

North Yorkshire Council

Selby and Ainsty Area Constituency Planning Committee

Minutes of the meeting held on Wednesday, 10th January, 2024 commencing at 2.00 pm.

Councillor John Cattanach in the Chair plus Councillors Mark Crane, Cliff Lunn, Bob Packham, Arnold Warneken and Stephanie Duckett (substitute for Councillor Shaw-Wright).

Officers present: Kate Lavelle – Assistant Lawyer Property and Planning, Nick Turpin – Planning Manager (Development Management), Kate Broadbank – Principal Development Management Officer, Hannah Blackburn - Planning Development Manager, Fiona Ellwood – Principal Planning Officer, Jac Cruickshank – Senior Planning Officer; and Dawn Drury – Democratic Services Officer

Apologies: Mike Jordan and Steve Shaw-Wright.

Copies of all documents considered are in the Minute Book

20 Apologies for Absence

Apologies noted (see above).

21 Minutes for the Meeting held on 13 December 2023

The minutes of the meeting held on Wednesday 13 December 2023 were confirmed and signed as an accurate record.

22 Declarations of Interests

Councillor Cattanach confirmed that he had received correspondence in relation to items 4 and 5 of the agenda.

Councillors Packham, Crane, Lunn, and Warneken confirmed that they had received an email in support of item 4 of the agenda from the applicant's agent

The Chair confirmed that an officer update note had been circulated and added to the North Yorkshire Council website.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

23 ZC23/02255/FULMAJ - Carlton Fields, Station Road, Kirk Hammerton, YO26 8DQ

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for the demolition of existing buildings and erection of 58 new extra care units (Class C2) and community facilities building, creation of access, parking, pond and hard and soft landscaping, associated highways works and communal gardens/allotments on land at Carlton Fields, Station Road, Kirk Hammerton, York, YO26 8DQ.

The Principal Development Management Officer confirmed that there were two officer updates on the application since the agenda had been published, the first update was in relation to the financial contribution in terms of public open space and the village hall contributions; the contribution had been updated as the previous calculation had not included a contribution for the village hall.

The second update was an amendment to the officers second reason for refusal, where the additional wording had been added: the application site was considered to be an unacceptable and unsustainable location for older person's accommodation due to the overall lack of accessibility to regular public transport suitable for older people. The site was not in reasonable walking distance of an appropriate range of community services and facilities and insufficient facilities were provided on site. There was no crossing across the A59 to the bus stop, no footpath along the northern side of the A59, insufficient street lighting along parts of Station Road, and the proposed footpath to the railway station did not demonstrate acceptable width to cater for ambulatory issues. The application was therefore contrary to Local Plan Policy HS4.

The agent for the applicant, Stephen Ladyman, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- Members sought clarification on the reasons why officers considered that the application was a Class C3 use rather than Class C2, as applied for.
- It was queried that if officers had considered the development to be Class C2 use, would the proposed application have been more acceptable.
- Members questioned if officers had looked at the application, if it had been considered to be a Class C2 use, in the context of the relevant policy, Local

Plan Policy HS4.

- If the application had been accepted by the Council as a Class C2 use, would the site be considered to be outside the development limits.
- The reasons why the submitted drainage strategy documents failed to demonstrate that the strategy was acceptable.
- In terms of sequential testing, Members queried why the applicant would be requested to source an alternative piece of land, that they may not own, to carry out a sequential test upon.
- Members felt that the scheme was ideal, however the proposed site was not a suitable location.

The decision:-

That planning permission be REFUSED.

Reason:-

The Committee agreed with the reasons for refusal put forward by the Principal Development Management Officer in section 12 of the report, and the officer update note.

Voting Record:-

A vote was taken, and the motion was declared carried with 4 votes for and 2 votes against.

24 ZG2023/0433/FUL - Plantation House, Cawood Road, Wistow

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an application for the demolition of existing buildings and the erection of 9 dwellings at Plantation House, Cawood Road, Wistow on behalf of Newett Roberts Limited

The Principal Planning Officer drew Members attention to the officer update note and highlighted that at the time the Committee report had been written formal comments had been awaited from the Council's Contamination Consultant. These had since been received and it had been agreed that a Phase 2 intrusive ground investigation was needed due to the past history of the site, and the appropriate remedial action would be required to make the site safe and suitable for its proposed use.

Members heard that recommended conditions at numbers 23 to 26 of the report had been amended slightly as per the officer update note. And finally, there was an error at paragraph 10.27 of the Committee report; Plot 1 should be read as Plot 2.

Andrew Mason spoke objecting to the application.

The applicant, Hugh Roberts, spoke in support of the application.

During consideration of the above application, the Committee discussed the

following issues:-

- Whether there was a requirement for a balance on the types of houses to be built on the site.
- If the whole of the proposed site was on the Council's brownfield register.
- Members queried why one part of the plan shown, outside the development limits, appeared to contain trees and greenery. Officers explained this small part outside the development limits was to be utilised for an area of landscaping for the development. The second part outside the limits contained a dwelling but facilitated a better layout, allowing a gap with views towards the Grade II Listed Blacksmiths building south.
- Whether it was felt that the limited number of houses in the application, to be built on the site was to avoid the need to provide affordable housing.
- Members stated that they were not satisfied that the proposal would impact on the daylight and sunlight of an existing property and questioned why the officer's recommendation had been to grant the application.

The decision:-

That the planning application be DEFERRED for the following reason:

- To allow new plans and a revised layout to be submitted that would resolve the issue of overshadowing of the existing property to the north of Plot 2 known as 'The Cottage'.

Voting record:-

The officer recommendation that 'planning permission be delegated to the Head of Planning Development Management to GRANT subject to a Section 106 or a Unilateral Undertaking to secure a contribution to secure offsite Bio-Diversity Net gain to offset the onsite loss, off-site recreation provision and to secure waste and recycling conditions and subject to the conditions listed in Section 12 of the Committee report' did not receive a proposer therefore the motion fell.

It was subsequently moved and seconded that the application be deferred to allow new plans and a revised layout to be submitted that would resolve the issue of overshadowing of the existing property to the north of Plot 2 known as 'The Cottage'. A vote was taken, and the motion was carried unanimously. The motion to defer the application was therefore carried.

25 2023/0220/COU - Kings Arms, Marsh Lane, Beal, DN14 0SL

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an application for the retrospective change of use of a public house (sui generis use) to a bed and breakfast and mixed-use events venue (sui generis use) at The Kings Arms, Marsh Lane, Beal, DN14 0SL.

The Senior Planning Officer confirmed that there was an update note in respect of the information related to the Public Right of Way (PROW) which runs through the site. The Council's PROW team have advised that the retrospective changes to a

PROW could not be made under section 257 of the Town and Country Planning Act 1990, as stated in the Committee report, but would need to be made under the Highways Act 1980. Furthermore, the references to a section 257 diversion at paragraphs 2.3, 7.7, 10.35 and 10.36 of the report should be read as the Highways Act 1980.

Cairen Ball, spokesperson for the Beal Resident's Group spoke objecting to the application.

Claire Lodge spoke on behalf of the applicant in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- Clarification was sought on the reason why the fence erected along the front of the site would be dealt with as a separate planning application, once a planning application had been submitted, rather than as part of this application.
- It was queried if conditions were in place to restrict the type of use for the rest of the building, and if so, who and how would this be "policed" to ensure that the regulations in force would be complied with.
- Members expressed concerns regarding the application being retrospective and felt that planning conditions should be attached to the application, in terms of potential noise and disturbance, to protect the local community.
- To obtain a schedule of proposed events from the applicant for clarification and to inform any potential additional conditions.

The decision:-

That the planning application be DEFERRED for the following reason:

- To allow planning officers to draft further conditions to be attached to the planning permission, to deal with Members concerns in relation to potential noise disturbance and use of the building; and to refer back to Committee for further consideration and approval.

Voting record:-

The officer recommendation that 'planning permission be GRANTED subject to the conditions listed in Section 12 of the Committee report' did not receive a proposer therefore the motion fell.

It was subsequently moved and seconded that the application be deferred to allow planning officers to draft further conditions to be attached to the planning permission, to deal with Members concerns in relation to potential noise disturbance and use of the building; and to refer back to Committee for further consideration and approval. A vote was taken, and the motion was carried unanimously. The motion to defer the application was therefore carried.

26 Any other items

There were no urgent items of business.

27 Date of Next Meeting

Wednesday 14 February 2024 – Civic Centre, Selby

The meeting concluded at 3.56 pm.