sought on the submission and agreement to the general grounds/scope of the case that officers and their advisors would present at the Hearing.

The Principal Planning Officer's recommendation as detailed in the report was proposed and seconded.

RESOLVED:

- I. **To AGREE that officers progress the case on the basis that the scheme can provide 40% Affordable Housing in-line with the advice of the District Valuer.**
- II. **To AGREE that officers can offer via evidence to utilization of a 20% developer profit level, contrary to the advice of the District Valuer, for the assessment and thus agree via the Hearing to a 35% of units on the site to be affordable as a fall-back position.**

**5.2 Application: 2016/0197/REM
 Location: Land Near Crossing At Leeds Road
 Thorpe Willoughby
 Proposal: Reserved matters application relating
 to the approval of details of
 appearance, landscaping, layout and
 scale in relation to the development of
 276 homes and associated
 infrastructure of approval
 2014/1028/OUT Outline planning
 permission for residential development
 including access, all other matters are
 reserved for future consideration.**

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

The application had been brought before the Committee due to the number of objections received.

Members were advised that the principle of residential development on the site had been established through the outline approval referenced 2014/1028/OUT. It was explained that the Section 106 Agreement which accompanied the outline approval secured 40% on site affordable housing, an education contribution for the primary school and secondary school, healthcare contribution, on-site open space provision, waste and recycling contribution. The application was therefore to consider the reserved matters with respect to appearance, landscaping, layout and scale to the development.

The Principle Planning Officer reported that having assessed the proposals against the relevant policies the proposal was considered acceptable. Members were recommended to approve the application.

Paul Butler, the applicant's Agent spoke in support of the application.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the application subject to the conditions detailed in section 2.17 of the report and any conditions from the Highway Authority.

5.3 Application: 2016/0332/OUT
Location: Land at Former Airfield
Lennerton Lane
Sherburn in Elmet
Proposal: Section 73 application for variation of conditions 7
(access), 9 (b) (footway/cycleway and crossing
points), 11 (a) (footway/cycleway and crossing
points) and 38 (drawings) of approval 2014/1235/FUL.

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

The application had been brought before the Planning Committee due to the proposal relating to a previously approved outline scheme which had been determined by Planning Committee.

Members were advised that since the compilation of the report, the description of the application had been amended to 'Section 73 application for the variation of conditions 7 (access), 9 (b) (footways/cycleway and crossing points), 11 (a) (footway/cycleway and crossing points), 17 (surface water drainage), 19 (foul water drainage), 38 (drawings) of approval 2014/1235/FUL'.

The Principal Planning Officer reported that having taken into account the policy context, minor changes to the proposed scheme and the variation to the conditions, it was considered that the proposals were acceptable and would allow the Local Planning Authority sufficient controls with respect to details covered by condition and would not have any significant adverse impact on the existing highway network.

Iain Bath, the applicant's Agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the application, subject to the revised application description, as detailed in the update note, amended conditions 17 and 19 as detailed in the update note, delegation being given to officers to complete the Deed of Variation to the original Section 106 Agreement and the conditions set out in section 2.8 of the report.

5.4 **Application:** **2016/0298/FUL**
 Location: **The Briars**
 Main Street
 Appleton Roebuck
 Proposal: **Section 73 application to vary condition 09 (plans)**
 of planning permission 2010/0086/FUL for the
 erection of a detached single storey dwelling on
 land to the rear and creation of a new access for
 the existing dwelling.

The Principal Planning Officer introduced the application and referred members 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 which would justify approving the application.

Members were advised that the principle of the development for residential development at the site had been established under the previous, extant planning permission. Furthermore, the proposal was acceptable in respect of its design and impact on the character and appearance of the area impact on residential amenity, highway safety and parking and flood risk.

The Committee was advised that the existing extant consent represented a fall-back position and it would be unreasonable to require the applicant to pay the commuted sum required under Policy SP9. Officers considered that the fall-back position was of sufficient weight to outweigh the policy requirement for a commuted sum on affordable housing.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 2.13 of the report.

5.5 **Application:** **2015/1325/FUL**
 Location: **Water Lane**
 Eggborough
 Goole
 Proposal: **Development of 4no. detached houses and**
 associated works.

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

The application had been brought before Planning Committee because officers considered that although the application was contrary to the provisions of the Development Plan there were material considerations which would justify approving the application. There had also been two objections to the proposal.

Members were advised that there was an extant planning permission for the erection of seven dwellings on the site which had been approved in October 2013 under planning reference 2011/0261/FUL. The extant planning permission was considered to be a clear fall-back position that was a material consideration of sufficient weight to outweigh the provisions of Policy SP9 of the Core Strategy, the Affordable Housing SPD and paragraphs 50 of the National Planning Policy Framework (NPPF) because 7 dwellings could be erected without any affordable housing contribution. The Senior Planning Officer reported that this was a material consideration of substantial weight which was considered would outweigh the requirements of Policy SP9 of the Selby District Core Strategy Local Plan.

The Committee was advised that having assessed the proposals against the relevant policies the application was considered to be acceptable, subject to suitable conditions.

Chris Carole, the applicant's Agent, spoke in support of the application.

The Senior Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE, the application, subject to conditions detailed in section 2.17 of the report and the revised conditions detailed in the update note.

Note – Further to his declaration of interest, Councillor D Peart took no part in the consideration of the following application. He remained in the Council Chamber.

5.6	Application:	2016/0312/ADV
	Location:	Selby Leisure Village Scott Road, Selby
	Proposal:	Advertisement consent for 1 No illuminated fascia sign, 2 No non-illuminated fascia signs and 2 totem signs.

The Principal Planning Officer introduced the application and explained that the proposal had been brought before the Planning Committee as it was an application submitted on behalf of Selby District Council.

Members were advised that the application would achieve an appropriate design which would ensure that there was no significant detrimental impact on the character

of the area. Furthermore the proposed advertisement would not be to the detriment of public safety.

The Principal Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 3.0 of the report.

Note – Further to his declaration of interest, Councillor D Peart took no part in the consideration of the following application. He remained in the Council Chamber.

**5.7 Application: 2016/0254/FUL
 Location: Selby Leisure Centre
 Scott Road, Selby
 Proposal: Proposed extension of existing car park serving
 Selby Leisure Centre and Summit Indoor Adventure
 (Selby Leisure Village) to provide additional 23 car
 parking bays and associated pathways, relocation of
 existing bin store to location at rear with improved
 access for bin lorry.**

The Principal Planning Officer introduced the application and explained that the proposal had been brought before the Planning Committee as it was an application submitted on behalf of Selby District Council.

Members were advised that the proposed development was considered acceptable in principle given that the site was located within the defined development limits and on the edge of the centre of the Principal Town of Selby and there had been no sequentially preferable sites identified to accommodate the development with the town centre itself.

The Principal Planning Officer reported that the proposals would achieve an appropriate design which ensured that there was no significant detrimental impact on the character of the area.

The Principle Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the application, subject to no objections from the Council's Contamination Consultant and subject to the conditions detailed in section 3.0 of the report.

5.8 Application: 2015/1387/FUL
Location: Park Row
Selby
Proposal: Erection of 4 terraced houses with off-street parking
at Conservative Club Car Park.

The Senior Planning Officer introduced the report and referred members 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, namely SP9 'Affordable Housing', there were material considerations which would justify approving the application.

Members were advised that the principle of development for housing on the site had been firmly established under the previous, extant, outline planning permission and details in the reserved matters application. Furthermore, the proposal was acceptable in respect of its design and layout, impact on residential amenity, flood risk and climate change and highways and the character of the Conservation Area and setting of nearby listed buildings.

The Senior Planning Officer reported that given that the development had commenced with the units for sale, it was considered that the extant consent represented a fall-back position and therefore it would be unreasonable to require the applicant to pay the commuted sum required under Policy SP9. Officers considered that the fall-back position was of sufficient weight to outweigh the policy requirement for a commuted sum. The Committee was recommended to approve the application.

The Senior Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

That the Committee was minded to APPROVE the application, subject to the conditions attached in section 3.0 of the report and delegated powers being granted to officers to determine the application on the expiration of the 21 day consultation period, provided no material objections had been raised.

The Chair closed the meeting at 3.08 p.m.