

**Officer Update Note
Planning Committee 9th May 2018**

Item 6.2

APPLICATION NUMBER:	2016/0492/MLA	PARISH:	Cawood Parish Council
APPLICANT:	Daniel Gath Homes	VALID DATE: EXPIRY DATE:	28th April 2016 26th May 2016
PROPOSAL:	Application to modify a section 106 planning obligation under section 106BA following approval of 2015/0518/OUT 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 at land to the north west		
LOCATION:	Land off Castle Close, Cawood, Selby, North Yorkshire		
RECOMMENDATION	Approve		

Additional Comments received from the agents surveyor about the following paragraphs in the report;

- 2.7 The delay is not entirely due to these reasons. Reference made to delays within the Council
- 3.8 The applicant's figures are not incorrect because the DVS approach is fundamentally flawed.
- 3.9 The DVS opinion does not properly account for the Appeal Decisions at Flaxley Road and Barlby.

Overall they disagree with the DVS assessment and consider the site cannot support the 23.5% Affordable Housing Provision. They wish this to be recorded and that it is only time pressures on the applicant that have forced him to accept the 23.5%.

Appraisal

The above comments are noted. The District Valuer are the Councils professional advisors in cases such as this. They have taken the previous appeal decisions into account but reached a different view. It is therefore advised that the current recommendations of this report be accepted.

Item 6.6

APPLICATION NUMBER:	2017/0772/OUTM 8/18/463/PA	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr Bruce Falkingham	VALID DATE: EXPIRY DATE:	26 July 2017 25 October 2017
PROPOSAL:	Outline application including access (all other matters reserved) for residential development		
LOCATION:	School Road, Hemingbrough, Selby, North Yorkshire, YO8 6QS		
RECOMMENDATION:	REFUSE		

2.0 Consultation

- 2.2 **North Yorkshire County Council Highways** – The proposed access is acceptable. Conditions should be attached.
- 2.18 **Policy and Strategy Team** – Updated comments provided following recent appeal decisions which reaffirm the previous comments made. In addition an update of growth levels has been provided which has increased the number of units built or approved by 2no. dwellings.
- 2.19 **North Yorkshire County Council Ecology** – Providing the loss of any mature trees is avoided this minimises the impact upon bats. In terms of the hedgerow this is likely to support nesting birds and may form terrestrial habitat for great crested newt. It is considered that the amount of hedgerow to be lost is unlikely to have a significant impact upon any great crested newt populations in the area, however there is a change that individual newts could be harmed during construction and in the longer term newts could be affected by the use of gully pots in the highway drainage.

Nesting birds can be dealt with via a suitably worded condition/informative. The Ecological Appraisal is clear that it provides only outline avoidance, mitigation and enhancement measures and that further detailed measures will be developed as the design of the scheme is taken forward. I would include two conditions which requires the submission of 1) a detailed Construction Environmental Management Plan (CEMP) and 2) an Ecological Enhancement and Management Plan – these will then document firstly the avoidance and protection measures during works and second the mitigation and enhancement proposed.

APPRAISAL

Principle of Development

Previous Levels of Growth and the Scale of the Proposal

- 4.15 Following updated comments from Policy the report should be updated to reflect that to date, Hemingbrough has seen 16 (gross) dwellings built in the settlement since the start of the Plan Period (14 net) in April 2011 and has extant gross approvals for 15 dwellings (15 net), giving a gross total of 31 dwellings (29 net).

Design and Impact on the Character of the Area

- 4.18 Further to the comments made in the initial report with respect to landscaping for clarity it would be recommended that any reserved matters application would need to be accompanied by a tree survey which determines the root protection zones of the TPOd trees and any other mature trees adjacent to Chapel Balk Road and it is noted that this may impact on the construction methods for the widening of the proposed access, however it is considered that these measures can be sufficiently addressed at reserved matters stage.

Furthermore the Agent has confirmed that the nearest tree to the east of Chapel Balk Road is 6 metres from the hard surfaced carriageway of the road and most of the trees are further away from the road. None of the trees will be affected by the marginal widening of the carriageway or the 2 metre “working” strip. There is some intermittent unmanaged vegetation which barely merits description as a hedge, to the east of the road consisting mainly of ivy growing round self-sown bushes etc. This vegetation will need to be removed but the Applicant is happy to replace it with a new hedge of species appropriate to the local area. This can be the subject of a planning condition.

Impact on Nature Conservation Issues

Protected Species

- 4.31 NYCC Ecology have confirmed that having had regard to the additional comments they have no objections with respect to the impacts on nature conservation subject to conditions.

RECOMMENDATION

In light of revised Policy comments the Reasons for Refusal should now read:

2. The proposal would be located partially within the open countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial

Development Strategy. The proposal for up to 60 dwellings when added to the 31 dwellings that have been built or approved would substantially exceed the minimum growth options of between 33-54 dwellings. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Hemingbrough and conflicts with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

3. 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' approach into the village. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.

Item 6.7

APPLICATION NUMBER:	2016/1153/COU	PARISH:	Selby Town
APPLICANT:	Mr I Wright	VALID DATE: EXPIRY DATE:	27 September 2016 22 November 2016
PROPOSAL:	Retrospective change of use from A1 use (retail) to D2 (assembly and leisure)		
LOCATION:	The Venue 72 Ousegate Selby YO8 4NJ		
RECOMMENDATION:	Approve subject to conditions		

RECOMMENDATION:

Following advice from Legal the recommendation is amended to:

That the decision is subject to the conditions as worded below (or subject to minor modification).

1. Within six weeks of the date of this permission an assessment of the simultaneous internal and external noise measurements from the development at locations to be prior agreed with the Local Authority shall be submitted to and approved in writing by the Local Planning Authority. Measurements should as a minimum include the octave bands from 63 Hz to 8kHz.

If the assessment indicates that noise from the development is likely to affect neighbouring residential properties then a detailed scheme of noise attenuation measures shall be submitted alongside the noise assessment and shall be approved by the Local Planning Authority. This shall include the following:

- a) Details of a noise limiting device to be fitted to any PA or amplification equipment used at the site;
- b) Details of the noise level to which the noise limiting device shall be set. The noise level used shall be based upon a background noise level survey undertaken between the hours of 22.00 hours and 1.00 hours on a Friday or Saturday and shall accord with the methodology in BS4142 and in line with the NPSE, NPPF and PPG-N; and
- c) The procedure to be followed in the event that there is a complaint about noise from the site including reviewing the levels used on the noise limiting device.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development, shall be carried out by a suitably qualified acoustic consultant/engineer and the noise limiting device shall be employed at all times when PA or amplification equipment is used at the site and shall be set at the level identified under part b).

The approved scheme shall thereafter be implemented within 3 months of the date of this permission and shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of protecting residential amenity.

3. Within six weeks of the date of consent being granted the existing opening(s) between the Venue and the Riverside Public House shall be permanently blocked up within the application site and no further openings shall be inserted.

Reason:

In the interests of protecting the Grade II Listed Building, the Riverside Public House.

4. The use hereby permitted shall not be open to customers outside the hours of 11.00hours to 1.00hours Friday to Saturday and 11.00hours to 23.00hours Sunday to Thursday, with no live music permitted at the premises after 23.00hours on any day.

Reason:

In the interests of protecting residential amenity.