

Late Information Report – 4th July 2016

Planning Committee

This report brings to the attention of the Planning Committee any late information, amendments, or corrections to the agenda items that have been published. The report is circulated at the start of the Committee meeting and copies can be inspected by anyone attending that meeting.

Late information, amendments, or corrections

Planning Ref. 42/2016/16640

Proposal. Resubmission of previous outline application with some matters reserved referenced 42/2015/15870 for residential development comprising of 21 dwellings including construction of a new vehicular access off A65. Land off A65, Kendle Road, Hellifield, N Yorkshire

Additional Information Received

On the 30th June 2016 the Council was notified by the National Planning Casework Unit that the Secretary of State has received a request to call-in the planning application under s77 of the Town and Country Planning Act. The Secretary of State can call-in an application for any reason and anyone can ask the Secretary of State to call an application in.

When an application is called in the Secretary of State takes the decision making power on a particular planning application out of the hands of the local planning authority. In practice very few applications are called in every year and normally it relates to issues of national significance. In officer's opinion it is very unlikely that this application will be 'called in', but the National Planning Casework is acting on the request that they have received.

The Local Planning Authority has therefore been asked not to issue any decision notice approving the application until the Secretary of State has first been given the opportunity to decide whether or not call in the application.

The Council has also received a further letter of complaint / objection which makes the following comments: -

- a. There is no mention of the current appeal against the previously refused scheme.

- b. No mention is made in the summary of objections of the requirement under s38(6) of the 2004 Act to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- c. The report fails to undertake a proper balancing exercise, is not impartial, and is seriously flawed. It should be withdrawn from the agenda.

Amendments to the Report or Recommendation

To allow the Secretary of State the opportunity to decide whether or not to call in the planning application the recommendation is amended to:

‘That members resolve to give delegated authority to the Development Control Manager to grant planning permission subject to the Secretary of State confirming that the application will not be ‘called in’.’

With respect to additional comments that have been received: -

- a. It is correct that the previous decision to refuse permission is subject to an appeal (presently undecided).
- b. It is agreed that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Council’s Development Plan is significantly out of date and this is a material consideration, along with others set out in the Committee Report, why the application is recommended for approval.
- c. In Officers opinion the report sets out the necessary considerations to allow the Planning Committee to reach a decision on this application.

Planning Ref. 08/2016/16863

Proposal. Variation of condition 2 & 4 of previously approved application for a caravan site (08/2006/6868) to allow revised site layout (increasing the number of caravans from 19 to 26) and revised wording for the holiday occupancy restriction. Toll Bar Gardens, Wennington Road, Low Bentham.

Additional Information Received

Since the publication of the Committee report an additional consultation response has been received. The response is from Network Rail.

The response makes a number of observations in relation to ensuring that any development in terms of the proposed layout, design and construction does not impact upon the safety, operation and integrity of the existing operational railway.

Officers Note: It is considered that the majority of observations raised by Network Rail can be address through the use of informatives (recommended below) and by existing conditions that are already set out in the Committee report. The exception to this is the need for a trespass fence to be erected along the northern boundary.

Amendments to the Report or Recommendation

Condition 14 is therefore added following the consultation from Network Rail:

‘14. Prior to the development of the site details (including foundations) of a trespass proof fence to be erected along the northern boundary shall be submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved details and the fence retained thereafter.

Reason: In the interest of railway safety.

The following informatives are also to be added:

The applicant is advised that a BAPA (Basic Asset Protection Agreement) will need to be agreed between the applicant and Network Rail and that the applicant will be liable for all costs incurred by Network Rail in facilitating this proposal. The BAPA will be in addition to any planning consent.

The applicant is advised of the need to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway. The applicant/developer is to submit the RAMs directly to: AssetProtectionLNWNorth@networkrail.co.uk

The applicant is also advised of the need to serve a Party Wall Act 1996 notification

on Network Rail and will be liable for all costs incurred by Network Rail in facilitating the Party Wall works. The applicant/developer should email the notice (and a plan of the proposal site) to: OperationPropertyLNW@networkrail.co.uk

The applicant must ensure that the proposal during construction, after completion of works and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway/Network Rail Land or our infrastructure.

The applicant is advised that Network Rail will need to review all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure.

Planning Ref. 17/2016/16571

Proposal. Outline application with all matters reserved for residential development at Carla Beck Farm, Carla Beck Lane, Carleton.

Additional Information Received

Since the publication of the Committee report an additional consultation response has been received. The response is from CDC Environmental Protection Team.

The CDC Environmental Team have reviewed the report undertaken by JOC Consultants Ltd and received by the Council on the 26th May and can confirm that the details relating to the disposal of the foul drainage via a package sewage treatment plant are acceptable. However, the applicant is advised that should the application be approved that this does not remove the need to obtain the relevant statutory consent/licence from the Environment Agency prior to the site being development.

Amendments to the Report or Recommendation

N/A

Planning Ref. 18/2016/16884 & 18/2016/16885

Proposal. Revision housing development at Dalesview Garage, Old Road, Clapham.

Additional Information Received

Clapham cum Newby Parish Council has confirmed that they have no objections to the proposed revisions.

Amendments to the Report or Recommendation

N/A