

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Planning Committee held on 21 June 2006 in the Civic Suite, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

895	Minutes
896	Chair's Address to the Planning Committee
897	Site Visits
898	Applications Received
899	Application to be determined by County
900	Urgent Appeals
901	Private Session
902	Planning Enforcement

Present: Councillor W Norton in the Chair.

Councillors: D Bain-Mackay, J Cattanach, I Chilvers, J Crawford (for Mrs D Davies) G Croston, J Mackman, B Marshall, N Martin, C Lunn, D McSherry, Mrs F Ryan, S Shaw-Wright, R H Sweeting and R Wilson.

Officials: Head of Service - Legal and Democratic Services, Principal Planning Officer, Senior Planning Officers, Committee Administrator, Democratic Services Assistant.

Public: 18

Press: 0

### 893 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillor Mrs D Davies.

Substitute Member was J Crawford.

### 894 DISCLOSURE OF INTEREST

None received.

895

MINUTES

**RESOLVED:**

**That the minutes of the proceedings of the meeting of the Planning Committee held on 24 May 2006 be confirmed as a correct record and be signed by the Chair.**

896

CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chairs asked Members to by up standing and observe a minute's silence as a mark of respect for the late Councillor Maurice Patrick.

897

SITE VISITS

**8/42/76D/PA**

**Land adjacent to Rose Cottage, Silver Street, Whitley.**

Application for amendment to previously approved application 8/42/76D/PA for the erection of a dwelling to amend siting.

A site visit had been requested to confirm and show where the building line was for the approved application.

A complaint had been received from a member of the public requesting that the Enforcement Officer visit the site to check the location of the proposed dwelling.

The Officer visited the site and on checking the development confirmed that the dwelling was in fact being built 10 metres West of the development limit line as shown in the Selby District Local Plan proposal map and therefore was infringing into the Green Belt. The applicant had been advices to stop work, which he had done.

Members who had attended the site visit, were a shown the detailed plans by the Principal Planning Officer which outlined both the development limit of the site and the adjoining green belt area, also the plans of the approved siting of the dwelling.

The applicant and the agent produced for Members a plan to which a Senior Officer had indicated the building line on, unfortunately the agent had not checked this and had assumed that the line, which butted an old building was actually where building could be constructed.

The Principal Planning Officer confirmed that the drawing although given to

applicant was for reference only, and should have been check by the agent and applicant, and as they and Members could see from the three drawings on site each one clearly showed development limited, accurately.

Public Speaker – Mr Shaw – Applicant

Mr Shaw thanked Members for their time.

Mr Shaw confirmed that a Senior Planning Officer had given him a plan with a line drawn on it. Mr Shaw and his agent believed that this was the building line but confirmed that they had not checked, this or done their own site measurements.

Mr Shaw confirmed that it had been a mistake, but asked Member to allow the building to continue, if the property were to be demolished and then re-built this would be highly costly.

Members considered the report but felt that the applicant and the agent should have checked the site themselves.

Members also expressed that the Council's Policy stated that only under very special circumstances should a dwelling such as this be approved in the Green Belt, and felt in this instance very special circumstances had not been demonstrated.

**Resolved:**

**That the application be refused for reasons set out in the report and enforcement action taken in order to secure its demolition and the land returned to its former condition.**

**8/19/1238C/PA**

**Land to the rear of 13 Cedar Crescent, Selby.**

The Chair informed Members that he had been lobbied on this item, but that his judgement had not been fettered.

Proposed erection of fourteen dwellings and associated works on land to the rear of and following demolition of 13 Cedar Crescent.

The Senior Planning Officer updated Members on the application. A number of additional conditions would be attached to the report if it were approved.

A number of concerns had been raised in a late objection which included;

- Bat had been seen flying near the site
- That the environment was rich in wildlife and birds

- Removal of hedges and trees would result in a loss of wildlife habitat.

The Officer commented that under Condition 9, work would be undertaken on the hedges and trees on the site outside the breeding season.

Highways had raised no objections subject to a number of conditions.

#### Public Speaker – Mr Mathers - Objector

Mr Mathers raised a number of issues with regard to the proposed development which centred around;

- Density
- Layout and loss of amenity
- Character and form
- 2 1/2 storey properties out of character
- Surrounding landscaping
- Proximity to railway
- Loss or damage to trees to one of the boundaries
- Highway and footpath safety issues
- Drainage to site and surrounding properties
- Demolition of No 13 Cedar Avenue.

The Chair addressed Members of the Committee and asked for their consent to allow an additional objector to speak on this item. The gentleman in question had a pending application on an adjacent site.

Following a vote by Members the speaker was asked to come forward.

#### Public Speaker – Mr P Montgomery – Objector

Mr Montgomery thanked Members for the opportunity to speak.

He confirmed that he would have an application coming to Committee. He had hoped that both his and this application would have been heard together, he had no problems in principle to the development but felt that the density was too high for the plot.

He also raised concern with the proposed 3-storey block that would overlook his garden causing loss of privacy and amenity.

Mr Montgomery urged Officers to negotiate with the developer for a reduction in height in this area.

Mr Montgomery thanked Members for their time.

Public Speaker – Mr K Greasley – Agent

Mr Greasley addressed the Committee. This site was a brownfield site, which fully complied with Government legislation. The developers had tried to give a creative and not bland site, he did not believe that the development would affect the surrounding area or cause loss of privacy or harm to the character of the area.

Members raised a number of queries with regard to the site. They were unhappy with the design of the properties and the density.

Members who visited the site were particularly concerned with regard to the proposed demolition of 13 Cedar and felt that this would harm the character of the surrounding bungalows. Also following the site visit to land to the rear of 13 Cedar Close on close inspection Members were unhappy with proposed removal of the trees bordering the railway line.

In conclusion Members felt that the development was unacceptable for the following reasons;

- Inappropriate and over development
- Character and form of the surrounding area
- Access and highway issues
- Landscaping
- Treatment of trees and hedges to the site boundaries.

Follow the debate an amendment to the Officer's recommendation of approval to one of refusal was moved and on being put to the vote was carried.

**Resolved:**

**That permission be refused on the following grounds, inappropriate and over development, character and form of the surround area, access and highway issues, landscaping and treatment of trees and hedges to the site boundaries.**

898

PLANNING APPLICATIONS RECEIVED

Consideration was given to the schedule of planning applications submitted by the Head of Service – Planning and Economic Development.

**RESOLVED:**

**That the applications set out in the agenda be dealt with as follows:**

1 **8/19/1626/PA**  
**Providence Mill, Holme Lane, Selby**

Proposed erection of 123 residential dwellings and associated car parking and landscaping on land at Providence Mill, Selby.

A presentation had taken place in May 2006 and had been well received with the results of a survey confirming the need for low cost housing.

Officers gave a detailed breakdown of the proposed management arrangements for the development and the discount scheme also outlining that these units were not classed as affordable but were 'low cost, open market units with a one off discount'

The Senior Planning Officer outlined his conclusions to the application.

It was considered that the principle for the redevelopment of the site for residential purposes was acceptable in policy terms. Indeed we would welcome such an innovative scheme with modern design solutions in this locality, which we considered would help meet some key housing needs which were not currently being met by the open market.

However, the submitted scheme fails to meet some policy requirements and should be amended in order to accord with local and national policies. In particular there must be an element of affordable housing provided in accordance with a robust affordable housing plan, and secured through a Section 106 agreement; the overall mix of dwelling sizes must be altered in order to provide some larger family housing; the access, arrangements needed to be thoroughly assessed; and the boundary landscaping should be more substantial.

Public Speaker – Mr D Kinsley – Supporter

Mr Kinsley informed Members that he and his partner had attended the presentation and were very impressed, they had been looking for a property for two years and were unable to afford what was on the market. Having seen the debut range it was ideal for their purposes.

They were born in Selby and now both work in Selby and would like to purchase their first home close to family and friends based in Selby.

Mr Kinsley asked Members to support this application.

Public Speaker – Mr B Harvey – Agent

Mr Harvey spoke on behalf of Redrow Homes. Members were informed that the average price of a terraced home aimed at first time buyers

would be in the region of £100,000 with the average house being £170,000 this left a very big short fall in market for the for people wishing to get onto the property ladder for the first time.

Mr Harvey explained to Members that research had confirmed that the mix of properties proposed were the most desirable.

Mr Harvey thanked Members for their time and asked for their support.

A number of Members expressed concern with regard to the mix of properties proposed and felt that the mix of properties needed serious consideration and the amount of single bedroomed properties needed reducing and that larger more family orientated properties needed putting into the scheme.

Members debated the issues around the Officers comments, but felt that the scheme offered good opportunities for first time buyers and moved an amendment to the recommendation of refusal to one of approval and that Officers be given delegated authority to secure Heads of Terms and a Section 106 Agreement, and that the report then be brought back to a future meeting of the Planning Committee.

**Resolved:**

**That Officers be given delegated powers to secure the Heads of Terms and a Section 106 agreement in respect of affordable housing, recreation open space and PCT and that a report of the findings be brought back to a future meeting of the Planning Committee for approval with a schedule of Conditions.**

**2 8/57/153G/PA  
Land at Low Street, South Milford.**

Resubmission of previously refused application 8/57/153F/PA for the erection of 73 dwellings on land off Low Street, South Milford (known as phase 2 Burley Grange).

Members were reminded that this item had been deferred from the last meeting of the Planning Committee for re-consultation with the Parish Council.

The release and development of the site remains in accordance with the development plan and most of the requirements negotiated with the previous approval can be addressed through a new or supplemental planning obligation.

The site layout does not create any new significant issues with

neighbours taking account of the existing consent and many of the conditions on the present consent across the whole allocation can be reasonably re-imposed on any approval here.

In view of the progress of development on site and that the applicants need to take decisions about the layout for this Phase 2 part of the site, with the benefit of Committee instructions. Therefore asked that delegated authority be given to Officers to conclude this application if Members were minded to approve.

Public Speaker – Mr P Torrible – Objector

Mr Torrible addressed the Committee on behalf of the objectors.

Although they did not object to the principle of the development of STM/1A. However, they strongly objected to the fact that provision of vehicle access had not been made to STM/1B.

Mr Torrible re-iterated his concerns over the development and sought clarification on where the proposal lay with regard to our own policies and the Local Plan.

Mr Torrible explained that the objectors main concerns were the road link to the sites STM1/A & STM1/B.

Public Speaker – Mrs J Hubbard - Agent

Mrs Hubbard reminded Members that permission had already been given on this site, but the proposal before Members today was a more sympathetic scheme.

Mrs Hubbard reiterated about the road link between STM1/A and STM1/B and confirmed there would be cycle and footpath links.

Members debated issues surrounding the application and proposed that Officers be given delegated authority to seek a reduction to the 21/2 Storey properties to 2 storey on the Burley Close boundary. But that no changes be made to the affordable provision set down in the report and subject to a Section 106 Agreement as referred to in the Officers report.

**Resolved:**

**That Officers be given delegated authority to approve the application in accordance with the recommendation subject to achieving the reduction of 2 ½ storey properties to 2 storey along**



**the boundary of Burley Close, with no change to the affordable provision.**

899 APPLICATIONS TO BE DETERMINED BY COUNTY COUNCIL ON WHICH THE VIEWS OF THE DISTRICT COUNCIL ARE REQUESTED

Members made comment on item 5 and 10, proposed retention of prefabricated classrooms.

Members requested that Officers write to NYCC and express that Members did not approve the continued use of prefabricated classrooms, on any future consultations responses.

**Resolved:**

**That the report be noted and that Officers write to North Yorkshire County Council with comments from Members.**

900 URGENT APPEAL DECISIONS

None received.

901 PRIVATE SESSION

**Resolved:**

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 2 and 3 of Part 1 of Schedule 12A to the Act.**

902 ENFORCEMENT UPDATE  
(Exempt Information Nos 2 & 3)

Members were provided with a résumé of enforcement action undertaken by its Officers during the period 1 January 2006 – 31 May 2006.

Members were aware of the staffing within the Enforcement Section and felt that the work load was very heavy, therefore it was proposed that Enforcement Sub-Group be formed to assist with the process.

The Chair made Members ware that whilst application numbers and planning Officers numbers had increased over the years, the enforcement resources had not kept pace. This was leading to a capacity problem.

Members were informed of the great amount of Enforcement work that had built up within the Planning Department, and now, due to a reduction in staff these issues were taking considerable time to be dealt with.

A recommendation from the Chair was that a Enforcement Sub Group of 5 Members be formed from Members of the Planning Committee to assist with this process.

Members felt this would be a very good solution, and asked that this be recommended to the next meeting of Council for approval.

**Recommendation:**

**That Council be asked to approve the formation of a Enforcement Sub Group comprising of five Members of the Planning Committee.**

The meeting closed at 7.25pm.