

SHERBURN-IN-ELMET PARISH COUNCIL PLANNING COMMITTEE

MINUTES OF THE SHERBURN IN ELMET PLANNING COMMITTEE MEETING HELD ON MONDAY 16TH JANUARY 2017 AT 6.00PM IN THE PARISH COUNCIL OFFICE

Present: Councillors – P Doherty (Chair), C Lake, D. Buckle, K. Devers, R Packham and J Prescott.

- 1. Apologies for absence - L. Wake**
- 2. Declarations of interest – Cllrs Doherty & Devers in respect of the Community Trust**
- 3. Plans for discussion**

Business

- **2016/1495/FUL.** Section 73 application to vary condition 11 (landscaping) of approval 2014/0692/FUL Proposed demolition of existing buildings (Use Class B2/B8) and construction of foodstore with car parking, landscaping and associated works at Sissons Haulage. 47 Low Street Sherburn In Elmet North Yorkshire LS25 6BB

No objections

- **2016/1487/FULM.** Proposed refurbishment of an existing warehouse, works to include construction of a new concrete service yard, construction of a new loading canopy, new areas of tarmac to accommodate new parking, relocation of existing containers, erection of new storage tanks, new fencing to site perimeter, and the construction of new warehouse service corridors and cold store. 17 Moor Lane Trading Estate Sherburn In Elmet North Yorkshire LS25 6ES

The Parish Council have no objections but request that conditions are applied to ensure that loading/unloading and parking areas are not used for storage purposes.

- **2016/1456/FULM** Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m² Factory Extension and Associated Infrastructure. Kingspan Insulation Ltd Enterprise Way Sherburn In Elmet North Yorkshire LS25 6NE.

The Parish Council cannot comment on the traffic implications until the significant additional information requested by Highways is available. We therefore request an extension of time for this application.

The Parish Council have concerns regarding possible air pollution and note the lack of detail regarding the fuel being burnt. We also note that no account has been taken of the cumulative impact of this site, when combined with emissions from the peak power

generation plants proposed nearby at Gascoigne Wood (2015/1034/FUL, 2015/0017/FUL and 2015/0674/FUL).

The Parish Council request that more information is supplied regarding the fuel being burnt and that an assessment is provided of the cumulative impact of this site, when combined with the peak power generation plants proposed nearby at Gascoigne Wood.

- **2016/1453/COU.** Proposed change of use including internal alterations of ground floor living room to form retail sweet shop and the installation of 2 No small staircase windows to north facing elevation. 9 Finkle Hill Sherburn In Elmet North Yorkshire LS25 6EB.

The Parish Council support this application.

- **2016/1454/ADV.** Advertising Consent for a high level wall mounted flush fascia sign advertising "Sweet Finkle" in 'Old English' font in gold on a Burgundy Red background. 9 Finkle Hill Sherburn In Elmet North Yorkshire LS25 6EB.

The Parish Council support this application.

- **2016/1429/ADV.** Retrospective advertising Consent for the erection of 10No. free standing signs, 3No. fascia signs and 9No. flag signs. Street Record Low Street Sherburn In Elmet North Yorkshire.

No objections

- **2016/1439/DOC.** Discharge of condition 03 (site investigation), 05 (remediation scheme), 06 (verification report) and part discharge of condition 04 (risk assessment) of approval 2016/0934/FUL Proposed extension of existing Mill Building to enable production of natural gypsum in lieu of synthetic desulphurised gypsum, relocation of existing fork lift truck maintenance and storage units and formation of new turning access road. British Gypsum Fenton Lane Sherburn In Elmet North Yorkshire LS25 6EZ

- **2016/1409/OUTM.** Outline application including access (all other matters reserved) for residential development of 150 homes. Street Record Hodgsons Lane Sherburn In Elmet North Yorkshire.

The Parish Council object to this application as per the comments detailed below.

Construction Sites

Strata

Redrow

No comments/complaints have been received

Persimmon

4. Decisions from Selby District Council

- **2016/1207/HPA** Proposed single storey extension and single storey side/rear extension, 38 Low Garth Road, Sherburn in Elmet. **Granted**
- **2016/1331/HPA** Proposed single storey extensions to front and rear, 15 Church Mews, Sherburn in Elmet. **Granted**

5. Date of next meeting – 16th January 2017

2016/1409/OUTM

Sherburn in Elmet Parish Council object to this application on the following grounds:-

Traffic

The Parish Council have serious concerns regarding the cumulative effect of this and other significant planning applications. We continue to liaise with Highways regarding the village centre traffic signals which are still incorrectly assessed.

For some time the Parish Council have been pointing out that Transport Assessments must take into account vacant units on the industrial estate. The Local Highways Authority have finally agreed to that and requested exactly that information for a recent planning application on the industrial estate (2016/1456/FULM). However the Transport Assessment submitted with this application does not take into account any vacant units on the industrial estate. This is significant and particularly affects the assessment of the A162/B1222 roundabout. The recent application for 270 homes (2016/0195/OUT) showed that roundabout operating at 85% of capacity. It is accepted that when roundabouts are running at over 85% of capacity, congestion may occur and so mitigation measures may be necessary.

If no account is taken of vacant units on the industrial estate, then it will not be possible to obtain appropriate mitigation measures which should be paid for by developers.

Flooding

This is an important item for residents, understandably so given the flooding which occurred in Sherburn in August 2014 and the fact that a significant part of this site is in Flood Zone 2.

The Flood Risk Assessment submitted with the Planning Application states that "it is anticipated that 120 would be a maximum and that these would be a mixture of detached, semi-detached and terraced

houses." In fact the applicant is seeking planning permission for 150 homes. This will affect site permeability in particular and we feel it is unsafe to rely on an Assessment which understates the number of houses by 25%.

The Flood Risk Assessment states that:-

9.3 Although the final surface water drainage design would need to be agreed with the statutory consultees prior to commencement on the site, at this stage it appears that the use of above ground Sustainable Drainage Systems would be the most appropriate means of surface water disposal.

The fact that the Assessment cannot comment with certainty on the most appropriate means of surface water drainage, is a serious concern, especially as the Flood Risk Assessment notes the " low permeability of the site geology".

Pile Driving

The nearby Strata homes site (off Fairfield Link) has had to use pile driving on 90% of the plots, despite an initial statement that no pile driving was anticipated. Given our comments above regarding the local geology we feel that pile driving may be required for this site and if permission is granted then it must include suitable conditions regarding pile driving.

Japanese Knotweed

The Ecology report notes the presence of what could be Japanese Knotweed. If planning permission is granted then a condition will be required to ensure that Japanese Knotweed has been eradicated before any construction work commences.

Planning Policy

Notwithstanding the fact that the District Council conceded that there is not a five year supply of housing land in Selby District, the Parish Council does not accept that this should mean that all planning applications for housing should be approved.

Planning law states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. This applies to developments that comply with the development plan and those that don't. In both cases other material considerations are relevant. The NPPF is one of those material considerations.

Paragraph 14 of the NPPF states that even if it is conceded that relevant policies of the development plan are out of date, permission can be refused:

- where adverse impacts would significantly and demonstrably outweigh the benefits, **when assessed against the policies in this framework as a whole.**
- Where specific policies in this framework indicate development should be restricted.

It is the view of the Council that both circumstances apply in this case.

We have already set out above a number of material considerations that we consider justify the refusal of this application, in particular those related to highway and flooding issues. To these we would add the fact that we do not consider further development in Sherburn will be

sustainable in the absence of significant improvements in services, facilities and infrastructure.

This concern was specifically raised by the Inspector in his report on the Core Strategy of June 2013, where he endorsed the figures in Policy SP5 which indicated that new allocations to accommodate 700 houses by 2027 would be required in Sherburn, but that:

“the absence of many key services in the town and the limited opportunities for expanding its small town centre militate against greater housing development unless part of a comprehensive planned expansion.”

Whilst the approved Core Strategy set a minimum requirement of 790 for Sherburn by 2027, with current commitments this figure will easily be exceeded, and with little increase in facilities. The appeal regarding the 270 dwelling development off Hodgson’s Lane was allowed, as the District Council effectively gave no evidence to defend the appeal.

This will mean an increase in the number of houses in Sherburn between 2012 and 2027 of more than 1000 houses, without taking account of windfall sites such as that recently approved for 20 houses on Moor Lane. 1000 houses would represent a percentage increase in the total number of houses in the village of about 35% and an increase of about 30% on the level of growth the Inspector considered appropriate “in the absence of key services”. It is also relevant that, once existing commitments are completed the village will have expanded by about 80% between 1981 and 2021 with little improvement in services and facilities.

The current application represents piecemeal and unplanned development and will result in pressure on existing services, facilities and infrastructure and shows a lack of coordinated, plan-led land use planning and would prejudice the plan making process.

The “absence of many key services” as identified by the Inspector, is well documented:

- The nearest household waste recycling centre is at Tadcaster, as is the sports hall and swimming pool. (about 6.4 miles). A larger HWRC and further leisure facilities are at Selby (9 miles).
- The only sports hall (an old gymnasium where there are the usual climbing bars and previously cricket nets) is at the High School. The only other “hall” of any size is the main room at Eversley Park Centre.
- In the village centre there are no banks (previously 2). Tadcaster has a bank.
- The capacity of schools and the doctors’ surgery are already a concern. The County Council has commented in relation to this application that a shortfall in primary school places would result and “We would reiterate our view that a masterplan approach to the growth of Sherburn during the Plan period would provide the best opportunity to successfully plan future education provision”.
- There is no fire station, despite the big and expanding industrial estate. Tadcaster has a fire station.
- Despite the growth of Sherburn over the years the village is essentially served by roads that have the characteristic of country lanes. The other main settlements in the district are all served by A roads; we are the only main settlement which has B roads listed amongst their primary access routes (Plan Selby Highways Assessment Part A).

- Both railway stations lack anything like adequate parking, which is particularly unfortunate for an area that has such a high degree of out commuting.
- The village centre lacks car parking. A recent report from Selby District Council revealed the following:

Sherburn in Elmet, population 6657, has a total of 180 parking spaces which translates as 36.98 residents per Parking Space

This compares to Tadcaster. Population 6003, 356 parking spaces which equates to 16.87.residents per Parking Space.

And Selby: Population 14731, 1760 parking spaces which equates to 8.37 residents per parking space

Adding the 718 homes already under construction will add about another 1650 to the population of Sherburn. So with a population of 8307 we will have 46.15 residents for each parking space.

In summary, we accept that Sherburn will always attract those wanting to build houses, especially for Leeds commuters. However, over the last 40 years the village has become a dormitory without improvement to infrastructure and services. The one big improvement, the by- pass, has ironically led to more development and whilst it has largely solved the issue of north-south traffic through the centre, the growth in housing numbers and of the industrial estate has now put considerable pressure on east west traffic movements through the crossroads.

Selby District Council are about to engage in a full scale consultation on the future of the three “market towns” which will enable residents to finally influence if, when and where there will be additional development and what services and facilities are necessary to bring the village into the 21st century.

The Parish Council ask that this this application is refused so that we don't again end up in a position where Sherburn residents are faced with a fait accompli. Allowing yet more unplanned development would result in:

- the prevention of a plan led coordinated and comprehensive land use approach to the planning of the town, including the investigation of the scope for the town centre to be remodelled or extended
- the lack of community involvement which empowers local people to shape their surroundings and the failure of the Council to fulfil its commitment to the community that decisions on the release of safeguarded land would be made through the Local Plan process.

The District Council must now recognise that simply building houses and providing employment without appropriate infrastructure (including roads as well as services and facilities) is NOT sustainable development. In addition, whilst our schools can accommodate the current increase in pupil numbers from existing permissions (with the planned growth of Athelstan and Hungate Schools) any larger increase in population in the plan period will result in insufficient capacity at Sherburn and South Milford for primary school children. This can only be addressed by a plan led approach.

The Parish Council also consider that it is relevant that this site is safeguarded land, part of some 45 hectares in Sherburn. This land was taken out of the Green Belt to provide a long term supply of development land.

Policy SL1 of the Local Plan states that safeguarded land is to be protected from development until required by a Local Plan review. Similarly, paragraph 85 of the NPPF makes it clear that planning permission for permanent development on safeguarded land should only be granted following a Local Plan review proposing its development.

There is, therefore no justification to give planning permission for the development of any safeguarded land in an ad hoc way at this stage. It should be noted that safeguarded land is long term strategic planning tool and an integral element of Green Belt Policy. It is our contention that whilst it is not specifically mentioned in footnote 9 of the NPPF, (which in any event commences with the words “for example”) it is clearly one of the specific policies in the Framework which indicate that development should be restricted referred to in paragraph 14.

Releasing any safeguarded land would set a precedent for the release of other land which would prejudice the outcome of the local plan process. This could lead to very large scale development in Sherburn without proper consideration of the need for improved facilities and infrastructure.

In addition any decision to release safeguarded land without proper consideration through the local plan process prevents proper consultation with the community on the nature, location and extent of any future development in the village. Officers recognised this in the report to the Planning Committee in June 2016, and stated that: “the lack of community involvement to shape the future role and character of Sherburn in Elmet”, which would be the result of approval, “is a material consideration”.

There is clearly no reason or need to release further land in Sherburn at the present time, where developments comprising 718 houses are currently under construction, and a further 270 houses have been allowed on appeal; certainly not in advance of further consideration of the distribution of development within the District through Plan Selby.

We request that this application is refused.