

**SHERBURN-IN-ELMET PARISH COUNCIL PLANNING COMMITTEE**

**MINUTES OF THE SHERBURN IN ELMET PLANNING COMMITTEE MEETING HELD ON MONDAY 21st NOVEMBER 2016 AT 6.00PM IN THE PARISH COUNCIL OFFICE**

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

- 1. Apologies for absence - L. Wake**
- 2. Declarations of interest – None**
- 3. Plans for discussion**

**Business**

**2016/1131/COU – Change of use of salvage showroom to domestic dwelling with minor layout changes and partial demolition. At Gothards Architectural, The Willows, Bishopdyke Road.**

The Parish Council object to this application as it would involve conversion of commercial premises to a domestic dwelling at a site where applications for private housing have previously been refused on the grounds that this is not a sustainable location.

We also believe that it is contrary to Policy SP4c of the Spatial Strategy which states:

“Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”

We are also concerned that this would lead to more turning traffic at a site which is close a double bend with a poor accident record and where a new access road will be built for an extension to the industrial estate.

**2016/1123/FUL - Proposed erection of two multi-purpose storage units at Gothards Architectural, The Willows, Bishopdyke Road.**

The Parish Council object to this application as it would add industrial clutter to the grounds of a former restaurant and at premises which already have significant external storage in contravention of planning conditions.

**2016/1207/HPA - Proposed single storey side extension and proposed single storey side/rear extension following demolition of existing garage. 38 Low Garth Road.**

The Parish Council object to this application as it involves overdevelopment of the site given the available communal space and the nature of the surrounding area.

**2016/1189/FUL - Proposed extension to existing grain dryer and store at Coldhill Farm, Coldhill Lane, Saxton.**

No objection

**2016/1256/OUT - Outline application for residential development comprising up to 60 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access on land to the north of Pinfold Garth.**

Detailed objections attached.

### **Construction Sites**

Strata

Redrow

Persimmon

No comments/complaints have been received

#### **4. Decisions from Selby District**

**2016/0934/FUL-Proposed extension of existing Mill Building to enable production of natural gypsum in lieu of synthetic desulphurised gypsum, relocating of existing fork lift truck maintenance storage units and formation of new turning access road at British Gypsum, Fenton Lane. GRANTED**

**2016/1016/FUL-Section 73 application to vary condition 03(plans) of approval 2016/0501/FUL-Erection of office building, external alterations to existing warehouses, alteration to existing car and trailer park areas and relocation of gas storage facility at Eddie Stobart Ltd. Aviation Road. GRANTED**

**2016/0997/FUL-Proposed rendering to 2 apartments at 55 Low Street. GRANTED**

**2016/1060/HPA-Proposed new road access and garage, summer shed with internal works to dwelling at 2 Deighton Avenue. GRANTED**

**2016/1063/HPA- Proposed erect of single storey rear extension following removal of existing conservatory at 3 Fairfield Link. GRANTED**

**2016/1099/HPA-proposed erect of a two storey rear extension following demolition of existing conservatory 12 Eversley Mount. GRANTED**

**2016/0187/FUL – variation of conditions (materials) at 51 Moor Lane. GRANTED**

**5. Any other business – concerns have been received about a property on Moor Lane possibly trading commercially from domestic premises. Details to be investigated and if necessary Planning Enforcement to be contacted.**

**6. Date of next meeting – 19th December 2016**

**2016/1256/OUT**

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

Traffic

The Parish Council have serious concerns regarding the transport information which accompanies this application.

When this application was previously submitted under 2015/0848/OUT we were told in January 2016 that a full analysis of its impact on the traffic signals in the village centre had been carried out. No details of that analysis have ever been published on the Planning Portal or anywhere else on the public record. We cannot therefore make any informed comment on the impact of this development on the key junction in Sherburn in Elmet.

Furthermore the LHA advised us in May 2016 that following a traffic survey on Pinfold Avenue the PM rush hour trip rates were found to be some 57% lower than those which had previously been used for housing developments in Sherburn in Elmet.

Previously the LHA had worked on the basis that a 100 home development would generate 88 vehicle movements during the PM rush hour. The new figures suggested that in fact the figure would be just 38 vehicles. We had concerns about these figures, not least because Pinfold Avenue has two access points onto Moor Lane (the B1222) and it was not clear whether both had been surveyed or just one of them.

We felt it was worth checking this and have just carried out two surveys of traffic entering and exiting the modern 94 home development on Pasture View and Copperfield Close during the PM rush hour.

The first survey on Tuesday 15<sup>th</sup> November 2016 showed a total of 74 vehicles in the PM rush hour. A survey the following day showed 88 vehicles during the PM rush hour. The average of these two surveys is 81 vehicles. So we have an 94 home development producing 81 vehicle movements during the PM rush hour, which equates to a trip rate of 0.86.

The Transport Statement supplied by the applicant shows a total of 42 vehicles entering and exiting the proposed development site during the PM rush hour. We believe that figure significantly underestimates the traffic this development will generate and that a more accurate figure for vehicle movements during the PM rush hour will be 60.

We also believe that Pinfold Garth is not suitable for use as an access road. It is a narrow road with a lot of on-street parking, which will present particular difficulties for access by HGVs during the construction phase. In particular we note that although this road has a 30mph speed limit, the visibility splays for the access road are based on an assumption of lower vehicle speeds (27.5mph in the dry and 25mph in the wet). No speed survey has been carried out and therefore this assumption is not evidence based. It should also be noted that the junction of Pinfold Garth with Pinfold Avenue has particularly poor visibility.

### 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 major part of this site is in Flood Zone 2. The Flood Risk Assessment states that no intrusive soils investigation has been carried out, but nevertheless concludes that the risk of flooding from groundwater is low. It is our understanding that similar unsafe assumptions were made in respect of the Strata site and were found to be wrong when trial pits were dug and immediately filled with water.

It is known that the lacustrine clays locally contain sandy layers which hold or transmit significant quantities of water. The deeper geology includes magnesian limestone strata, an aquifer which can produce significant volumes of water under artesian pressure.

### Sequential Test

The Flood Risk Assessment does not demonstrate that the necessary Sequential Test has been passed and on this issue alone planning permission should be refused. We would specifically point out that the comments regarding the Sequential Test in the Flood Risk Assessment document produced by ARP in support of this application makes no mention of the following safeguarded land:- South-East of SHB/1, Sherburn in Elmet 7.3 hectares East of Prospect Farm, Low Street, Sherburn in Elmet 12.8 hectares West of Garden Lane, Sherburn in Elmet 6.3 hectares.

### 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

This site is contaminated with Japanese Knotweed and the Parish Council has previously notified the District Council of this. 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 all 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. Whilst there is as yet no decision on the 270 dwelling development off Hodgson’s Lane it is likely that this appeal will be allowed, as the District Council effectively gave no evidence to defend the appeal.

If the appeal is allowed this would mean an increase in the number of houses in Sherburn between 2012 and 2027 of more 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 21<sup>st</sup> 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:

1. 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
2. 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 there are likely to be 270 houses allowed on appeal, and 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.