

Officer Update Note

Planning Committee 10 January 2018

Agenda Item 7.2

APPLICATION NUMBER:	2016/1337/OUTM 8/18/453A/PA	PARISH:	Hemingbrough Parish Council
APPLICANT:	York Diocesan Board of Finance	VALID DATE: EXPIRY DATE:	3 January 2017 4 April 2017
PROPOSAL:	Outline application for residential development of up to 21 dwellings (with all matters reserved) on land to the east of		
LOCATION:	School Road, Hemingbrough, Selby, North Yorkshire, YO8 6QT		
RECOMMENDATION:	Refuse		

Since the Committee Report was written the Agent has submitted comments in respect of the Committee report and therefore Members are provided with points of clarity below:

1. The fact of a village being sustainable is only one matter for consideration. Members should note that there are many villages across the District that are sustainable but whereby further development would be unacceptable for a variety of other reasons as set out within the Policy Officer's response; these include the size of the development, its relationship to the settlement boundary, growth levels within that settlement etc.
2. It is acknowledged that the characteristics of the site have not changed, that layout is not for consideration and that the site does not have a special landscape designation and as such the proposals have not changed since the Council resolved to grant outline consent. Members should however note that the previous Case Officer omitted from the Committee report the fact that Policy Officers had raised concerns regarding the density, built form and number of units not being compatible with the surrounding built form and thus being contrary to policy. Therefore, the Council, having recently employed a Landscape Officer, considered it appropriate to seek their professional input with respect to the impact of the proposals on the landscape and for the reasons set out within the main report it is considered that this reason for refusal is therefore justified.
3. Having sought further advice from Policy Officers with respect to the reference to potential development pressures it is considered appropriate to amend the second reason for refusal to read:
 2. The proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' and approach into the village from the west. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.

4. The agents make reference to the benefits of the development not being assessed. These are clearly set out within the initial Committee Report, however the implications of a positive five year housing land supply position are that relevant policies for the supply of housing in the Core Strategy are not to be considered out of date. Consequently, unless there are other reasons to conclude that the development plan is absent, silent or relevant policies are out of date, the presumption in favour of sustainable development (and, specifically, the “tilted balance”) in NPPF para.14 are not engaged . Where the development plan is up to date, the Framework makes clear that applications which do not accord with it should normally be refused. Furthermore, development that does not accord with an up to date plan will not normally constitute sustainable development.

5. The agents make reference to what they consider to be development precedent in relation to Woodland House (2016/0895/OUT) which was approved outside of development limits at a time when the Council were able to demonstrate a 5 year housing land supply. Members should note that Officers do not consider this development to be a precedent as the circumstances of that individual case differ significantly from this in that the site at Woodland House sits immediately adjacent to the development limits and is constrained by two roads therefore would not result in unacceptable encroachment into the countryside. Members will be shown a plan showing the location of other applications outside the development limits of Hemingbrough for clarity.

Agenda Item 7.8

APPLICATION NUMBER:	2017/0701/OUT	PARISH:	Kelfield Parish Council
APPLICANT:	Mr R Atkinson	VALID DATE: EXPIRY DATE:	22nd June 2017 17th August 2017
PROPOSAL:	Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved)		
LOCATION:	Yew Tree House Main Street Kelfield York North Yorkshire YO19 6RG		
RECOMMENDATION:	Refuse		

Since the Committee Report was written a further letter of objection has been received with concerns raised in respect of the principle of the proposed development outside the development limits of a Secondary Village, which is not sustainable.

Agenda Item No. 7.9

APPLICATION NUMBER:	2017/0411/FUL	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr David Tomlinson	VALID DATE: EXPIRY DATE:	24th April 2017 19th June 2017
PROPOSAL:	Erection of three dwellings		
LOCATION:	Land South Of Chapel View Marsh Lane Bolton Percy York		
RECOMMENDATION	REFUSE		

Since the committee report was written the following comments/consultation responses have been received;

NYCC Ecology- comments received on the Extended Phase 1 Habitat Survey (Wold Ecology-) accompanying the application.

- Agree with the assessment of no significant effects upon nearby SSSI (some distance away) and the adjacent SINC. The closest SINC, Great Marsh has been deleted as it does not meet the NYCC SINC guidelines. However, direct and indirect effects on the habitats and species in the deleted SINC have been considered.
- Single ash tree on SW boundary has biodiversity value and should be retained.
- Hedgerows are valuable for wildlife and should be retained even though they are not identified as 'important hedgerows'.
- Bats-no potential roosts identified but site is likely to support foraging and commuting bats. Loss of habitat on this site not considered to effect the species subject to the mitigations in the report in relation to lighting and habitat enhancement
- Great Crested Newts-There is a known population in close proximity to the site. Agree with the measures recommended in the Phase 1 but consider there is still some uncertainty in the exact detail of the mitigation/compensation (eg. regarding location of hibernaculum and timing of works). Therefore condition recommended for a detailed GCN method statement.
- Other mitigation (birds and hedgehogs) should be conditions as per the report

Parish Council- additional comments

It has come to the attention of the councillors of the above Parish Council, that there are a number of identical letters on the SDC website, all supporting the above application, when it was thought the Planning Officer concerned was advising rejection.

We would like clarification of the legality of these identical letters, and would like to re-enforce our objections which are that Bolton Percy being a Secondary village, which requires infill building, the application is outside the village envelope and on green belt land.