

## Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby,  
YO8 9FT

Date: Wednesday, 15 March 2023

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis,  
G Ashton, R Packham, P Welch and D Mackay

Officers Present: Martin Grainger, Head of Planning; Hannah Blackburn,  
Planning Development Manager; Glenn Sharpe, Solicitor to  
the Council; Jenny Tyreman, Assistant Principal Planning  
Officer; Gareth Stent, Principal Planning Officer; Jordan  
Fairclough, Planning Officer and Gina Mulderrig,  
Democratic Services Officer

Public: 6

### **80 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Duggan.

Councillor Duckett was in attendance as a substitute for Councillor Duggan.

### **81 DISCLOSURES OF INTEREST**

Councillors Packham, Ashton, Richardson, Topping and Ellis declared they had all received direct representations from the Planning Agents for items 5.1 and 5.2 and confirmed they retained an open mind and would not leave the meeting during consideration of these items.

### **82 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would

be summarised by the Officer in their presentation.

### **83 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 8 March 2023.

#### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 8 March 2023 for signing by the Chairman.**

### **84 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

### **85 2019/0547/EIA LAND AT LUMBY, SOUTH MILFORD**

**Application:** 2019/0547/EIA

**Location:** Land Off Lumby Lane, South Milford

**Proposal:** Proposed construction of a motorway service area (MSA).

The Assistant Principal Planning Officer presented the application which was accompanied by an Environmental Impact Statement and, in addition, had been brought before Planning Committee as the application was a major application where 10 or more letters of representation had been received which raised material planning considerations and where Officers would otherwise have determined the application contrary to these representations.

Members noted that the application was for the proposed construction of a Motorway Service Area (MSA).

Members noted the Officer Update Note which detailed amended plans to the route of the public right of way to the north east corner of the site following discussions between the Applicant, the District Council and the Public Rights of Way Officer and an amended plan which showed some of the offsite mitigation works following discussions between the Applicant, the District Council, the Public Rights of Way Officer and the Highways Officer. The Officer Update Note relayed that NYCC Ecology the Public Rights of Way Officer and the Highways Officer had not raised any objections to the proposed alterations. Yorkshire Water had confirmed verbally that i had no objections in principle, but a formal written consultation response was awaited to confirm this position, along with the acceptability of the post and rail fence within the easement area of the water main. The Officer Update Note also set out that further information on surface water drainage that was required by the Local Lead Flood Authority and had not yet been received. It set out a further reason for refusal of the application on the basis of insufficient information being received to demonstrate a viable means of surface water drainage. The Officer explained that two further letters of representation in support of the proposal had been received and summarised the details therein. Furthermore, the Officer advised that two letters of representation objecting to the

application had been requested to be removed; that seven representees had queried their response with the Council, after which the Council had not received confirmation whether their representation was valid; and the validity of eleven further representees was questioned as their email addresses no longer existed.

Members asked if the presented plan was finalised and asked for clarity on whether issues raised by Yorkshire Water could be resolved. The Committee also asked for details of the extent of the Green Belt surrounding the application site.

The Assistant Principal Planning Officer confirmed that the plan displayed in the presentation was the finalised design but that amended plans to the public right of way were detailed in the Officer Update Note and that Yorkshire Water had confirmed verbally that it had no objections to this amendment but that a formal written response had not yet been submitted. The Officer confirmed that the site lay fully in the South and West Yorkshire Green Belt as the boundary crossed in North Yorkshire and the Selby District and encompassed various established business and developments.

The Committee asked if the parking charge of £10, of which £9 would be redeemable within the MSA facilities could be subject of a legal agreement or condition, and also asked for details on how well used Ferrybridge and Wetherby motorway services were and details of proposed potential benefits to local communities.

The Planning Development Manager stated it would be difficult to control through a planning condition, though potentially could be covered by a legal agreement subject to meeting the relevant tests and is something that would usually be managed by the site operator. The Assistant Principal Planning Officer stated that the Applicant had carried out an Automatic Number Plate Recognition survey at the Ferrybridge MSA and determined the usage was lower than expected compared to other MSAs, however, no details were available for the motorway services at Wetherby. The Assistant Principal Planning Officer listed the proposed economic and social commitments submitted by the applicant detailed in section 5.162 of the report relating to job opportunities and investment in the area which have been set out in the draft section 106 agreement which would ensure enforcement of these commitments.

Members asked for more details on how the surface water drainage issues identified could be resolved and were told by the Assistant Principal Planning Officer that the Local Lead Flood Authority had advised that further information was required on any surface water drainage proposals before the determination of the application including testing and evidence of success and their statement, detailed in the Officer Update Note, added this lack of evidence as a further reason for refusal of the application.

The Committee referred to the Circular 02/2013 - Department for Transport's Strategic Road Network and the Delivery of Sustainable Development, which

recommended that the maximum distance between MSAs on motorways and all-purpose trunk roads should be no greater than 28 miles and in relation to the spacing of freight facilities, that in areas where there is an identified need, the maximum distances between motorway facilities providing HGV parking should be no more than 14 miles, and asked how this policy impacted this application.

The Assistant Principal Planning Officer advised that the application before Members was for the construction of a motorway service area, for which it was considered that there was not a compelling need for in this Green Belt location. There is no policy that rules out more frequent services, however, given distances between existing services at Ferrybridge and Wetherby, Officers did not agree that there was a compelling need for the proposed development in this Green Belt location

The Lead Executive Member for Communities and Economic Development, Councillor David Buckle was in attendance and spoke in favour of the application.

The Ward Councillor, Councillor Tim Grogan, was in attendance and spoke in favour of the application.

The Applicant, Dr Ian Mackay, was in attendance and spoke in favour of the application.

Members expressed support for the application against the Officer's recommendation. It was stated that the proposal would provide a superb gateway to the area. The Committee did not agree that Ferrybridge served the A1(M). It was stated that the proposal would integrate into the existing landscape. It would provide good facilities for potential patrons including much needed parking and conveniences for Heavy Goods Vehicle drivers who approached from the south and serviced the industrial estates at Sherburn in Elmet as well as an increased need for electric vehicle charging points. The Committee agreed there was a compelling need for an MSA to service the A1(M) near the Selby District and that no other suitable sites had been identified. Members stated that the Very Special Circumstances submitted by the Applicant to support development in the Green Belt were legitimate but that there was a need to ensure the proposed benefits of the site outweighed any negative effect.

Members raised the issues with surface water drainage and stated this issue needed to be resolved, along with a complete set of conditions and a section 106 agreement detailed the benefits to the community but overall support was shown for the economic, environmental and social benefits the development proposed.

Questions were asked by the Committee about the process for making a decision contrary to the Officer's recommendation.

The Head of Planning and the Planning Solicitor stated that, whilst it would be

possible if Members were minded to approve to delegate the grant of permission to the Head of Planning in conjunction with the Chair of the Committee, this was advised against. The Planning Solicitor explained that this was large development with an EIA that would require an extensive suite of conditions and more detail to a Section 106 Agreement, which Members, and the public, should have sight of in making their decision to ensure robust decision-making in the public interest. Members were strongly advised against delegating a grant of permission to the Head of Planning and the Chair., Further, given the upcoming Local Government Reorganisation on 1<sup>st</sup> April 2023, there would be insufficient time to complete the work required to allow for delegation to the Head of Planning and the Chair of Committee. The recommendation from Officers if Members were minded to approve was that the application be brought back to Committee with a full set of conditions and Heads of Terms for legal agreement.

The Head of Planning and the Planning Solicitor explained that the Committee could vote on whether they were minded to approve the application and, if this were the case, an updated version of the application would go to the Strategic Planning Committee in the new authority following Local Government Reorganisation, North Yorkshire Council, where detailed planning agreements and conditions and any plans to resolve the surface water drainage issues could be scrutinised publicly and by the Committee prior to a decision. Officers would clearly set out what the Selby Planning Committee was trying to achieve.

It was proposed and seconded that the application be minded to approve and would be brought back to the Strategic Planning Committee of North Yorkshire Council with a full suite of conditions and further detail on Section 106 agreement obligations in the public interest. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be MINDED TO APPROVE subject to further consideration at Planning Committee of a full suite of conditions and further detail on the Section 106 obligations.**

**86 2022/1445/HPA GARTH HOUSE, HEMINGBROUGH**

**Application:** 2022/1445/HPA

**Location:** Garth House, Landing Lane, Hemingbrough

**Proposal:** Demolition of the attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room.

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of the Ward Councillor Karl Arthur, should Officers be minded to refuse the application. The reasons provided for the application being called to committee were detailed in the report.

Members noted that the application was for the demolition of the attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room.

Members noted that they had all received additional drawings from the Planning Agent further explaining the application in the week prior to Committee.

The Committee asked the Planning Officer for confirmation that the assertion by the architect in the submitted drawings that a detached outbuilding similar to the application would be granted under permitted development rights was correct.

The Principal Planning Officer confirmed that an application for such an outbuilding would likely be granted under permitted development rights but that this application differed as the ridge height of this proposed extension was higher than the hypothetical outbuilding and the building was to be attached to the main house.

Democratic Services read a statement on behalf of the Agent in favour of the application.

Members debated the application further and showed support for it stating that this proposal was preferable to the previous, approved proposal. Members posited that the completed extension would be congruous with the existing built form and street scene on Landing Lane and would complement the main building.

It was proposed and seconded that the application be GRANTED against the Officer's recommendation. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be GRANTED subject to conditions agreed in application 2022/0564/HPA and that the decision be delegated to the Head of Planning Services in consultation with the Chair of Planning Committee.**

**87 TPO/24/2022 - KENILWORTH HOUSE, STILLINGFLEET**

**Application:** TPO/24/2022

**Location:** Kenilworth House, Stillingfleet

**Proposal:** Confirmation of the proposed Tree Preservation Order with no modifications.

The Principal Planning Officer presented the application which had been brought before the Planning Committee in accordance with the scheme of delegation 3.8.9(b)(viii), the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to an objection to make the

order. In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report sought the permission of the Planning Committee to “Confirm with no Modification”, Tree Preservation Order No. 24/2022. A copy of the Order is at Appendix A.

Members noted that the application was for Confirmation of the proposed Tree Preservation Order with no modifications.

The Committee asked the Principal Planning Officer whether the conditions of the Tree Preservation Order would extend to the relevant utility company given the proximity of the tree to the power lines.

The Principal Planning Officer explained that the utility company was a statutory undertaker and as such would have the right to prune the tree irrespective of any Tree Preservation Order but only if it crossed into operational land; this tree is currently on domestic land. The Principal Planning Officer suggested that the need to prune the tree to avoid the power lines supported this application as the Order would ensure the tree was maintained in a controlled and approved way.

Members questioned the individual value of the tree and it’s contribution to the Stillingfleet Conservation Area.

The Principal Planning Officer confirmed that the tree was juvenile but that it was of value to the Stillingfleet Conservation Area and that controls on its maintenance under a Tree Preservation Order would protect its future and its contribution to the Conservation Area.

Members debated the application noting that the tree was non-native and juvenile but that this application was primarily to control any proposed maintenance to the tree to preserve the value of the Conservation Area.

It was proposed and seconded that the Tree Preservation Order be refused but the Proposal fell.

It was proposed and seconded that the Tree Preservation Order be Confirmed with no modifications. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the Tree Preservation Order be CONFIRMED with no modifications.**

**88 TPO/27/2022 - OAK LODGE, ESCRICK**

**Application:** TPO/27/2022

**Location:** Oak Lodge, Skipwith Road, Escrick

**Proposal:** Confirmation of the proposed Tree Preservation Order with no modifications.

The Planning Officer presented the application which had been brought before

the Planning Committee in accordance with the scheme of delegation 3.8.9(b)(viii), the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to an objection to make the order. In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report sought the permission of the Planning Committee to “Confirm with no Modification”, Tree Preservation Order No. 27/2022.

Members noted that the application was for Confirmation of the proposed Tree Preservation Order with no modifications.

Members noted the Officer Update Note which detailed an objection to the confirmation of the Tree Preservation Order from a neighbour of the site which had been received after the deadline for comments.

The Committee asked the Planning Officer to confirm that a Tree Preservation Order did not preclude maintenance of the tree, just that any works needed approval.

The Planning Officer confirmed that was correct.

Members debated the application emphasising the intrinsic value of native trees such as T1 and agreeing that correct and proactive maintenance of trees, including regular pruning, was necessary and not precluded by a Tree Preservation Order.

It was proposed and seconded that the Tree Preservation Order be Confirmed with no modifications. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the Tree Preservation Order be CONFIRMED with no modifications subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note.**

The meeting closed at 16:33