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## North Yorkshire Council

### Selby and Ainsty Area Constituency Planning Committee

Minutes of the meeting held on Wednesday, 13th December, 2023 commencing at 2.00 pm.

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

Officers present: Martin Grainger Head of Development Management, Kelly Dawson – Senior Solicitor (Business & Environmental Services), John Worthington – Executive Officer - Development Management and Building Control, Helen Goulden – Principal Development Management Officer, Jill Rann - Principal Development Management Officer; and Dawn Drury – Democratic Services Officer

Apologies: John Cattanach and Steve Shaw-Wright.

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**Copies of all documents considered are in the Minute Book**

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#### **13 Apologies for Absence**

Apologies noted (see above).

#### **14 Minutes for the Meeting held on 8 November 2023**

The minutes of the meeting held on Wednesday 8 November 2023 were confirmed and signed as an accurate record.

#### **15 Declarations of Interests**

Councillors Packham, Crane, Jordan, Lunn, Duckett and Warneken confirmed that they had received an additional document on item 5 of the agenda from North Yorkshire Councillor Andy Brown in support of the application.

#### **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.

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.

The Committee granted planning permission in accordance with the recommendation in the report because the proposal was in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report.

**16 ZC23/03465/DVCMAJ - Land comprising Field at Branton Lane, Great Ouseburn, Y026 9RJ**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an application for Minor Material Amendments to Condition 2 (approved plans) to allow dormer windows to the rear of Plots 1-6 pursuant to permission 21/01288/DVCMAJ on land comprising Field at 444386 462084, Branton Lane, Great Ouseburn, York, Y026 9RJ.

The Principal Development Management Officer confirmed that there was no update note.

The agent for the applicant, Will Rogers, spoke in support of the application.

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

- The Committee sought clarification from officers on why the application was not a retrospective application, as the dormer windows had already been added to the properties.
- If there had been any alteration to the roofline or height of the roof.
- Whether it would be possible that only a number of the houses to be built could be built with a variety of dormer window shapes and styles within permitted development.
- The Committee stated that they were dissatisfied with the conduct of Brierley Homes Limited and stated that as a subsidiary of North Yorkshire Council the company should be setting the standard.

The decision:-

That planning permission be GRANTED subject to the conditions listed in Section 12 of the Committee report.

Voting Record:-

A vote was taken, and the motion was carried unanimously.

**17 ZC23/03071/OUT - Woodland View, York Road, Flaxby, North Yorkshire, HG5 0RR**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an outline planning application for up to 4 eco-custom self build homes with all matters reserved on land at Woodland View, York Road, Flaxby, North Yorkshire, HG5 0RR.

The Principal Development Management Officer advised Members that since the Committee agenda had been published on the 5 December 2023, two unilateral undertakings had been submitted to the planning authority by the applicant.

The first unilateral undertaking was to confirm that the development would be carried out as custom and self-build and would be marketed as such, however officers had some concerns in the wording of the document, including around the scope and mechanism for marketing the custom and self-build homes.

The second unilateral undertaking was in relation to an area of land within the proposed site that the applicant would gift to the Flaxby Village Community Interest Company. The Officer informed Members that the document was not specific as to what the land would be used for, although a children's playground had been suggested, however there was no planning permission for any such facility in place, and no policy requirement for open space on a small-scale build.

The Officer confirmed that both agreements should be taken into account, however neither unilateral undertaking outweighed the harm or conflict with the policy or altered the officer recommendation for refusal of the application.

Caroline Greenhalgh spoke objecting to the application.

The applicant, Ben Holmes, spoke in support of the application.

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

- Members sought clarification on why the application had come before Committee.
- The history of the previous two planning appeals on the same site, and whether officers felt that the unilateral undertakings submitted would affect the decision if the application in front of Members should go to the Planning Inspectorate on appeal.
- It was queried whether there were any other issues that would need to be taken into consideration which hadn't been present on the previous five house application which had gone to appeal.
- Members felt that the custom and self-build homes were very laudable, 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.

Voting Record:-

A vote was taken, and the motion was carried unanimously.

**18 Any other items**

There were no urgent items of business.

**19 Date of Next Meeting**

Wednesday 10 January 2024 – Civic Centre, Selby

The meeting concluded at 3.07 pm.