

Officer Update Note
Selby and Ainsty Area Constituency Planning Committee – 10 January 2024

Item 4

APPLICATION NUMBER:	ZC23/02255/FUL MAJ	PARISH:	Kirk Hammerton Parish Council
APPLICANT:	Sage Haus (Kirk Hammerton) and G N Rymer and K K Rymer	VALID DATE: EXPIRY DATE:	21 July 2023 12 January 2024
PROPOSAL:	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		
LOCATION:	Carlton Fields, Station Road, Kirk Hammerton		
RECOMMENDATION:	Planning Permission be REFUSED		

Public Open Space Commuted Sum Calculation

An updated contribution has been provided in relation to public open space and village hall contributions as the previous contribution hadn't included a contribution for the village hall.

Item 5

APPLICATION NUMBER:	ZG2023/0433/FUL	PARISH:	Wistow Parish Council
APPLICANT:		VALID DATE: EXPIRY DATE:	25 April 2023 17 January 2024
PROPOSAL:	Demolition of existing buildings and erection of 9 Dwellings.		
LOCATION:	Plantation House, Cawood Road, Wistow, Selby		
RECOMMENDATION:	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 contributions 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		

Amendment to conditions

At para 10.48 the report states an update on contamination consultant's comments were awaited and an update on these and the conditions will be given at the meeting.

The consultant comments in summary that:

The site has previously been used as a bus/coach depot, so made ground and associated land contamination could potentially be present at the site. The Phase 1 report submitted provides a good overview and concludes that the site presents a moderate risk. It is agreed that a Phase 2 intrusive ground investigation is needed due to the past history and appropriate remedial action will be required to make the site safe and suitable for its proposed use.

The final conditions recommended vary slightly in wording from those on the report and should be replaced with the following;

Condition 23: Investigation of Land Contamination

Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

Condition 24: Submission of a Remediation Strategy

Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

Condition 25: Verification of Remediation Works

Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Condition 26: Reporting of Unexpected Contamination

In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

Item 6

APPLICATION NUMBER:	2023/0220/COU	PARISH:	Beal Parish Council
APPLICANT:	Dr Jan Birley	VALID DATE: EXPIRY DATE:	25 April 2023 17 January 2024
PROPOSAL:	Change of use from public house (Sui Generis use) to bed and breakfast and mixed-use events venue (Sui Generis use) (retrospective).		
LOCATION:	Kings Arms Marsh Lane Beal DN14 0SL		
RECOMMENDATION:	Planning Permission be GRANTED		

Public Right of Way

The Principal Definitive Map Officer has advised that the references to a section 257 diversion in paragraphs 2.3, 7.7, 10.35 and 10.36 should be amended to read Highways Act 1980. This is also the case with the recommended informative attached.

The Officer advised that the retrospective changes to a PROW cannot be made under section 257 but would need to be made under the Highways Act 1980.