

Planning Committee

Venue: Microsoft Teams - Remote
Date: Wednesday, 10 March 2021
Time: 2.00 pm

Present remotely via Teams: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and S Shaw-Wright

Officers Present remotely via Teams: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gary Bell – Principal Planning Officer, Gareth Stent – Principal Planning Officer, Chris Fairchild – Senior Planning Officer, Elizabeth Maw – Senior Planning Officer, Victoria Foreman – Democratic Services Officer

69 APOLOGIES FOR ABSENCE

There were no apologies for absence.

70 DISCLOSURES OF INTEREST

Councillor I Chilvers declared a non-pecuniary interest in agenda item 5.2 – 2020/1263/FUL – The New Little Coffee Shop, 8 Brook Street, Selby as his wife Councillor J Chilvers would be speaking in her capacity as Ward Member in opposition to the scheme.

Councillor J Cattanach declared a non-pecuniary interest in agenda item 5.3 – 2020/0514/S73 – Brocklesby Building Products Ltd., Unit 1, Long Lane, Great Heck as he had received a letter of representation from Cunnane Town Planning on behalf of a resident of Great Heck. The letter had been attached in full to the Officer Update Note, which had been circulated to all the Committee.

71 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated, and that it could be viewed alongside the agenda on the Council's website. Any late representations on the applications would be summarised by the Officer in their presentation.

The Committee were informed by the Senior Planning Officer that the applicant for agenda item 5.1 – 2020/1265/FUL - Land Adjacent 27 Low Street, Sherburn In Elmet, North Yorkshire had requested that this item be deferred; the Senior Planning Officer gave an explanation as to the reasons why. It was accordingly proposed, seconded and agreed by the Committee that agenda item 5.1 – 2020/1265/FUL – Land Adjacent 27 Low Street, Sherburn in Elmet be deferred for consideration at a later date.

72 MINUTES

The Committee considered the minutes of the Planning Committee meetings held on 27 January and 10 February 2021.

Members suggested a minor amendment to the minutes of the meeting held on 10 February 2021, minute number 68.1 – 2019/0668/OUT – Pasture Cottage, Main Street, Thorganby, as follows:

At paragraph four, to amend the reference to 'IDS' to 'IDF'.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 27 January and 10 February 2021 for signing by the Chairman, subject to the amendment detailed above.

73 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

73.1 2020/1263/FUL - THE NEW LITTLE COFFEE SHOP, 8 BROOK STREET, SELBY

Councillor I Chilvers left the meeting at this point.

Application: 2020/1263/FUL

Location: The New Little Coffee Shop, 8 Brook Street, Selby

Proposal: Continued use of ground and first floor cafe (being a variation to the opening hours)

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of Cllr J Chilvers, who had submitted the request in line with the respective call-in period and objected to the proposal.

The Committee noted that the application was for the continued use of the ground and first floor café, being a

variation to opening hours.

The Officer Update Note set out details of a report correction regarding the site being listed as within the shopping and commercial centre, when in fact the boundary was the pavement outside the premises. This meant that the site lay immediately adjacent to the shopping and commercial designated area. However, it had no formal designation other than being within development limits and the Conservation Area; this changed the emphasis in paragraphs 1.3, 3.1, 4.7, 5.2, 5.3, 5.8, 5.10, 5.19, 6.2 of the report and meant that Policy SEL/10 was not directly relevant.

The Officer Update Note also gave details of an additional letter of objection, which highlighted a number of concerns including the potential impact on residential amenity. A revised response had been received from the Environmental Health Officer, requesting further information about the provision of amplified music and extraction/ventilation arrangements. In relation to raised voices, previous concerns had been expressed regarding speech transmission between adjoining walls, and at neighbouring properties as customers leave the premises. The proposal to extend opening hours to 2200hrs once per calendar month for a 12-month temporary period was considered to be satisfactory by the Environmental Health Officer.

The Committee asked questions about how a temporary consent would be monitored over the 12-month period, and that if full permission was granted following the provisional period, how would any subsequent noise issues that could occur be mitigated. Officers explained that it could be difficult to enforce matters that were out of hours, with the onus placed on adjacent occupiers to record such disturbances; there were Environmental Health controls that could be utilised, such as recommended decibel/noise levels, but the report before Members only contained details of planning controls.

Aimi Brookes, objector, was invited remotely into the meeting and spoke in objection to the application.

Councillor J Chilvers, Ward Member, was invited remotely into the meeting and spoke in objection to the application.

Mrs Amanda Baldwin, applicant, was invited remotely into the meeting and spoke in support of the application.

Members debated the matter in full and expressed some concerns about the application, in particular relating to potential disruption to neighbouring properties and the impact on residential amenity, with detrimental impacts that could be difficult to control.

The Committee agreed that the scheme required stronger controls and conditions in order to mitigate problems from the beginning. Members agreed that economic activity in the town was to be encouraged, but that the concerns of residents should also be taken into account.

Members concurred that the development and negotiation of stronger conditions should be undertaken by Officers outside of the meeting in conjunction with Environmental Health; as such, the application should be deferred.

It was accordingly proposed and seconded that the application be DEFERRED.

RESOLVED:

That the application be DEFERRED for Officers to undertake further work, in conjunction with Environmental Health, to strengthen conditions and controls for the scheme, in order to mitigate potential impacts on the residential amenity of neighbouring properties.

73.2 2020/0514/S73 - BROCKLESBY BUILDING PRODUCTS LTD, UNIT 1, LONG LANE, GREAT HECK, GOOLE

Councillor I Chilvers re-joined the meeting at this point.

Application: 2020/0514/S73

Location: Brocklesby Building Products

Proposal: Section 73 application to remove condition 06 (HGV Traffic Routes) of approval 2019/1340/FULM Proposed change of use of existing maintenance and vehicle processing building to include block cutting and processing, erection of 6m high CCTV pole, erection of replacement dry dust silo, erect new gates, change existing fencing to concrete fencing and improve HGV parking on site by increasing the areas in which they can park on the existing site granted on 16 April 2020

The Principal Planning Officer presented the application

which had been brought before Planning Committee as the original decision to impose condition 6 was made via an Urgent Decision Session on 8 April 2020, where the Chief Executive Officer determined to grant the consent. 13 letters of representation had also been received, which raised material planning considerations in objection to the scheme; Officers would otherwise have determined the application contrary to these representations.

The Committee noted that the application was a Section 73 application to remove condition 06 (HGV Traffic Routes) of approval 2019/1340/FULM - Proposed change of use of existing maintenance and vehicle processing building to include block cutting and processing, erection of 6m high CCTV pole, erection of replacement dry dust silo, erect new gates, change existing fencing to concrete fencing and improve HGV parking on site by increasing the areas in which they can park on the existing site granted on 16 April 2020.

The Officer Update Note set out an additional representation from Cunnane Town Planning on behalf of a local resident, as well as four other letters from local residents, which expressed concerns around the cumulative effect on the area of the proposed changes, in particular around the routes and times of use for HGVs.

The Committee asked Officers if the suggested additional condition in the representation received from Cunnane Town Planning was viable; Officers explained that the applicant had not had sight of the representation. A routing arrangement would be required from the applicant and/or agent, which could prove difficult as the applicant did not want to restrict routing from the site. It was also not usual practice to consult on discharge of condition requests, and as such, local residents may not be able to submit their views on the matter.

The Officer went on to explain that the proposal could be acceptable, may give residents a safeguard that vehicles would not unnecessarily turn right from the site, and would meet the needs of the operator; however, the full implications of the additional condition from Cunnane Town Planning had not been considered by Officers, particularly from a Highways perspective. If Members wished to consider it further, deferment of the application should be moved.

Members asked additional questions about whether the changes in the application consisted of a consolidation or expansion of the business due to Covid-19, the number of vehicle movements associated with the site and the routes for these movements.

Officers explained that the changes amounted to a consolidation, not an expansion. The original application was submitted before Covid-19, and the outputs of the HGVs was not changing. Staff would continue to arrive at and leave the site. The vehicle routes were to be the same and there would be no increase in input or output from the site. The majority of movements, and the sourcing of product for distribution, were towards and from Celcon as suggested. There would continue to be a use of local roads, but Officers did not feel that the changes warranted a new routing agreement; the current use of the site was a lawful, unrestricted and historical in a residential setting. The stretch of road about which concerns had been raised was unrestricted for a number of industries. Members asked further questions about the surrounding road network and noted the various routes by which vehicles could access and leave the site, and in particular how difficult it would be to enforce vehicle movements that did not follow preferred routes.

Mark Simmonds, agent, was invited remotely into the meeting and spoke in support of the application.

Mr John Hunter, Parish Council representative, was invited remotely into the meeting and spoke in objection to the application.

Members acknowledged that HGVs in rural villages was a common issue, but that representations in the report from the Environmental Health Officer did not contain concerns on potential noise or air quality grounds.

The Committee felt that Condition 6 was unsound, unenforceable and open to challenge and agreed that the Officer's report was detailed and set out all the relevant issues clearly. Members also expressed some concerns about the consistency of measurements of the bridge, which Officers confirmed had been taken at face value.

It was accordingly proposed and seconded that the application be GRANTED.

RESOLVED:

To GRANT the application subject to the

Planning Committee
Wednesday, 10 March 2021

conditions set out at paragraph 7 of the report.

73.3 2019/0905/FUL - CASTLE FARM, CASTLE HILLS ROAD, WOMERSLEY, DONCASTER

Councillor S Shaw-Wright left the meeting during consideration of the item and did not return.

Application: 2019/0905/FUL

Location: Castle Farm, Castle Hills Road, Womersley, Doncaster

Proposal: Proposed conversion of part of barn to residential and erection of a sun lounge

The Senior Planning Officer presented the application which had been brought before Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

The Committee noted that the application was for the proposed conversion of part of a barn to residential and erection of a sun lounge.

The Committee asked about Condition 3 of the application, specifically if there was a definition of how closely related any occupants of the dwelling had to be to the owners of Castle House Farm. Officers confirmed that there was no specific test for this.

Phil Robinson, agent, was invited remotely into the meeting and spoke in support of the application.

Members discussed the application and agreed that the arguments in favour of the scheme were acceptable; the extant permission was a very strong material consideration, and the proposed extension would be considered to be acceptable in the Green Belt.

The Committee agreed that policy H12 had been superseded by the NPPF and the Core Strategy; as such, it was suggested that in the future decisions on this type of application should be made under delegated powers to Officers. It was not an application that needed to come to Committee. Officers were asked to look at changing the scheme of delegation in order to facilitate

this proposal.

It was accordingly proposed and seconded that the application be GRANTED.

RESOLVED:

To GRANT the application subject to the conditions and informatives as set out at paragraph 7 of the report.

73.4 2020/0976/FUL - LAND ADJACENT TO A63 AND BAWTRY ROAD, SELBY

Application: 2020/0976/FUL

Location: Land Adjacent to A63 and Bawtry Road, Selby

Proposal: Erection of petrol filling station (sui generis) with ancillary retail Kiosk (Use Class E) and erection of Drive-Thru Coffee Shop (Use Class E) with associated hard and soft landscaping and access arrangements

The Principal Planning Officer presented the application which had been brought before Planning Committee as the proposal was contrary to the requirements of the Development Plan. However, officers considered there were material considerations which would support the recommendation for approval.

The Committee noted that the application was for the erection of petrol filling station (sui generis) with ancillary retail Kiosk (Use Class E) and erection of Drive-Thru Coffee Shop (Use Class E) with associated hard and soft landscaping and access arrangements.

The Officer Update Note gave details of the re-wording of Condition 24 to provide clarity that the recharging units referred to were for electric vehicles.

The Committee asked questions about a cash machine included in the scheme and the management of trees and vegetation on neighbouring land. The potential effect of the coffee shop on site and its effect on traffic flow was also queried; Officers confirmed that the Highways Team at North Yorkshire County Council had thoroughly examined possible traffic issues, and that there was an exit from the coffee shop that did not affect the petrol station.

James Cox, agent, was invited remotely into the meeting and spoke in support of the application.

Members expressed their support for the application and the layout of the scheme.

It was accordingly proposed and seconded that the application be GRANTED.

RESOLVED:

To GRANT the application subject to the conditions as set out at paragraph 7 of the report and the reworded Condition 24 in the Officer Update Note.

The meeting closed at 4.51 pm.