



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 10 AUGUST 2016**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair),
Mrs L Casling, I Chilvers, J Deans, D Mackay, C Pearson,
P Welch and B Marshall.**

Agenda

1. Apologies for Absence

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Chair's Address to the Planning Committee

4. Minutes

To confirm as a correct records the minutes of the Planning Committee meetings held on 29 June and 13 July 2016, and the Planning Sub-Committee meeting held on 26 July 2016 (pages 1 to 21 attached).

5. Suspension of Council Procedure Rules

The Planning Committee are asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6(a) for the Committee meeting. This facilitates an open debate within the Committee on the planning merits of the application without the need to have a proposal or amendment moved and seconded first. Councillors are reminded that at the end of the debate the Chair will ask for a proposal to be moved and seconded. Any alternative motion to this which is proposed and seconded will be considered as an amendment. Councillors who wish to propose a motion against the recommendations of the officers should ensure that they give valid planning reasons for doing so.

6. Planning Applications Received

- 6.1 2016/0359/OUT - Land South of Moor Lane, Sherburn In Elmet (pages 23 to 54 attached)
- 6.2 2016/0223/FUL - Ebor Court, Newton Kyme, Tadcaster (pages 55 to 76 attached)
- 6.3 2016/0457/OUT - Land South of Common Lane, Church Fenton, Tadcaster (pages 77 to 103 attached)
- 6.4 2016/0236/HPA - Woodlands, Long Drax Village, Selby (pages 104 to 119 attached)
- 6.5 2015/0957/OUT - Low Mill, York Road, Barlby, Selby (pages 120 to 133 attached)
- 6.6 2016/0449/MLA - Land Near Crossing At, Leeds Road, Thorpe Willoughby (pages 134 to 140 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meetings
7 September 2016
12 October 2016

Enquiries relating to this agenda, please contact Daniel Maguire on:
Tel: 01757 292247, Email: dmaguire@selby.gov.uk

Planning Committee
10 August 2016

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Minutes

Planning Committee

Venue:	Council Chamber
Date:	29 June 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), D Peart (Vice Chair) Mrs L Casling, I Chilvers, J Deans, D Mackay, C Pearson, P Welch, and B Marshall.
Apologies for Absence:	None.
Officers Present:	Dave Sykes – Planning Consultant, Jonathan Carr Interim Lead Officer, Ruth Hardingham – Interim Deputy Lead Officer Planning, Tim Coyne – Highways Officer, North Yorkshire County Council (NYCC), Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.

Public: 56

Press: 1

7. DISCLOSURES OF INTEREST

All Councillors declared that they had received representations in relation to all applications on the agenda.

8. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair introduced Jonathan Carr, Interim Lead Officer and Dave Sykes, Planning Consultant to the Committee.

9. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) in the Constitution, to allow a more effective discussion on applications.

RESOLVED:

To agree the suspension of Council Procedure Rules 15.1 and 15.6 (a) for the Committee meeting.

10. MINUTES

The Committee considered the minutes of the Committee meetings held on 1 June and 8 June 2016.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 1 June and 8 June 2016, and they be signed by the Chair.

11. PLANNING APPLICATIONS RECEIVED

- 11.1 Application: 2016/0195/OUT**
Location: Hodgson's Lane, Sherburn In Elmet
Proposal: Outline application for up to 270 residential dwellings including details of vehicular access (all other matters reserved).

The Planning Consultant presented the report and referred the Committee to the additional information provided in the update note.

The application had been brought to the Planning Committee due to it being a departure from the Development Plan and more than 10 letters of objection being received. In addition, Councillor Buckle had requested that the item be presented to Committee for the reasons outlined in the report.

The Planning Consultant advised the Committee that taking into consideration the change in the circumstances regarding the District's five year housing land supply since Councillors made their decision on an identical application (2015/0544/OUT) in November 2015, and all other relevant planning matters, the application was considered unacceptable and therefore should be refused.

The Committee was therefore recommended to refuse the application.

Mr D Buckle, local resident spoke in objection to the application.

Mr P Doherty, Parish Councillor, spoke in objection to the application.

Councillor B Packham, Ward Councillor spoke in objection to the application.

Mr D Hann, the applicant's agent, spoke in support of the application.

The Planning Consultant's recommendation to refuse the application was moved and seconded.

RESOLVED:

To REFUSE the application for the reasons detailed in section 5.0 of the report.

- 11.2 Application: 2015/0544/OUT**
Location: Hodgson's Lane, Sherburn In Elmet
Proposal: Outline application for up to 270
residential dwellings including
details of vehicular access (all
other matters reserved).

The Senior Solicitor introduced the application and explained that the report provided Councillors with an update, including the position with regard to the appeal that had been lodged with the Planning Inspectorate. Councillors were informed that as soon as an appeal was lodged with the Planning Inspectorate it became a decision to be determined at appeal by the appointed Inspector.

Members were advised that the application had been brought to Planning Committee to seek Councillors' view on how the application would have been determined for the purpose of agreeing the Council's case at the appeal. The Inspectorate would be informed of the decision, and the reasons for the decision would form the basis of the Council's case at a public inquiry.

The Planning Consultant presented the report and referred the Committee to the additional information provided in the update note.

Mr D Buckle, local resident spoke in objection to the application.

Mr P Doherty, Parish Councillor, spoke in objection to the application.

Councillor B Packham, Ward Councillor spoke in objection to the application.

Mr D Hann, the applicant's agent, spoke in support of the application.

The Planning Consultant's recommendation to indicate refusal of the application was moved and seconded.

RESOLVED:

That the Planning Inspectorate be notified that the local planning authority was minded to REFUSE the application for the reasons detailed in section 2.0 of the report.

11.3 Application: 2015/0895/OUT
Location: Land at Hodgson’s Lane, Sherburn In Elmet
Proposal: Outline application (with all detailed matters reserved) for residential development.

The Planning Consultant presented the report and referred the Committee to the additional information provided in the update note. This update note included an additional recommended reason for refusal based on the proposals adverse impact on the landscape character of the area. Councillors were advised that the application had been brought to Planning Committee because 10 or more letters in support had been received. The proposal was also a departure from the Development Plan and was considered to be locally controversial given the level of objections received. Councillor Buckle had also requested that the application be considered at Committee for the reasons detailed in the report
Planning Consultant advised that having had regard to all relevant planning matters, the application was considered unacceptable and therefore should be refused.

The Committee was therefore recommended to refuse the application.
Mr D Buckle, local resident spoke in objection to the application.

Mr P Doherty, Parish Councillor, spoke in objection to the application.

Councillor B Packham, Ward Councillor spoke in objection to the application.

Mr A Cowling, the applicant’s agent, spoke in support of the application.

The Planning Consultant’s recommendation to refuse the application was moved and seconded.

RESOLVED:

To REFUSE the application, for the reasons detailed in section 3.0 of the report and the additional reason detailed in the update note.

11.4 Application: 2015/0848/OUT
Location: Pinfold Garth, Sherburn In Elmet
Proposal: 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 north.

The Planning Consultant presented the report and referred the Committee to the additional information provided in the update note. A further update was presented which referred to North Yorkshire Highways acceptance of alternative visibility splays at the proposed access onto Pinfold Garth to that which had originally been proposed in the application. The Planning Consultant referred members to the relatively modest size of this proposal compared to the proposals on adjacent sites considered earlier in

the agenda. Members attention was also drawn to this site's visual containment from the wider countryside provided by the hedgerows and trees along the site's northern and eastern boundaries.

The application had been brought before the Planning Committee due to the proposal being a departure from the Development Plan and it being considered locally controversial given the level of objections received. Councillor Buckle had also requested that the application be considered by the Committee for the reasons detailed in the report.

The Planning Consultant advised that, having regard to all relevant planning matters the application was considered unacceptable and therefore should be refused.

The Committee was therefore recommended to refuse the application.

E Woodward, local resident spoke in objection to the application.

Mr P Doherty, Parish Councillor, spoke in objection to the application.

Councillor B Packham, Ward Councillor spoke in objection to the application.

Mr S Natkus, the applicant's agent, spoke in support of the application.

The Planning Consultant's recommendation to refuse the application was moved and seconded.

RESOLVED:

To REFUSE the application for the reasons detailed in section 3.0 of the report.

The Chair closed the meeting at 4.00 pm

Minutes

Planning Committee

Venue:	Council Chamber
Date:	13 July 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), I Reynolds (substitute for D Peart), Mrs E Casling, I Chilvers, J Deans, D Mackay, C Pearson, B Marshall, and P Welch.
Apologies for Absence:	Councillor D Peart.
Officers Present:	Jonathan Carr - Interim Lead Officer, Planning Ruth Hardingham – Interim Deputy Lead Planning Officer, Yvonne Naylor – Principal Planning Officer, Diane Wilson – Planning Officer, Nigel Gould – Principal Planning Officer, Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.
Public:	27
Press:	1

1. DISCLOSURES OF INTEREST

All councillors declared they had received correspondence in relation to applications 2015/1186/FUL – Yew Tree House, Chapel Fenton, Tadcaster and 2016/0359/OUT – Land south of Moor Lane, Sherburn in Elmet.

2. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reminded the Committee that a session in relation to the outcomes of the Planning Review had been arranged on 18 July 2016 at 1.30 pm, the session would be followed by a Planning Committee training session.

The Chair explained that application 2016/0359/OUT – Land south of Moor Lane, Sherburn in Elmet would be considered as the first item. The remaining items would be considered in the order as listed in the agenda.

3. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) in the Constitution, to allow a more effective discussion on applications.

RESOLVED:

To agree the suspension of Council Procedure Rules 15.1 and 15.6 (a) for the Committee meeting.

Note – Councillor J Deans entered the Council Chamber at this point. With regard to declaration of interests, he advised that he had received correspondence in relation to applications 2015/1186/FUL – Yew Tree House, Chapel Fenton, Tadcaster and 2016/0359/OUT – Land south of Moor Lane, Sherburn in Elmet.

4. PLANNING APPLICATIONS RECEIVED

- 4.1 Application: 2016/0359/OUT**
Location: Land South Of Moor Lane
Sherburn In Elmet
Proposal: Outline application to include access (all other
matters reserved) for erection of up to 20
dwellings.

The Interim Deputy Lead Planning Officer introduced the application and referred the Committee to the information provided in the update note.

The application had been brought before the Planning Committee at the request of Councillor Buckle, for the reasons set out in the report.

Councillors were advised that the application site was located within the defined Development Limits of Sherburn in Elmet, a Local Service Centre. The Interim Deputy Lead Planning Officer explained that on balance, the proposal was acceptable when assessed against the policies in the National Planning Policy Framework (NPPF), the Selby District Local Plan and the Core Strategy.

David Buckle, resident, spoke in objection to the application.

Councillor Mel Hobson, Ward Councillor, spoke in objection to the application.

Ed Harvey, the applicant's agent, spoke in support of the application.

Some Councillors raised concerns in relation to the level of the highway, flood risk and drainage.

A proposal to refuse the application, for the reasons detailed in the report, was proposed and seconded.

RESOLVED:

To REFUSE the application for the reasons outlined in section 2.12 of the report.

4.3 Application: 2015/1186/FUL
Location: Yew Tree House
Chapel Green
Appleton Roebuck
Proposal: Proposed erection of a 3 bedroom detached dormer
bungalow following the demolition of a detached
garage and stone garden wall.

The Planning Officer introduced the application and referred the Committee to the information provided in the update note.

Councillors were advised that the application had been considered by the Planning Committee at the meeting held on 8 June 2016, when Councillors had resolved to defer the application to obtain further advice in relation to reasons for refusal, contrary to the Planning Officer's recommendation.

The Planning Officer explained that after due consideration, officers were of the view that the suggested reasons for refusal would be difficult to sustain at Appeal, on the grounds that the concerns raised, whilst material considerations, had previously been assessed as being acceptable. Therefore, Councillors were recommended to approve the application.

Liam Tate, spoke in objection to the application.

Mr A Flatman, the applicant's agents spoke in support of the application.

Councillors raised concerns in relation to drainage, inadequate highway access, detrimental impact of a nearby oak tree on the proposed dwelling, detrimental impact on the living conditions of nearby residents in terms of overlooking and overshadowing, and inadequate amenity space for the size of the proposed dwelling resulting in a cramped form of development.

A proposal to refuse the application for reasons 3, 4, 5 and 6 as set out in the report, was proposed and seconded.

An amendment to approve the application for the reasons set out in section 2.20 of the report was proposed and seconded. The amendment was not supported by the Committee and fell accordingly.

The Committee voted on the proposal to refuse the application.

RESOLVED:

To REFUSE the application, for the following reasons:

- I. The proposed scheme provides insufficient information on drainage. Insufficient information has been submitted to show that soakaways would provide sufficient drainage for the proposed development. The proposed scheme provides insufficient information to show where the drainage tanks or soakaways are located without harming the oak tree. The proposed scheme there for fails to accord with Policies SP15 and SP16 of the Core Strategy Local Plan and paragraph 95 of the NPPF.**
- II. The proposed dwelling, due to its proximity to the oak tree would have a detrimental impact on the proposed dwelling causing damage to both the proposed dwelling and the oak tree's roots. The proposed scheme therefore fails to accord with policy ENV 1 (5) of the Selby District Local Plan**
- III. The proposed development as a result of its scale, design and location would have a harmful impact on the living conditions for the occupants of 3 Chapel Green and Yew Tree House in terms of overlooking, overshadowing and an overbearing effect. The proposed scheme therefore fails to accord with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 policy of the Selby District Core Strategy Local Plan.**
- IV. The proposed scheme fails to provide sufficient amenity space for the size of the proposed dwelling resulting in a cramped form of development. The proposed scheme therefore fails to accord with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 policy of the Selby District Core Strategy Local Plan.**

- 4.4 Application: 2016/0035/FUL**
Location: Broad Lane, Church Fenton
Tadcaster
Proposal: Demolition of existing agricultural buildings (use class Sui Generis) and the erection of a specialist state funded day school for up to 20 children and associated parking (Class D1 use) on land adjacent to Fenton Grange.

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the update note.

RESOLVED:

To REFUSE the application, subject to reasons detailed in section 3.0 of the report.

- 4.6**
- | | |
|---------------------|---|
| Application: | 2016/0189/REM |
| Location: | Industrial Chemicals Group Ltd
Canal View, Selby |
| Proposal: | Reserved matters application relating to appearance, landscaping, layout and scale (reserved matters) of approval 2012/0705/FUL Extension of time application for approval 2004/1264/FUL for application under Section 73 to vary time limiting condition on outline approval 8/19/273U/PA (for the expansion of existing chemical works onto land to the south), to extend the time within which reserved matters can be submitted. |

The Principal Planning Officer introduced the application.

Councillors were advised that the application had been brought before the Planning Committee due to the original Outline Planning Application being accompanied by an Environmental Statement. The scheme was a subsequent application and the ecology appraisal was considered as an addendum to the Environment Statement. The Principal Planning Officer advised that the determination of a subsequent application was not within the remit of officers under the scheme of delegated authority and therefore it had been brought to the Planning Committee for determination.

The Principal Planning Officer advised Councillors that having assessed the proposal against the relevant policies and the original outline planning permission, the application was considered to be acceptable.

Mr J Lawson, the applicant's agent, spoke in support of the application.

The Principal Planning Officer's recommendation was moved and seconded.

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 3.0 of the report.

4.7 Application: 2016/0098/COU
Location: Hales Hill Farm, Back Lane, Acaster Selby
Proposal: Change of use of land from agricultural to
touring caravan site following relocation of site
from adjacent field.

The Principal Planning Officer introduced the report and referred the Committee to the information provided in the update note.

Councillors were advised that the application had been brought before the Planning Committee as the scheme was for development that was considered to be inappropriate within the Green Belt, the acceptability of which was dependent upon the demonstration of very special circumstances.

The Principal Planning Officer reported that a case for very special circumstances had been submitted, and the circumstances put forward were considered to be very special circumstances that would clearly outweigh harm caused by the development. On this basis Councillors were recommended to approve the application.

The Principal Planning Officer's recommendation was moved and seconded.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 2.21 of the report and amended Condition 8 as detailed in the update note.

The Chair closed the meeting at 3.20 p.m.

Minutes

Planning Sub-Committee

Venue:	Committee Room
Date:	26 July 2016
Time:	10.00 am
Present:	Councillors J Cattnach (Chair), D Peart, and B Marshall.
Apologies for Absence:	None.
Officers Present:	Jonathan Carr - Interim Lead Officer, Planning, Ruth Hardingham – Interim Deputy Lead Planning Officer, Fiona Ellwood – Principal Planning Officer; Jenny Tyreman - Planning Officer, Keith Thompson – Senior Planning Officer, Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.
Public:	4
Press:	0

1. **DISCLOSURES OF INTEREST.**

No disclosures of interest were made.

2. **CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair informed the Committee that application 2015/0683/FUL – Low Farm, Low Farm Road, Bolton Percy, Tadcaster had been withdrawn from the agenda due to further objections being received and the need to address the issues raised. Councillors were informed that the application would be considered at a subsequent meeting.

The Chair explained that applications with public speakers registered to address the Sub-Committee would be brought forward and considered first. The remaining items would be considered in the order as listed in the agenda.

Gavin Winter, the applicant's agent, spoke in support of the application.

Councillors' raised some concern in relation to the comments received from North Yorkshire County Council's Highway Authority.

The Principal Planning Officer explained that notwithstanding the response from the Highway Authority, it was considered that the proposal was acceptable, in light of the planning history of the site, the highway study that had been produced, and access having been used since 2002, and therefore a Certificate of Lawful Development could be granted.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.1 of the report.

3.3 Application: 2016/0164/FUL
Location: Sunnyside, York Road
Barlby, Selby
Proposal: Proposed erection of a detached dwelling.

The Planning Officer introduced the report and advised Councillors that the application had been brought before Planning Sub-Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Planning Officer advised that there were material considerations which would justify approving the application.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.12 of the report.

- 3.4** **Application:** **2016/0266/FUL**
 Location: **15 Sandhill Lane, Selby**
 Proposal: **Proposed erection of a four bedroomed detached dwelling following demolition of existing 2 bedroomed detached bungalow.**

The Planning Officer introduced the application and advised Councillors that the proposal had been brought before Planning Sub-Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Planning Officer advised that there were material considerations which would justify approving the application.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.12 of the report.

- 3.5** **Application:** **2015/0735/FUL**
 Location: **West View, Church Hill**
 Wistow, Selby
 Proposal: **Proposed conversion of a former barn to a domestic dwelling.**

The Principal Planning Officer introduced the application and advised Councillors that the proposal had been brought before Planning Sub-Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Principal Planning Officer advised that there were material considerations which would justify approving the application, without the need to secure an affordable housing contribution.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.0 of the report.

- 3.6** **Application:** **2015/1370/FUL**
 Location: **Thorpe Hall Farm**
 Dam Lane, Thorpe Willoughby
 Selby
 Proposal: **Subdivision of Plot 1 to form 2no two bedroom**
 dwelling.

The Interim Deputy Lead Planning Officer introduced the report and referred the Sub-Committee to the additional information provided in the update note.

Councillors were advised that the application had been brought before Planning Sub-Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Interim Deputy Lead Planning Officer advised that there were material considerations which would justify approving the application, without the need to secure an affordable housing contribution.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.0 of the report.

- 3.7** **Application:** **2015/0569/FUL**
 Location: **Brears Farm**
 Stocking Lane, Kellingley
 Proposal: **Erection of 2No. dwellings following demolition of**
 existing dwelling.

The Senior Planning Officer introduced the report and referred the Sub-Committee to the additional information provided in the update note..

Councillors were advised that the application had been brought before Planning Sub-Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Senior Planning Officer advised that there were material considerations which would justify approving the application, without the need to secure an affordable housing contribution.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 3.0 of the report.

- 3.8** **Application:** **2016/0400/COU**
 Location: **The Fox Inn**
 Main Street
 Little Smeaton, Selby
 Proposal: **Change of use of the ground floor from a former**
 public house (A4) to a 3 bed flat (C3 Use).

The Senior Planning Officer introduced the report and referred the Sub-Committee to the additional information provided in the update note and a copy of the floor plan.

Councillors were advised that the application had been brought before Planning Sub Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Senior Planning Officer advised that there were material considerations which would justify approving the application, without the need to secure an affordable housing contribution.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 3.0 of the report and the additional condition set out in the update note.

- 3.9** **Application:** **2016/0131/FUL**
 Location: **Oakfield**
 York Road, Barlby
 Proposal: **Proposed dormer bungalow with associated parking.**

The Senior Planning Officer introduced the report and referred the Sub-Committee to the additional information provided in the update note.

Councillors were advised that the application had been brought before Planning Sub Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Senior Planning Officer advised that there were material considerations

Councillors were advised that the application had been brought before Planning Sub-Committee due to the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under ten residential units. Following the recent Court Judgement, the proposal was contrary to the provisions of the Development Plan; however the Senior Planning Officer advised that there were material considerations which would justify approving the application, without the need to secure an affordable housing contribution.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable.

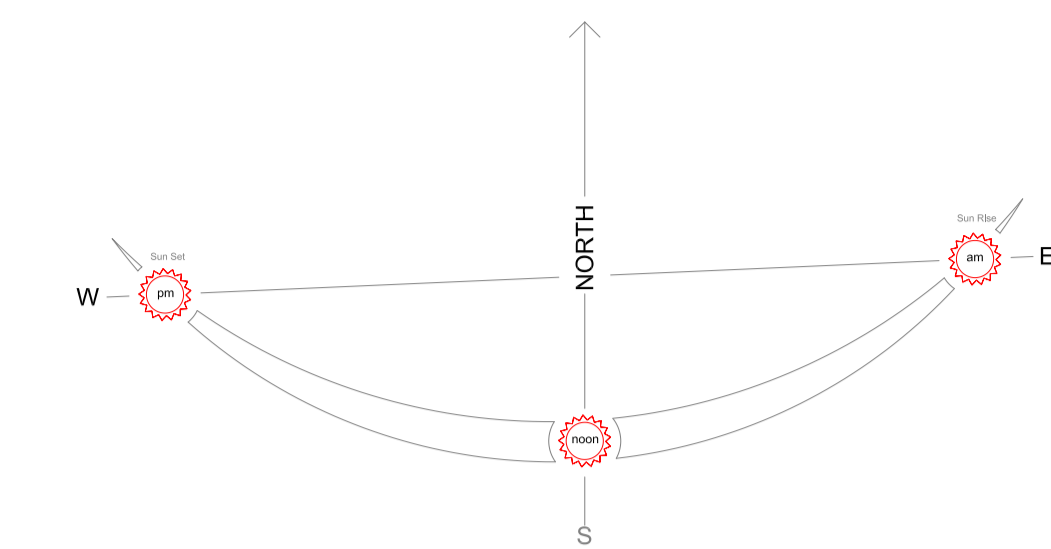
RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3 of the report and the additional condition set out in the update note.

The Chair closed the meeting at 11.15 am

Items for Planning Committee
10 August 2016

Ref	Site Address	Description	Officer	Page
2016/0359/OUT	Land South Of Moor Lane Sherburn In Elmet	Outline application to include access (all other matters reserved) for erection of up to 20 dwellings	RUHA	23-54
2016/0223/FUL	Ebor Court Newton Kyme Tadcaster	Proposed residential development of 11 dwellings	KETH	55-76
2016/0457/OUT	Land South of Common Lane Church Fenton Tadcaster	Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall	SIEA	77-103
2016/0236/HPA	Woodlands, Long Drax Village, Selby, YO8 8NH,	Proposed demolition of the existing single storey rear extension , proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof.	SIEA	104-119
2015/0957/OUT	Low Mill, York Road, Barlby, Selby, North Yorkshire, YO8 5JP	Proposed outline application with all matters reserved for the erection of 2 detached dwellings to the rear of	CARO	120-133
2016/0449/MLA	Land Near Crossing At, Leeds Road, Thorpe Willoughby, Selby	Application to modify a section 106 planning obligation under section 106BA following approval of 2016/0197/REM for reserved matters application relating to the approval of details of appearance, landscaping, layout and scale in relation to the development of 276 homes and associated infrastructure of approval 2014/1028/OUT outline planning permission for residential development including access, all other matters are reserved for future consideration	RUHA	134-140



SITE AREA = 5,466m² (1.35 ACRE)

Indicative Site layout
1:200
SHOWING EXISTING LEVELS

PLANNING APPLICATION DRAWING



DRAWING TITLE INDICATIVE SITE LAYOUT	DATE 30/03/2016
CLIENT CBRE MANCHESTER	SCALE AS SHOWN @ A1
PROJECT PROPOSED RESIDENTIAL DEVELOPMENT LAND AT SHERBURN-IN-ELMET	FILE NAME PLANNING01
DRAWING NO 740\CBRE\200\02	DRAWN BY RAJ
	REV 24

PROPOSED RESIDENTIAL DEVELOPMENT - LAND SOUTH OF MOOR LANE, SHERBURN-IN-ELMET, WEST YORKSHIRE
INDICATIVE ARRANGEMENTS



To: Planning Committee
Date: 10th August 2016
Author: Ruth Hardingham (Interim Deputy Lead Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0359/OUT 8/58/1060/PA	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Jackson Trust	VALID DATE:	5th April 2016
		EXPIRY DATE:	5th July 2016
PROPOSAL:	Outline application to include access (all other matters reserved) for erection of up to 20 dwellings		
LOCATION:	Land South Of Moor Lane Sherburn In Elmet North Yorkshire		

1. Introduction and background

- 1.1 The application has been previously brought before Committee as it had been requested to be heard by Planning Committee by Councillor Buckle for the following reasons: that the field is flooded most of the year, the application site has attracted natural wildlife to the area and Sherburn has exceeded its 5 year supply.
- 1.2 This application was considered by Planning Committee on 13th July 2016 when members resolved to defer the application so that a site visit could be undertaken.
- 1.3 A copy of the Officer Report presented to Planning Committee on 13th July 2016 is attached in Appendix 1.

2. Officer Update

- 2.1 Sherburn Parish Council has provided comments on the proposals which have state that:

“As regards to the above application this council strongly objects on the grounds of the historical of flooding on the development footprint. The area is fed by water from underground springs and excess water from the by-pass which has been constructed at higher level.”

2.2 Since the application was presented to Planning Committee on 13th July 2016 there have been a further 13 letters of representation that have been received from objectors to the proposal. The issues raised by these objectors are in relation to:

- Concerns that this area is a swamp and is in an area of flood risk.
- The impact that the proposals would have on local wildlife such as bats, birds and water voles.
- There are too many houses that have been built with no increase in facilities at all.
- Concerns that local residents do not want affordable homes for land lords to exploit people with rents being paid by tax payers money.
- Concerns in relation to the growing traffic due to the industrial estate and volume of housing in the village is far outstripping the roads and amenities in Sherburn.
- The development itself is far too close to the bypass in a flood plain.
- The infrastructure is currently woefully inadequate for existing residents without the additional builds.
- The impact that the proposal would have on local traffic, noise pollution, traffic jams, and dangerous mud on the roads.
- Parking in the village centre is insufficient now leading to unsafe parking.
- Sherburn cannot support more residents.
- There has been constant drilling and noise pollution in Sherburn over numerous last months with the large amount of residential housing that has already been passed.
- Sherburn is not big enough to sustain any further housing and the population has exceeded at a vast rate already.
- The impact the proposal would have on local services and infrastructure.
- This is one of the few remaining parcels of green land at the bottom of Moor Lane.
- Houses in Moorland Way already have problems with drains / sewage blockages. This could be made worse by construction at the end of the road.
- Concerns with the proposed site access which is deemed as dangerous.
- Yorkshire Water has no current plans to upgrade the local sewage which already is at its limits.
- This should not be allowed as the application conflicts green field policy.
- From a safety perspective children living in the proposed development, the steep dyke is a cause for concern from a safety perspective.

2.3 The Applicant has provided a rebuttal relating to the claims of flooding of the application site raised by the local Ward Councillor and the assertions made that the application site is constantly under water for most of the year. This representation raises the following points:

- Whilst the land has evidently had water standing for periods in winter this is pretty much entirely characteristic of what is described in farm land drainage as 'perched water' caused by poor permeability of the top soil and usually remedied by sub soiling. The soil type here identified as 'Foggathorpe II Series' is so affected typically wherever it is found (and widely in the Vale of York). The perched water is entirely due to rain water not getting through the surface and is not in any way an indication of any fluvial events with the EA classification of Flood Zone 1.

- In practice development of land would quickly overcome any issues as drainage off roof and surfaces would be directed positively to drains which it is proposed would act as storage capacity to limit flows to field discharge rates as required by Yorkshire Water and (at 5lt/sec) in satisfaction of the IDB.
- Concur with the recommendation provided by the Environment Agency on stand-off to the Dyke and raising floor levels to 300mm will be more than adequate to clear any future risk and that as the lowest part of the field on the eastern side, the proposed layout does not identify residential use.
- Photographs have been provided showing the field after being cut for hay and where there is no indication of rutting or vegetation both associated with land constantly under water and likewise little opportunity for wildlife colonisation.

3. Recommendation

- 3.1 This planning application is recommended to be APPROVED subject delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, on-site Recreational Open Space and a waste and recycling contribution and subject to the conditions detailed in paragraph 2.23 of the Officer Report that was presented to the Planning Committee on 13th July 2016.**

Appendix 1: Copy of Report Presented to Committee on 13th July 2016

The application has been requested to be heard by Planning Committee by Councillor Buckle for the following reasons: that the field is flooded most of the year, the application site has attracted natural wildlife to the area and Sherburn has exceeded its 5 year supply.

Summary:

The application seeks outline planning permission, including access, for residential development with layout, scale, appearance and landscaping reserved for future consideration on land at Moor Lane, Sherburn in Elmet. The indicative layout plan shows how the applicant envisages the application site could accommodate up to 20 dwellings.

The application site is located within the defined Development Limits of Sherburn in Elmet which is a Local Service Centre and the proposals would accord with Policies SP2 and SP4 of the Core Strategy Local Plan (2013).

It is considered that an acceptable proposal could be designed so that it would achieve an appropriate layout, landscaping, scale and appearance at reserved matters stage so as to respect the character of the local area, and not significantly detract from highway safety and residential amenity. The proposals are also considered to be acceptable in respect of, the impact on flooding, drainage and climate change, heritage assets, protected species, contaminated land and affordable housing.

Having had regard to the above, it is considered that, on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

It is on this basis that permission is recommended to be approved.

Recommendation

This planning application is recommended to be APPROVED subject delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, on-site Recreational Open Space and a waste and recycling contribution and subject to the conditions detailed in paragraph 2.23 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The application site is located immediately south of Moor Lane and is located within the defined development limits of Sherburn in Elmet.

1.1.2 The application site is approximately 0.55 hectares and is roughly square in shape. The site's northern boundary is formed by Moor Lane. To the east it is bound by a landscape buffer, immediately beyond which is the A162. The application site is bound by the B1222 road to the south and existing modern residential development lies to the west.

- 1.1.3 The application site comprises a vacant greenfield site, which is relatively flat. However, the B1222 to the south is set approximately 2m higher than the site therefore the proposed site access at the south-west corner of the site would be gently sloping. There are a number of trees situated along the eastern and southern site boundaries however these are located outside the application site.
- 1.1.4 There is an open watercourse (Bishop Dyke) that runs parallel with the northern and western site boundaries.
- 1.1.5 The application site is located predominately within Flood Zone 1 which is at the lowest risk of flooding.

1.2. The Proposal

- 1.2.1 The application seeks outline planning permission, including access, for residential development with layout, scale, appearance and landscaping reserved for future consideration at Moor Lane, Sherburn in Elmet. An indicative layout plan has been submitted with the application and this indicative layout plan shows how the applicant envisages the application site could accommodate up to 20 dwellings.
- 1.2.2 Vehicular access to the application site would be provided via a purpose built access at the south west corner of the site.
- 1.2.3 It is proposed that the development would comprise a mix of semi-detached dwellings and apartments.

1.3 Planning History

- 1.3.1 The following historical applications that are considered to be relevant to the determination of this application.
- 1.3.2 A full planning application for the erection of an electricity substation was granted approval on 29th April 2008.

1.4 Consultations

- 1.4.1 Parish Council
No comments have been received.
- 1.4.2 Natural England
Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. Natural England advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

It is recommended that reference is made to Natural England's SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

1.4.3 NYCC Highways

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or

Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer under section 106 of the Town and Country Planning Act 1990,16 which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980.

Therefore as long as the applicant is aware of the above, the Local Highway Authority recommends that conditions are attached to any permission granted.

1.4.4 Yorkshire Water Services

The following comments are made:

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

Drainage

The submitted Flood Risk Assessment (prepared by enzygo - Report SHF.1035.003.HY.R.001.A dated March 2016) confirms; i) Foul water will discharge to public foul sewer via gravity located to the west of the site.

ii) Surface water to discharge to Spring Drain (watercourse) - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements

With the above in consideration; Yorkshire Water has no objection in principle to:

i) The proposed separate systems of drainage on site and off site.

ii) The proposed point of discharge of foul to the respective 300mm diameter foul public sewer to the west of the site.

as submitted on drawing SHF.1035.003.D dated March 2016 that has been prepared by enzygo.

The submitted drawing shows surface water proposed to be drained to watercourse.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Notes:

There is a sewage pumping station (SPS) outfall to watercourse, under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.

The proximity of the existing sewage pumping station (SPS) and outfall to the site may mean a loss of amenity for future residents / workers. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing SPS/outfall. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

Restrictions on surface water disposal from the site may be imposed by other parties. The Council are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

1.4.5 Lead Policy Officer

The application should be considered against both the saved policies in the adopted 2005 Selby District Local Plan (SDLP) and the 2013 Selby District Core Strategy (CS).

The key issues which should be addressed are:

1. The Principle of Development
2. Impact on the Council's Housing Land Strategy
3. Previous Levels of Growth and the Scale of the Proposal

1. The Principle of Development

Paragraph 11 of the NPPF restates planning law that requires planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF re-emphasises that an up-to-date Development Plan is the starting point for decision-making, adding that development that accords with an up-to-date Local Plan should be approved,

and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The policies in the SDLP and Adopted CS are consistent with the NPPF.

It is noted also that under para 14 of the NPPF that the presumption in favour of sustainable development should be seen as a golden thread running through decision-taking. Para 49 of the NPPF also states that housing applications should also be considered in the context of the presumption in favour of sustainable development.

CS Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. Sherburn in Elmet is defined in the Core Strategy as a Local Service Centre, where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement.

This outline proposal for 20 dwellings is on land that is inside the defined Development Limits of Sherburn in Elmet as defined on the Policies Map of the SDLP. The proposal is therefore in accordance with Policy SP2 of the Core Strategy.

2. Impact on the Council's Housing Land Strategy

On the 3 December 2015, the Council's Executive formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 5.8 years, as set out in the Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. This application would provide additional dwellings to housing supply, although it needs to be proved by the applicant that the site can contribute dwellings within the next 5 years of the supply period.

3. Previous Levels of Growth and the Scale of the Proposal

CS policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. To date, Sherburn in Elmet has seen 91 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 711 dwellings, giving a total of 802. CS policy SP5 sets a minimum dwelling target for Sherburn in Elmet of 790 dwellings.

While the level of development in the settlement may have exceeded its minimum target, the scale of this individual proposal, at 20 dwellings, is considered to be appropriate to the size and role of a settlement designated as a Local Service Centre in the Core Strategy.

1.4.6 Education Directorate North Yorkshire County Council

Please see the attached pro-forma regarding a s106 developer contribution levy should this be appropriate outside of CIL charging arrangements. As you will see

based on the proposed 20 2+ bedroom properties a shortfall of school places would arise as a result of this development and a developer contribution would, under s.106 arrangements, be sought for primary education facilities. This contribution would be £67,980. A developer contribution would not be sought for secondary school facilities at this time.

Please note that should the density of the site change we would recalculate this based on data available at the time of request. This may show an increase the amount the contribution sought and in some circumstances generate the requirement for additional land.

NB: This contribution cannot be levied due to CIL.

1.4.7 Lead Officer-Environmental Health

The proposed development is close to busy roads and from the information provided by the applicant in the Hepworth Acoustics report number P16-026-R01-V01 mitigation would be required to protect the amenity of the neighbourhood. It is suggested that a planning condition is attached to any permission granted.

1.4.8 North Yorkshire Fire & Rescue Service

At this stage in the planning approval process the fire authority have no observation to the proposed development as it appears to comply with the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended) access and facilities for the fire service.

1.4.9 Yorkshire Wildlife Trust

The Ecological Appraisal by Bowland Ecology for this application has been reviewed. A number of protected species such as water vole, otter and potentially great crested newt could be impacted by a development on the site. An Ecological management plan based on the recommendations on pages 13-15 of the survey should be conditioned and put in place before development goes ahead. Enhancing any SUDS for biodiversity would be valuable.

1.4.10 Designing Out Crime Officer

Response has been provided in order to highlight any crime and disorder issues in the vicinity of the proposed development and to identify design solutions that will help to reduce vulnerability to crime if and when a more detailed proposal is drawn up.

No documents have been submitted with this application to show how the applicants have considered crime prevention in respect of their proposal. At this stage, it is fully appreciated that the application is indicative and only seeking to establish the principle of development. However, if the application is successful and a reserved matters application submitted, it would be assessed on the design and layout. Specific concerns have been raised and can be found in the full consultation response.

1.4.11 North Yorkshire And York Primary Care Trust

No comments received.

1.4.12 North Yorkshire Flood Risk Officer

A surface water discharge rate of 5l/s is agreed with the IDB and thus presenting SuDS that can be adopted by Yorkshire Water will satisfy the remainder of the unresolved issues we have with the application and allows the planning authority to fulfil its statutory obligation to ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. It is recommended that a condition is attached to any permission granted.

1.4.13 Council's Contaminated Land Consultant

The report is generally compliant with current relevant technical guidance.

1.4.14 Selby Area Internal Drainage Board

The formal approval of the discharge structure and rate will be provided through approval of the Consent Application now submitted, awaiting payment.

However, the IDB have considered the proposed discharge rate and in principle there are no objections on behalf of the Selby Area IDB to the 5 litres per second proposed discharge as this is generally the lowest most practical discharge rate from a maintenance point of view.

It should be noted that formal approval can only be provided through approval of Consent which is normally at detailed design stage.

1.4.15 North Yorkshire County Council Historic Environment Team

The Archaeological Assessment undertaken by CFA Archaeology has been read with interest. The proposed development site lies within a rich archaeological landscape or Iron Age/Romano-British settlement.

Therefore, it is advised that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141). In order to secure the implementation of such a scheme of archaeological mitigation recording it is advised that a planning condition is attached to any permission granted.

1.4.16 Environment Agency

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the flood risk assessment by Enzygo, dated June 2016, ref: SHF.1035.003.HY.001.A submitted with this application are implemented and secured by way of a planning condition on any planning permission.

1.5 Publicity

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper and has resulted in one letter of representation being received at the time of the compilation of this report.

- This area of Moor Lane has always been known as the flood plain. When the last development was started we endured months of pile driving by Redrow as the last was so unstable to build to foundations on.
- Concerns that it may be difficult for the new properties to get insurance.
- The traffic in Sherburn is a case for concern, at certain times of the day it can be really difficult crossing the main road to get up into the village as it doesn't have a pelican crossing.
- Concerns that GP's are under so much pressure to start off with, it can take up to three weeks to get an appointment, no wonder people go to A&E!
- Concerns that recent development has led to over development which has significantly changed the local character of the area.
- The existing sewerage system can no longer cope.
- Local schools are at breaking point.
- Selby District Council has a five year plan which clearly states that Sherburn has taken more than its fair share of developments and district allocation.

2. Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are as follows:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
SP8:	Housing Mix
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be

given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
T1:	Development in Relation to Highway
T2:	Access to Roads
ENV28:	Other Archaeological Remains
RT2:	Recreational Open Space
CS6:	Developer Contributions to Infrastructure and Community Facilities

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (PPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Other Policies/Guidance

Affordable Housing Supplementary Planning Document, 2013
Developer Contributions Supplementary Planning Document March 2007
North Yorkshire County Council SuDs Design Guidance, 2015
Village Design Statement – Sherburn in Elmet

2.6 Key Issues

2.6.1 The main issues to be taken into account when assessing this application are:

1. The Principle of Development
2. Layout, appearance, scale and landscaping
4. Flood Risk, drainage, climate change and energy efficiency
5. Highways
6. Residential amenity
7. Impact on nature conservation and protected species
8. Affordable housing
9. Community Infrastructure Levy

10. Recreational open space
11. Education, healthcare, waste and recycling
12. Contaminated land and ground conditions
13. Designing out Crime
14. Impact on Heritage Assets
15. Other Issues

2.7 Principle of Development

- 2.7.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.7.2 Policy SP2 identifies Sherburn in Elmet as being a Local Service Centre where further housing, employment, retail, commercial, and leisure growth will take place appropriate to the size and role of the settlement.
- 2.7.3 In terms of the principle of development and appropriateness of the location for residential development then Policy SP4 (a) states that in Local Service Centres and Designated Service Villages development is acceptable in principle within development limits where for "conversion, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion / redevelopment of farmsteads".
- 2.7.4 The application site is located inside the defined Development Limits of Sherburn in Elmet which is a Local Service Village and therefore given the scale of development proposed the residential development of the site accords with Policy SP2A of the Core Strategy, subject to consideration of the impacts of the development.

2.8 Identifying the Impacts of the Proposal

- 2.8.1 The following sections of this report identify the impacts of the proposal:

2.9. Layout, Appearance, Scale and Landscaping

- 2.9.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) and ENV3 (external lighting) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy. In addition Policy SP8 of the Core Strategy of the Local Plan requires an appropriate housing mix to be achieved.
- 2.9.2 Significant weight should be attached to Local Plan Policies ENV1 and ENV3 as they are consistent with the aims of the NPPF.
- 2.9.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200. Paragraphs 126 to 141 of the NPPF relate to conserving and enhancing the historic environment.
- 2.9.4 The application is outline with layout, appearance, scale and landscaping reserved for future consideration. Notwithstanding this an indicative layout plan has been submitted which illustrates how the applicant considers the site could accommodate

up to 20 dwellings with provision for internal access roads and parking provision. The character and appearance of the local area is varied comprising a wide range of house types, development forms and materials. The Planning Supporting Statement states that it is proposed to develop the site with residential dwellings, comprising a mix of house types and sizes.

- 2.9.5 It is considered that the proposals could incorporate appropriate materials and detailed design finishes and internal layout at reserved matters stage which would respect and be in keeping with the character of the local area.
- 2.9.6 Policy SP8 of the Selby District Core Strategy Local Plan (2013) states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. The Strategic Housing Market Assessment carried out in 2009 is the most up to date strategy. As this proposal is an outline scheme which is seeking to establish if the principle of development is acceptable there are limited details to what the proposed housing mix would comprise of. The supporting information submitted by the applicant stipulates that the indicative layout shows a mix of including apartments and semi-detached properties. Officers consider that an appropriate mix of housing could be achieved at reserved matters stage taking into account the housing needs identified within the Strategic Housing Market Assessment.
- 2.9.7 In terms of landscaping, this is reserved for future consideration. The submitted indicative layout plan highlights that soft landscaping could be provided between the car parking and houses with lawned garden areas to the rear of each property. However, it is considered in principle a suitable landscaping scheme could come forward at reserved matters stage but this would require a substantial reworking of the indicative scheme.
- 2.9.8 Having had regard to all of the above elements it is considered that in terms of the internal arrangement an appropriate design could be achieved at reserved matters stage that would be acceptable in terms of the requirements of Policies ENV1(1) and (4) and ENV3 of the Local Plan, Policies SP8 and SP19 of the Core Strategy and the NPPF.

2.10 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 2.10.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.
- 2.10.2 The application site is located predominately within Flood Zone 1 which is at the lowest risk of flooding. Local residents have raised concerns in relation to flooding and the local sewerage system being at capacity.
- 2.10.3 The applicants Flood Risk Assessment has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. It is specified that these rates have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the application site following development would not increase. It is provided that this would be achieved through appropriately sized attenuation, with

an outfall to watercourse. It is proposed in the FRA that foul flow discharges to the combined sewer network/pumping station located to the west of the application site, with foul flows is anticipated at 1.1l/s. It is confirmed that a connection to the foul sewer should be achievable by a gravity fed connection. It is concluded that the FRA demonstrates that the proposed development would be operated with minimal risk from flooding, and would not increase flood risk elsewhere and it is stated that the development should therefore not be precluded on the grounds of flood risk or drainage.

2.10.4 In terms of drainage the application states that surface water will be disposed of by a sustainable drainage system (SUDs). The submitted Planning Statement states that as the proposed development would result in an increase in the exposed impermeable surface across the application site it is proposed that a suitable form of SUDS would be utilised, including appropriately attenuation, with an outfall to the watercourse. North Yorkshire County Council's Flood Risk has stated that they have no objections in principle subject to the inclusion of a planning condition on any permission granted, relating to a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles before any development commences.

2.10.5 Yorkshire Water and the Internal Drainage Board have been consulted on the proposals. Yorkshire Water have confirmed that they have no objections subject to the inclusion of planning conditions attached to any permission granted. The Internal Drainage Board have concluded in their response that the IDB would have no objections to the principle of this proposed development and that consent from the IDB would be required for any proposed surface water discharge into any watercourses in, on, under or near the site. The Environment Agency have been consulted on the proposals and have confirmed that there are no objections to the proposals providing conditions are attached in order to ensure that finished floor levels would be set 300mm above existing ground levels and an 8 metre easement would be provided as per section 4.3.3 of the submitted Flood Risk Assessment, which would be free from all development (including fences etc) to allow for inspection and maintenance of existing flood defences.

2.10.6 It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.

2.10.7 Therefore the proposal would not have significant impact on flood risk, drainage and the sewerage system. Having had regard to the above, the proposed scheme is therefore considered acceptable in accordance with Policy ENV1(3), Policies SP15 and SP16 of the Core Strategy and the NPPF with respect to flood risk, drainage and climate change, subject to attached conditions.

2.11 Highways

2.11.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. The Local Plan policies should be afforded significant weight.

- 2.11.2 The application seeks outline planning permission including access for residential development. The indicative layout shows that access to the application site is proposed from the B1222 via a priority junction. Residents have raised concerns in regards to proposed increase in traffic.
- 2.11.3 The application is accompanied by a Transport Statement which sets out the suitability of the proposed access. The Statement stipulates that the indicative site master plan illustrates a 20 dwelling scheme supported by 31 car parking spaces. It is confirmed that two car parking spaces would be provided for each house in the form of private driveways. It is stated that parking for the apartments would be provided to the front of one of the apartment blocks in a 7 space parking area; and undercroft parking to the second apartment block providing a further 8 spaces. It is stipulated that the proposed access would provide 5.5m wide access, with 2m footways on either side and 6m radii would be provided at the junction. The Statement concludes that a vehicle swept path analysis has been undertaken which demonstrates that a large family car and refuge vehicle can access and travel safely around the site. It is anticipated that 7 and 8 two-way trips would be generated by the proposed development during both the morning and evening peak hours respectively. It is concluded that the local highway network will be able to accommodate the number of trips generated by the proposed development.
- 2.11.5 The North Yorkshire Highways Officer has confirmed that there are no objections subject to conditions attached to any permission granted. The Police Architectural Liaison Officer has raised concerns regarding the safety of the proposed undercroft parking arrangements, however the North Yorkshire Highways Officer has not raised this as a concern.
- 2.11.7 The level of parking provision, including visitor spaces would be determined in detail at reserved matters stage and there is nothing to suggest that an appropriate level of parking provision could not be achieved.
- 2.11.8 It is therefore considered that, subject to no objections being received from North Yorkshire Highways the scheme would be acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

2.12 Residential Amenity

- 2.12.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by Policy ENV1(1) of the Local Plan, as part of the Core Principles of the NPPF and within Paragraph 200 of the NPPF.
- 2.12.2 The indicative separation distances between existing and proposed dwellings and within the site are acceptable so as to ensure that no significant detriment would be caused through overlooking, overshadowing or creating an oppressive outlook.
- 2.12.3 The Lead Officer- Environmental Health has been consulted on the proposals and has stated that given that the application site is close to busy roads and the information submitted with the application in the Hepworth Acoustics report concludes that mitigation would be required to protect amenity of the neighbourhood if planning permission is to be granted a suitably worded condition

would need to be attached in relation to noise mitigation. Yorkshire Water have confirmed that given the proximity of the existing sewerage pumping station and the outfall to the site may mean a loss of amenity for future residents. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 metres of the existing SPS/outfall.

2.12.4 Having taken into account the matters discussed above it is considered that an appropriate scheme can be designed at reserved matters stage which should not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

2.13 Impact on Nature Conservation and Protected Species

2.13.1 Relevant policies in respect to nature conservation include Policies ENV1(5) of the Selby District Local Plan and Policy SP18 “Protecting and Enhancing the Environment” of the Core Strategy. Policy ENV1 should be afforded substantial weight as it is broadly consistent with the aims of the NPPF.

2.13.2 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.

2.13.3 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest.

2.13.4 In respect of the requirements of the Habitats Regulations 2010 it is noted that as a competent authority the local planning authority should have regard to the requirements of the Directive so far as they might be affected by those functions. The directive allows “derogation” from the requirements of the Directive where there are reasons of “overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment” and provided that there is ‘no satisfactory alternative’ and the proposal would not be ‘detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’.

2.13.5 The NPPF recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystem services and minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm results from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

2.13.6 The application is accompanied by an Extended Phase 1 Habitat Appraisal. The Appraisal has confirmed that there are no statutory sites on or within 1.5km of the application site. It is stipulated that there are two non-statutory sites, Sites of Importance for Nature Conservation (SINCs), on or within 1.5 km of the site. The

Survey stipulates that the application site comprises a small field with an outgrown hedgerow on the eastern and southern boundaries and ditches on the northern and western boundaries. The Appraisal concludes that the proposed works would have no impact upon any statutory sites or non-statutory sites. Habitats on site were found to be common and well represented within the local landscape. It is concluded by the Appraisal that habitats identified on the application site to be affected by the proposed scheme include poor semi-improved grassland, with ditch habitats likely to be impacted if no mitigation is undertaken and confirmed that root zones of trees within the plantation woodland on the southern and eastern boundaries may be affected by the works. The appraisal states that the proposed development is likely, without mitigation, to impact on protected species but it recommends a number of measures which should be adopted to ensure that any potential adverse impacts to wildlife are avoided. Therefore it is appropriate to attach a condition to any permission granted to ensure that these mitigation measures are carried out in strict accordance with the survey recommendations.

2.13.7 Natural England has not raised any objections. Yorkshire Wildlife Trust (YWT) has confirmed that that an ecological management plan based on the recommendations on pages 13-15 of the survey should be conditioned and put in place before development goes ahead. The findings of the Phase 1 Habitat Appraisal are considered to be reasonable and proportionate to the biodiversity interest of the site.

2.13.8 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the Ecological Appraisal.

2.14 Affordable Housing

2.14.1 Policy SP9 states that the Council will seek to achieve a 40/60% affordable/general market housing ratio within overall housing delivery. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings.

2.14.2 The policy goes on to state that the actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.

2.14.3 The applicant has confirmed that they are prepared to provide 40% affordable units on site and that this would be secured via a Section 106 agreement. The Council's Lead Officer-Policy supports the provision of 40% affordable units and has provided guidance to the developers with respect to the tenure of any affordable units to be secured so that this can be considered for inclusion in any Section 106 agreement.

2.14.4 The proposals are therefore considered acceptable with respect to affordable housing provision having had regard to Policy SP9 subject to the completion of a Section 106 agreement.

2.15 Community Infrastructure Levy

- 2.15.1 The Community Infrastructure Levy (CIL) is a charge which Local Authorities can charge on most types of new development in their area. CIL charges are based on the size and type of the proposed development, with the money raised used to pay for strategic infrastructure required to support development growth within their District.
- 2.15.2 The Council will use CIL to secure strategic infrastructure, as detailed in the Regulations 123 list, whilst local infrastructure will be secured through planning obligations in line with relevant policies.
- 2.15.3 CIL charging was formally adopted by the Council on 1 January 2016 and given that the proposals relate to new housing a CIL contribution would be required for this development. However, this cannot be calculated in detail until the reserved matters application setting out the proposed floor space for the development has been submitted. It is therefore necessary to put an informative on the decision notice to make the applicant aware that any subsequent reserved matters application will be CIL liable and as such the appropriate CIL forms will need to be submitted at reserved matters stage.
- 2.15.4 The introduction of CIL would not impact on the on-site recreational open space provision, affordable housing provision, the waste and recycling contribution which would still need to be secured through a Section 106 agreement. However, the contributions towards education, healthcare, off-site recreational open space can no longer be required at this stage as they are covered by the CIL payment.
- 2.15.5 The proposals are therefore acceptable with respect to the contributions to be secured via Section 106 and CIL and in accordance with policy.

2.16 Recreational Open Space

- 2.16.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.
- 2.16.2 The indicative layout plan demonstrates that the site could incorporate on-site recreational open and this would be secured in the inclusion of any Section 106 agreement.
- 2.16.3 It is therefore considered that the proposals, subject to a Section 106 agreement, are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.17 Education, Healthcare, Waste and Recycling

- 2.17.1 ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded significant weight.

2.17.2 Having consulted North Yorkshire County Council Education and the Primary Care Trust, a contribution of £67, 980 towards education facilities has been requested but cannot be levied due to CIL.

2.17.3 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this could therefore be secured via Section 106 agreement.

2.18 Contamination and Ground Conditions

2.18.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The applicant has submitted a Phase 1 Contaminated Land Assessment. The submitted assessment has been reviewed by the Council's Contaminated Land consultant and it has been confirmed that the submitted report is policy compliant subject to the inclusion of planning conditions to any permission granted.

2.18.2 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.19 Designing out Crime

2.19.1 Paragraphs 58 and 69 of the NPPF states that amongst other things 'planning policies and decisions, in turn should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.' In addition Policy SP19 of the Core Strategy requires crime prevention to be taken into account.

2.19.2 The proposed indicative layout demonstrates that dwellings could have active frontages and the dwellings could be positioned so that car parking areas, areas of open space and public footpaths have natural surveillance. Private space for each plot could be clearly demarcated through appropriate boundary treatment so that occupants can distinguish their defensible private space.

2.19.3 The Police Architectural Liaison Officer has commented on the application and made a series of recommendations which the applicants should take into account within any detailed scheme. The proposal therefore accords with Policy SP19 of the Core Strategy and the core principles and design objectives set out in the National Planning Policy Framework.

2.20 Impact on Heritage Assets

2.20.1 Relevant policies in respect to the impact on the historic environment and archaeology include Policies SP18 of the Selby District Core Strategy Local Plan and Policy ENV28 of the Selby District Local Plan. Policy ENV28 should be afforded significant weight as it is broadly compliant with the NPPF. Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.

2.20.2 The applicant has submitted a Heritage Assessment to assess the impact of the proposed development. The desk-based study has demonstrated that no known

cultural heritage assets are recorded within the proposed development. It is concluded that there are, however, records of cropmarks within the buffer zone and many more in the wider landscape that are indicative of Iron Age/Romano-British settlement and agricultural activity. It is also concluded that the on-going excavation of such features just to the south-west of the buffer zone has identified a high density of features relating to settlement and agricultural activity. It is stated that medieval activity within the buffer zone is attested to by Bishop Dike and ridge and furrow cultivation features whilst the map regression identified potential drainage features close to site likely of the post-medieval period. The Assessment concludes that it is possible, therefore, that hitherto unknown heritage assets, particularly of these periods, could be preserved within the proposed development area and it is concluded that any requirement for archaeological mitigation measures to avoid, reduce and offset the potential effects of the proposed development would need to be agreed in advance with the North Yorkshire Historic Environment Record Service.

2.20.3 The County Archaeologist has stated that a scheme of archaeological mitigation recording should be undertaken in response to the ground disturbing works associated with the development proposal. However it is considered by officers that given the information provided within the desk based study there is sufficient information to understand the nature of the archaeology to allow the use of a condition for archaeological recording prior to development.

2.20.4 It is therefore considered that having had regard to Policy ENV28 of the Selby District Local Plan (2005), Policy SP18 of the Selby District Core Strategy Local Plan (2013) and Paragraph 135 of the NPPF it is considered that, on balance, any harm to the non-designated archaeological features, subject to the attached condition would be outweighed by the benefits of the proposal.

2.21 Other Issues

2.21.1 Residents have raised concerns that local schools and doctor surgeries are at capacity. It is considered that the proposal would levy a CIL contribution towards local infrastructure.

2.21.2 Residents have raised concerns that it may be difficult for the new properties to get insurance. It is confirmed that the application site lies within Flood Zone 1 and insurance would not be a material planning consideration in the determination of these proposals.

2.22 Conclusion

2.22.1 The application seeks outline planning permission, including access, for residential development with layout, scale, appearance and landscaping reserved for future consideration on land at Moor Lane, Sherburn In Elmet. The indicative layout plan shows how the applicant envisages the application site could accommodate up to 20 dwellings.

2.22.2 The application site is located within the defined Development Limits of Sherburn in Elmet which is a Local Service Centre and the proposals would accord with Policies SP2 and SP4 of the Core Strategy Local Plan (2013).

2.22.3 It is considered that an acceptable proposal could be designed so that it would achieve an appropriate layout, landscaping, scale and appearance at reserved matters stage so as to respect the character of the local area, and not significantly detract from highway safety and residential amenity. The proposals are also considered to be acceptable in respect of, the impact on flooding, drainage and climate change, heritage assets, protected species, contaminated land and affordable housing.

2.22.4 Having had regard to the above, it is considered that, on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

2.23 Recommendation

This planning application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, on-site Recreational Open Space and a waste and recycling contribution and subject to the conditions detailed below:

01. Approval of the details of the (a) appearance b) layout, (c) scale and (d) landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

02. Applications for the approval of the reserved matters referred to in No.1 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

03. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

04. The development shall be carried out in complete accordance with the mitigation measures set out in the Flood Risk Assessment by enzygo environmental consultants received 21st June 2016.

Reason:

In the interests of flood risk to accord with the NPPF.

05. No dwelling shall be occupied until a scheme to demonstrate that at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources including details and a timetable of how this is to be achieved, including details of physical works on site, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainability, to minimise the development's impact in accordance with Policy SP16 of the Core Strategy.

06. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Ecology Appraisal by bowland ecology dated 15th November 2015.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

07. Should any of the proposed foundations be piled then no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interest of protecting residential amenity in accordance with Policies ENV1 and ENV2 of the Local Plan.

08. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays

- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority.

Informative:

In imposing the condition above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason:

In accordance with in accordance with Policies T1 and T2 of the Selby District Local Plan and to secure an appropriate highway constructed to an

adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

09. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason

In accordance with Policies T1 and T2 of the Selby District Local and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

10. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Moor Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

11. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local and in the interests of highway safety

12. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. measures to control the emission of dust and dirt during construction
- e. HGV routing

Reason:

In accordance with Policies T1 and T2 of the Selby District Local and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

13. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

The site is of archaeological interest and to ensure compliance with Policy ENV28 of the Selby District Local Plan and Section 12 of the NPPF as the site is of archaeological interest.

14. Construction work shall not begin until a written scheme for protecting the proposed noise sensitive development from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed properties shall not exceed 50 dB LAeq (16 hours) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. Construction work shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved shall not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason: To protect the amenity of the area.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) by Enzygo, dated June 2016, Ref: SHF.1035.003.HY.001.A and the following mitigation measures detailed within the FRA:
 1. Finished floor levels will be set 300mm above existing ground levels.
 2. An 8 metre easement will be provided as per section 4.3.3 of the FRA, which will be free from all development (including fences etc) to allow for inspection and maintenance of existing flood defences.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that there will always be access for large machinery required by the Environment Agency to carry out maintenance works to the banks and the watercourse.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within 8 metres of the top of the bank of Bishop Dyke.

Reason

In order that the Environment Agency can continue to carry out their on-going maintenance activities on Bishop Dyke, and can access the area with large machinery.

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reasons:

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

18. No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

19. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 - ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

(to be inserted when the decision is issued).

INFORMATIVES:

01. Given the proximity of the existing sewerage pumping station and the outfall to the site may mean a loss of amenity for future residents. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 metres of the existing SPS/outfall.
02. The applicant should be aware that any works or structures, in, under, over or within 8 metres of the top of the bank of Bishop Dike, designated a 'main river' may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to, and in addition to, any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

03. Any surface water discharge into any watercourses in, on, under or near the site requires Consent from the Drainage Board.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

- 3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

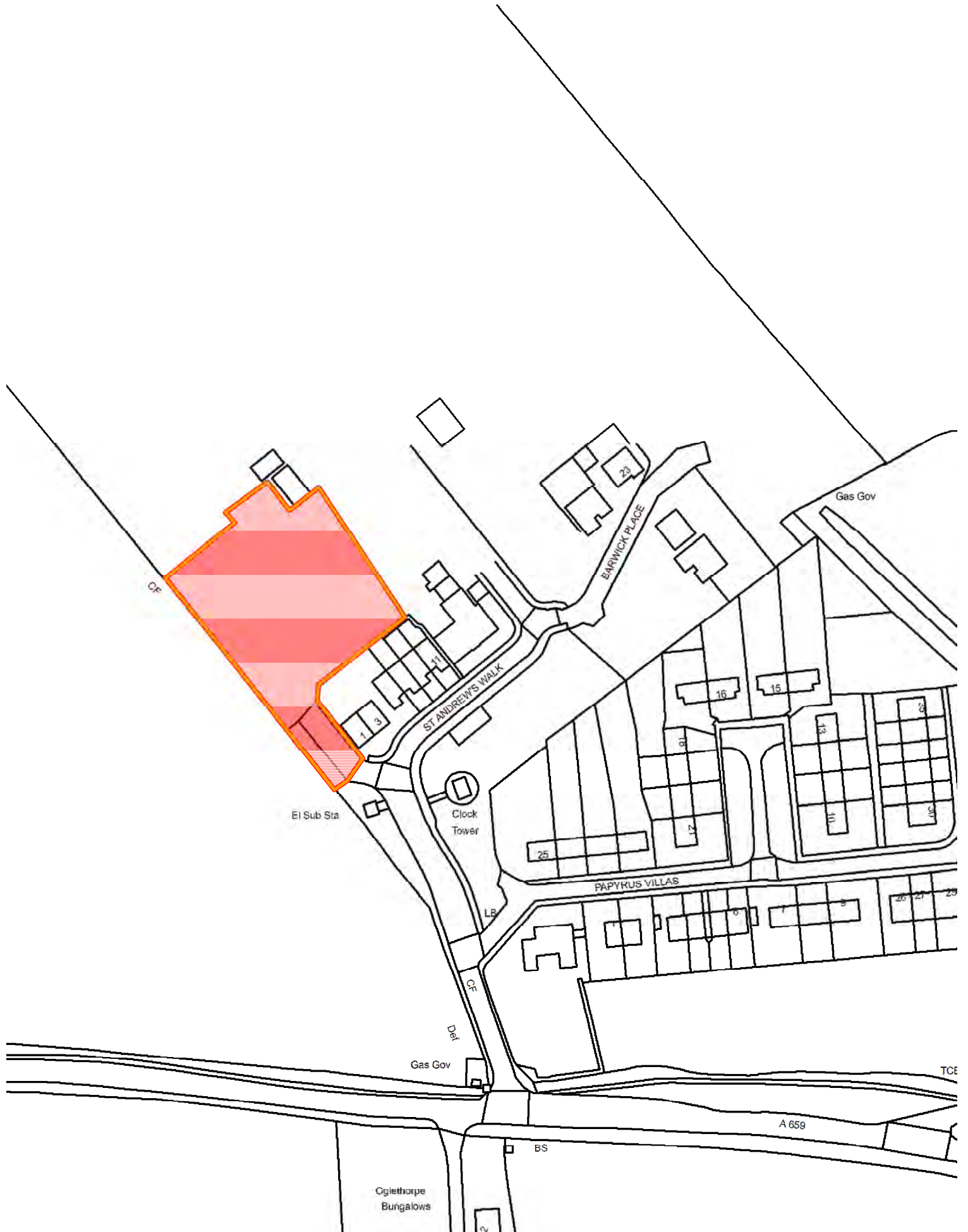
- 4.1 As stated in the main body of the report.

5. Background Documents

- 5.1 Planning Application file reference 2015/0359/OUT and associated documents.

Contact Officer: Ruth Hardingham (Interim Deputy Lead Officer Planning)

Appendices: None

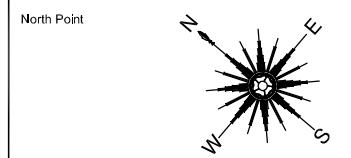
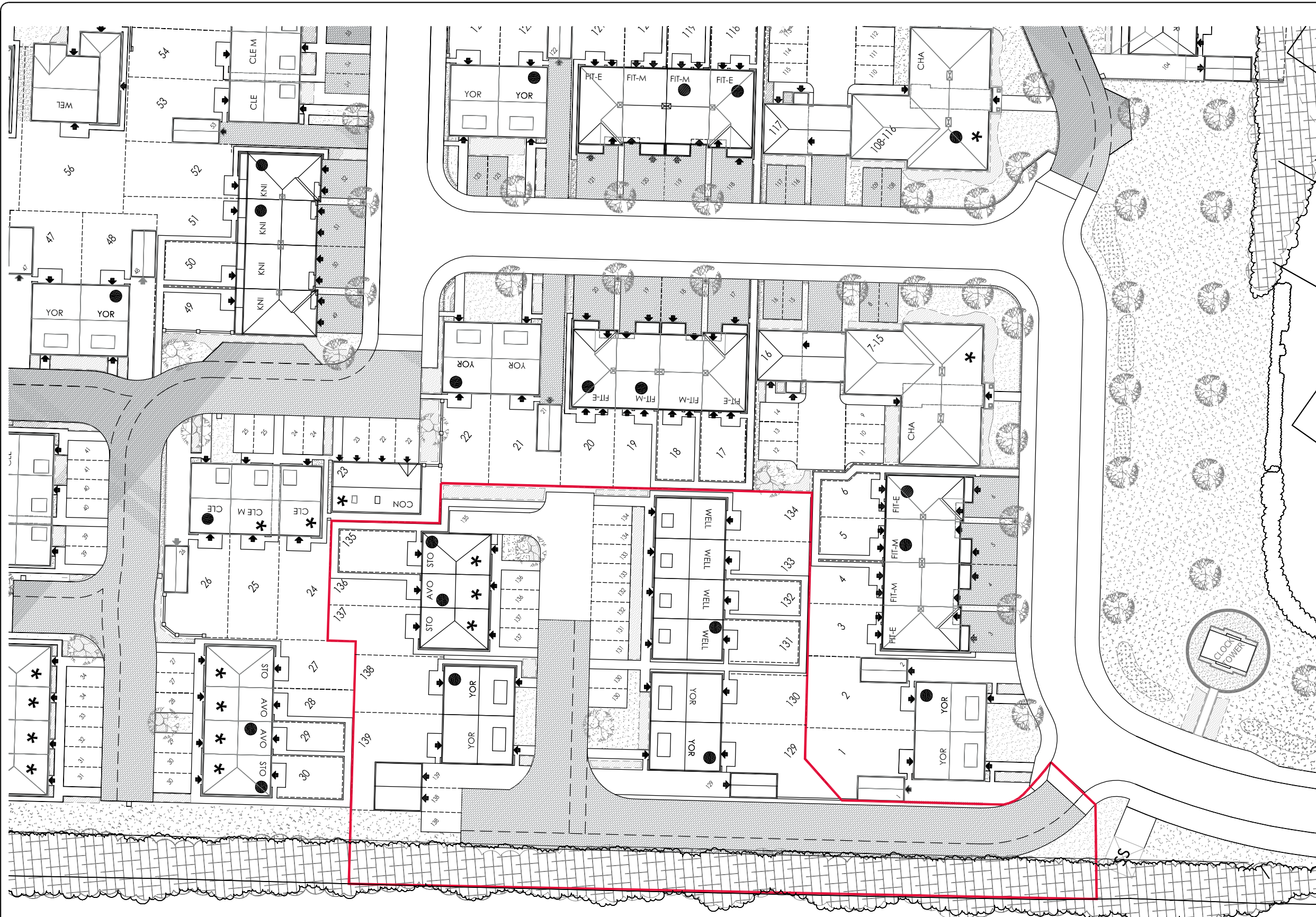


APPLICATION SITE

Item No: 2016/0223/FUL

Address: Ebor Court, Newton Kyme

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- Legend**
- Indicates 'opposite' handing
 - Indicates dwelling entrance point - refer to relevant house type pack.
 - Existing tree/hedge to be retained - refer to arboriculturist's details
 - Indicates Affordable housing unit. Tenure split as follows: social rent - plots 135 and 136, intermediate - plot 137.
 - Proposed landscaping. Planting species and landscaping specification as per approved development.
 - Grassed Service Strip

Rev	Date	Description	Initials
B	10.06.16	Layout updated following highways comments received on 08.06.16.	RE
A	12.05.16	Layout updated following LPA comments received on 09.05.16. Fitzroy block removed, York house type introduced.	RE
-	26.02.16	First Issue	RE

Development	Papyrus Works		
Location	NEWTON KYME		
Marketing Name			
Drawing Title	Planning Layout		
Drawing Number	4717-16-02-24		
Revision	B	Scale @ A3	1:500
Drawn By	RE	Date Started	26.02.16
Checked by		Date	

AMENDED
DRAWING

RECEIVED
10.06.2016
BUSINESS SUPPORT

REDROW HOMES
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This layout has been designed after due consideration of our Context & Constraints Plan



Report Reference Number 2016/0223/FUL (8/72/2AJ/PA)

Agenda Item No: 6.2

To: Planning Committee
Date: 10th August 2016
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0223/FUL	PARISH:	Newton Kyme Cum Toulston Parish Council
APPLICANT:	Redrow Homes Yorkshire	VALID DATE:	22nd March 2016
		EXPIRY DATE:	21st June 2016
PROPOSAL:	Proposed residential development of 11 dwellings		
LOCATION:	Ebor Court Newton Kyme Tadcaster North Yorkshire		

This application has been brought before Planning Committee due to more than 10 objections being received and the proposal is recommended for approval.

Summary:

A planning application for 128 dwellings and 9 employment units was approved in May 2014. The housing site is under construction with some houses now occupied. This application proposes to swap the approved 9 employment units with 11 dwellings with associated gardens and parking. The 9 employment units have a total footprint of circa 762m² and the proposed 11 dwellings equate to circa 494m² which is a 35% reduction in footprint. The height of the employment units are 7.8m to ridge and 4m to eaves and the proposed houses are 9.3m to ridge and 5.3m to eaves (Wellington House type). The total volume of the units is circa 4,203 m³ and the proposed houses total is circa 3,374 m³ (a 20% reduction in volume). The size, scale, layout and impact on the Green Belt and residential amenity is considered to be acceptable in accordance with Local and National Planning Policy.

The former Papyrus Works now being developed for housing by 'Redrow Homes' is located in Newton Kyme, Tadcaster in the northern part of the District close to the border with Leeds City Council's administrative area. The site lies 2km east of Boston Spa and 3km north-west of Tadcaster.

The proposal is for the erection of 11 dwellings with associated access and parking. Planning consent 2012/1053/FUL for demolition of the Papyrus Works and development of the site for 128 dwellings and 9 employment units with associated landscaping and public open space was approved subject to conditions on the 1st May 2014. The proposed development sits in the southwest corner of the housing estate just behind a row new houses that face the Clock Tower. The changes in design and layout from those permitted under the extant planning permission are a line of houses in two groups on the south side and two groups of houses on the north side. This differs from the layout of the employment units which comprised a row of 4 units along the north side, a group of 2 units positioned centrally and a row of 3 units on the west side.

In terms of the principle of the redevelopment of the site, the scheme is considered to accord with Policies SP2 and SP3 of the Selby Core Strategy. As such, having had regard to the guidance in the NPPF it is concluded that the proposal does not constitute inappropriate development within the Green Belt. In addition it is considered, that the proposal would not, when taken as a whole, detract from the open character and visual amenity of the Green Belt, or the form and character of any settlement within it. As such the proposal would not be contrary to Policies SP2 and SP3 of the Core Strategy. The scheme is also considered to accord with the NPPF in terms of the redevelopment of a previously developed site within the Green Belt.

Taking all matters into consideration, including the respective, mass, height and appearance of the proposed dwellings and traffic generation it is considered that there would be no greater impact than the previous industrial buildings on the openness of the Green Belt and that visual amenity overall would be improved.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 3.0 of the Report and completion of a Section 106 Agreement (Affordable housing and waste and recycling).

1. Introduction and background

1.1 The Site

1.1.1 The former Papyrus Works is located in Newton Kyme, Tadcaster in the northern part of the District close to the border with Leeds City Council's administrative area. The site lies 2km east of Boston Spa and 3km north-west of Tadcaster.

- 1.1.2 The application site is square in shape and has a total site area of 0.33 hectares.
- 1.1.3 To the east and north east is the former Church Fenton to Harrogate dis-used railway line.
- 1.1.4 To the west-south-west is a hedge and tree line which coincides with the administrative boundary of Selby District with Leeds City Council.
- 1.1.5 To the south are the residential properties known as Papyrus Villas, a group of cottages known as “Station Cottages” and a community hall.
- 1.1.6 The application site is currently being developed with houses under construction and some occupied on the wider Redrow Homes housing site.
- 1.1.7 Vehicular access to the site is located to the west of the estate known as Papyrus Villas, and both the works and the residential area share the link to the A659. Papyrus Villas comprises a group of some 35 semi-detached and terraced properties, which were originally constructed as homes for employees of the adjacent works.

1.2 The proposal

- 1.2.1 The proposed residential development is for the construction of 11 dwellings on land that was approved for 9 employment units under consent 2014/1053/FUL. Prior to this consent the site was occupied by some 31,000m² of industrial buildings. There are a variety of house types proposed which include:

4 x Wellington – two storey, 4 bedroom row of four houses,

4 x The York – 2 ½ storey, 4 bedroom pair of semis,

2 x The Stour – two storey, 3 bedroom dwelling,

1 x The Avon – two storey, 2 bedroom dwelling.

The Avon and The Stour would be the affordable housing units.

1.3 Planning History

- 1.3.1 There is a raft of planning history associated with the wider site and the relevant applications include the following:
- 1.3.2 Full Application reference 2012/1053/FUL (Permitted - 01.05.2014) The demolition of the former Papyrus works, the development of 128 dwellings and 9 employment units with associated landscaping and public open space, the provision of a footpath/cycle route (Sustrans Link) and associated works to the Grade II Listed viaduct.
- 1.3.3 Full Application reference 2013/0583/DEM (Permitted - 08.07.2013) Prior notification for the proposed demolition of all redundant factory buildings (clock tower to remain in situ).

1.3.4 There are also four non-material minor amendment applications and 7 discharge of condition applications that relate to the housing development that have been approved and discharged.

1.4 Consultations

1.4.1 **NYCC Highways** – No objection with recommended conditions.

1.4.2 **Development Policy** – The principle of development has been accepted for this Major Developed Site (MDS) (Application Ref: 2012/1053/FUL) with a quantum of development historically accepted as suitable for residential and employment uses. The proposal involves the loss of land that previously had been approved for employment use, Core Strategy policy SP13(B) aims to support development in rural areas that brings sustainable economic growth through local employment opportunities.

1.4.3 It is noted that the employment aspect of the site has been marketed for a period of 18 months with very limited interest expressed in the potential trading / development opportunity. The site was reviewed at part of SDC's Employment Land Review (ELR) in 2015 and at the time was being actively marketed. While the site scored reasonably well as an indigenous local office location, further discussions with the ELR consultants has indicated that the site is considered a fairly peripheral location for the B1 office market and that there is a general acceptance that the site may not attract high levels of market interest. This matter should be given some weighting in considering the application.

1.4.4 It is recognised that this site is located within the Green Belt. The planning statement which accompanies the application notes that the proposal intends to swap the 9 consented employment units with 11 residential dwellings, occupying a smaller floorspace. In addition to floorspace, in determining the application, consideration will need to be given to the height, massing and hard-surfacing of the proposals and whether this proposed development would further impact on the openness of the Green Belt compared with the consented employment units. Para 79 of the NPPF attaches great importance to Green Belts and recognises that one of the essential characteristics of Green Belts is their openness.

1.4.5 The proposed development takes place within a locally important landscape area. While the principle of development has already been accepted on this site, attention will still need to be paid to minimising the impact of development on this sensitive landscape area.

1.4.6 On the 3 December 2015, the Council's Executive formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 5.8 years, as set out in the Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. This application would provide a small number of additional dwellings to the housing supply. It will be a matter of confirmation with the applicant whether this site would contribute dwellings within the next 5 years of the plan period.

- 1.4.7 **Yorkshire Water** – No comments are required. Yorkshire Water has already agreed drainage proposals for the overall development, which this group of dwellings is included - foul water to foul sewer and surface water to surface water sewer, which then discharge to watercourse, as per YW's letter dated 21 July 2014, under planning reference 2014/0485/DPC.
- 1.4.8 **Internal Drainage Board** – No comment to make.
- 1.4.9 **Parish Council** – No strategic objection. However these are concern relating to the mix and its impact.
- 1.4.10 The proposal includes 4 properties of the "Fitzroy" design itself an attractive property however it is the impact of building this tallest design which causes the Parish Council and residents concern.
- 1.4.11 If such a design was allowed it would materially alter the view and perspective from the rear of plots number 5/6/17/18/19/20 who expected to view across lower level industrial units set in a horseshoe pattern.
- 1.4.12 If the 4 Fitzroy homes were built this significantly alters the perspective, gives an end on view from a number of homes and would have a significant light blockage. These tenants purchased their homes in good faith and this is a material change after the event which is unfair and unacceptable.
- 1.4.13 Request that the application is withdrawn / held pending whilst the developer considers this impact as it may not have been fully appreciated and devise another solution with a different style of homes with a lower height and more appropriate sight line and perspective relating to other properties. We are sure this could be done in the round with a neutral impact upon the projects income stream.
- 1.4.6 **SDC Land Contamination Consultants** – Advice offered and a condition is attached to control contamination remediation.
- 1.4.7 **NYCC SUDS** – No objection subject to condition.

1.5 Publicity

- 1.5.1 The application was publicised by neighbour letter, site notice and advert. A total of 23 objections have been received from 13 properties citing the following concerns:

Amenity

Noise, dust and pollution associated with 20 cars,
Impact on privacy, overlooking, overshadowing and light pollution.

Green Belt

Conflicts with Green Belt policy.

Highways

Traffic/Highways impact with reference to Condition 26 of the original application for highway works and lack of car parking spaces and visitor parking spaces,

Location relies on the use of the private car.

Design

Design and scale of the houses are not in scale with the character of the area,
Overdevelopment of the site with 11 houses,
The original layout plans Papyprus works and the proposal is in fact mainly outside the footprint of the original building.

Other Matters

No further plans for open space or community facilities,
Affect wildlife,
Reduce house value,
The proposal is not considerate of heritage,
Purchased the houses to the south of the site under the belief that the developer would build 9 employment units,
Loss to the community of the employment units.

2 Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP8 - Housing Mix
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP17 - Low Carbon and Renewable Energy
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

2.1.2 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in

paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1: Control of Development

ENV2: Environmental Pollution and Contaminated Land

T1: Development in Relation to Highway

T2: Access to Roads

RT2: Recreational Open Space

2.1.3 National Guidance and Policy - National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.2 Key Issues

The main issues to be taken into account when assessing this application are:

1. Principle of Development
2. Green Belt - Principle of Development
3. Green Belt - Impact on Character and Visual Amenity
3. Impact on the Council's Housing Land Strategy
4. Affordable Housing Provision
5. Impact on Heritage Assets
6. Impact on Landscape Character and Visual amenity of the Area
7. Flood Risk and Drainage
8. Highways and Transport
9. Land Contamination
10. Impact on Residential Amenity
11. Design, Layout and Appearance
12. Recreational Open Space Contribution, Education, Healthcare, Waste and Recycling

2.3 Principle of Development

- 2.3.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 2.3.3 The application site is situated outside the defined development limits as identified in the Core Strategy Local Plan. Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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."
- 2.3.4 The proposal comprises a small element of the development of a major housing scheme on the wider site. A large industrial building which has been demolished to permit the construction of housing on the site occupied the site. It is therefore considered that this proposal would fall under the ambits of replacement of existing buildings on the site. The proposal would thereby accord with Policy SP2 (c) of the Core Strategy.

2.3 Green Belt - Principle of Development

- 2.3.1 The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- a. It must be determined whether the development is appropriate development in the Green Belt. The NPPF and Local Plan set out the categories of appropriate development.
 - b. If the development is appropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than the preservation of the Green Belt itself.
 - c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 2.3.2 Paragraphs 89 and 90 of the NPPF set out what does not constitute inappropriate development in the Green Belt. Paragraph 89 of the NPPF states "A local planning authority should regard the construction of new buildings as inappropriate", however exceptions to this include "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the

openness of the Green Belt and the purpose of including land within it than the existing development.

2.3.3 Paragraph 90 of the NPPF states that "certain other forms of development are also not inappropriate in Green Belt provide they preserve openness of the Green Belt and do not conflict with the purposes of including land in Green Belt".

2.3.4 Given that the proposed dwellings would be erected on land formerly occupied by buildings and was considered previously developed land, the proposal would not constitute inappropriate development in the Green Belt.

2.3.5 The purpose of Green Belt as defined in the NPPF at Paragraph 80 is as follows:

- o to check the unrestricted sprawl of large built-up areas;
- o to prevent neighbouring towns merging into one another;
- o to assist in safeguarding the countryside from encroachment;
- o to preserve the setting and special character of historic towns; and
- o to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To Check the Unrestricted Sprawl of Large Built-up Areas;

2.3.6 In comparing the proposed development against the former use, it is noted that the site's existing well defined boundaries will not be moved outwards. The total area of land covered by development and uses which do not preserve openness is not increased and therefore physical sprawl within the site is not increased.

2.3.7 The proposed development is therefore considered to have no greater impact on sprawl than the previous use of the site.

To Prevent Neighbouring Towns from Merging into one Another.

2.3.7 It is considered that the intention of policy is to prevent development physically connecting separate neighbouring settlements, by ensuring that land between such settlements remains open. Consequently the degree to which openness is maintained by a development and its developed area is an important element of how well it contributes to this Green Belt purpose, whilst the proximity of neighbouring towns and the degree to which visual coalescence will occur is also relevant.

2.3.8 It is considered that, given the proposal would be within the envelope of the consent for the development of the wider site, the erection of 11 dwellings with not raise adverse issues for urban sprawl within the Green Belt.

To Assist in Safeguarding the Countryside from Encroachment

2.3.9 Encroachment is considered in respect of Green Belt policy to be the physical expansion of development of an 'urban character' into the open countryside.

2.3.10 Given that the proposed development would not encroach any further than the consented development into countryside it is considered that the proposed development would not have a greater impact on this purpose than the former use.

To Preserve the Setting and Special Character of Historic Towns

- 2.3.10 The West Yorkshire Green Belt was not specifically designated to preserve the setting and special character of Tadcaster or Boston Spa. It is clear when considering Tadcaster, that if this had been an important purpose for the West Yorkshire Green Belt, it would have extended around the whole of this town.
- 2.3.11 Despite this, it is considered that both Boston Spa and Tadcaster have heritage value in the broadest sense could be described as historic towns. Consequently it is considered that the Green Belt could serve to a degree to preserve their setting and in doing so, their special character.
- 2.3.12 The intention of Green Belt policy is not to duplicate other policies and controls that protect heritage within settlements such as the Planning (Listed Building and Conservation Areas) Act 1990 and heritage policies at national, regional and local level.
- 2.3.13 Given that the proposal has no greater impact on openness, sprawl or encroachment than the previous use having regard to its location, nature and scale it is considered that there would be no greater impact on the setting of the nearby historic towns and therefore no greater impact on their special character. Furthermore it is considered that the stark industrial buildings that once occupied the site detracted from the rural setting of Tadcaster and Boston Spa and that the traditional form and materials of the proposed development would result in an improvement in the setting.

To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict Land and Other Urban Land

- 2.3.14 A focus 'on land within urban boundaries' does not necessarily mean that it results in a presumption against the recycling of derelict land in areas outside of urban boundaries. Derelict or urban land is simply land that is of a derelict or urban nature. It can exist both within the defined boundaries of urban areas as well as in the countryside. For example factories are essentially urban in nature, and although they are concentrated in urban areas they can be found within the countryside. The former Papyrus Works is one such example.
- 2.3.15 The main thrust of the policy is to assist in urban regeneration by resisting the development of 'green field' sites by focusing on the recycling of derelict and other urban land. In this respect it is considered that the proposal does not conflict with this purpose.

Conclusion on the Principle of Development within the Green Belt

- 2.3.16 Given the above, the scheme is considered to accord with Policies SP2 and SP3 of the Selby Core Strategy. As such, also having regard to the guidance in the NPPF it is concluded that the proposal does not constitute inappropriate development within the Green Belt and is acceptable in principle within the Green Belt.

2.4 Green Belt - Impact on the Character and Visual Amenity

- 2.4.1 Proposals which are not inappropriate within the Green Belt are still required not to harm the visual amenity of the Green Belt.
- 2.4.2 Paragraph 81 of the NPPF states that "Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land".
- 2.4.3 It is accepted that the former appearance by reason of its relatively large scale, visually isolated location, artificial walling and roofing materials in colours that contrast with their surroundings, relatively large massing and height was considered to already have a significant detrimental effect on the open character and visual amenity of the Green Belt and the character and form of the settlement of Papyrus Villas.
- 2.4.4 In comparison the proposed dwellings would relate to the design and scale of the dwellings being developed on the wider housing site and would thereby ameliorate with their surroundings.
- 2.4.5 These characteristics of the proposal in addition to being smaller in footprint and volume, would result in a materially reduced impact on open character and visual amenity of the Green Belt and the character and form of the settlement known as 'Papyrus Villas' when viewing the site from both within and outside its boundaries, at both close quarters and in longer range views.
- 2.4.6 With regard to the use of the site, the external lighting and activity including traffic movements likely to have been generated by the existing development's former use as a Papyrus Works would also have had a significant detrimental effect on the open character and visual amenity of the Green Belt.
- 2.4.7 It is therefore concluded, on balance, that the proposal would not, when taken as a whole, detract from the open character and visual amenity of the Green Belt, or the form and character of any settlement within it.

2.5 Impact on the Council's Housing Land Strategy

- 2.5.1 The development plan for the Selby District includes the Selby Core strategy. This seeks to ensure that housing is delivered in a sustainable manner by directing development towards previously developed sites in towns and villages.
- 2.5.2 On the 3 December 2015, the Council's Executive formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 5.8 years, as set out in the Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. This application would provide additional dwellings to housing supply, although it needs to be proved by the applicant that the site can contribute dwellings within the first 5 years of the plan period. Given the site is currently under construction the

likelihood of bringing forward these houses within the first 5 years of the plan is probable.

2.6 Affordable Housing Provision

- 2.6.1 Relevant policies in respect to affordable housing mix include Policy SP9 of the Core Strategy, the Affordable Housing SPD, Developer Contributions SPD and paragraph 50 of the NPPF. Limited weight should be afforded to the Developer Contributions SPD (2007) in respect of affordable housing and that substantial weight should be attributed to Policy SP9 of the Core Strategy Local Plan.
- 2.6.2 The applicant has offered 3 dwellings out of the 11 (27%) which reflects the viability assessment and subsequent section 106 agreement issued for the residential development of the wider site. In that S106 agreement it is noted that *in the event that the part of the development designated for Employment Development becomes subject to the grant of planning permission for residential development in the future then such area shall be subject to the same provisions in relation to Affordable Dwellings in terms of the proportion of the dwellings to be built thereon as Affordable Dwellings as the percentage of Affordable Dwellings bears to total number of Dwellings on that part of the development designated for Residential Development as at the date hereof and further shall reflect the same split of tenures and disposal procedures as herein contained or provided.*
- 2.6.2 Given the approach taken above and the agreement for future development of the employment units for residential development in relation to affordable dwellings, it would be a reasonable basis to secure the same percentage of affordable housing in this application and this can be secured by a S106 agreement.

2.7 Heritage Assets

- 2.7.1 Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF require proposals to take account of their impacts on heritage assets.
- 2.7.2 There is a listed building known as Newton Kyme Viaduct (also known as Wharfe Bridge) circa 500m north of the application site with the wider residential site separating the two locations. It is therefore considered that the proposed development would not adversely harm the setting of this building and thereby accord with Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF

2.8 Impact on Landscape Character and the Visual Amenity of the Area

- 2.8.1 Paragraph 109 of the NPPF outlines that "The planning system should contribute to and enhance the natural and local environment by..... "protecting and enhancing valued landscapes". In terms of the Local Plan then Policies ENV1, ENV3 and ENV15 of the Selby District Local Plan also relate to consideration of impact on the surroundings, landscape impact, new landscaping provision, impact of lighting on landscape, impact on landscape character, and impact on visual amenity.
- 2.8.2 The site lies within what is described as the 'Yorkshire and Humber Character Area - Southern Magnesium Limestone', in the national countryside character

assessment (Countryside Commission). It also lies within the 'West Selby Ridge Local Landscape Character Area' as defined in the Selby District Council's, which refers to the area as being of 'essentially rural character'.

- 2.8.3 Consequently, having regard to the considerations above, including the significantly reduced physical presence of the development on the site in terms of massing of buildings, footprint of buildings and hard standing would clearly outweigh any harm resulting from additional traffic generation and as such, and on balance it is considered that overall the proposal would not result in significant harm to the character of the countryside.
- 2.8.4 Therefore, having had regard to the NPPF, Policies ENV1, ENV2, ENV3 and ENV15 of the Selby District Local Plan, as well as other material considerations in terms of the Selby District Landscape Assessment, and the National Countryside Character Areas it is considered that the proposal is acceptable in terms of its impact on the character and visual amenity of the area

2.9 Flood Risk and Drainage

- 2.9.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.
- 2.9.2 The application site is located in Flood Zone 1 (low probability of flooding) and with a site area of 0.33 hectares would not require the Environment Agency to be consulted. It should be noted that as from 6 April 2015 Local Planning Authorities are required to ensure that sustainable drainage systems (SuDS) for the management of surface water run-off are put in place, unless demonstrated to be inappropriate.
- 2.9.3 Details of surface and foul water drainage can be controlled by condition. It is also noted that the Internal Drainage Board had comment to make. Also details of drainage have been discharged on the wider site thereby indicating that drainage can be appropriately controlled.

2.10 Highways and Transport

- 2.10.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. These policies should be afforded significant weight.
- 2.10.2 The application site would be accessed via the estate road that leads from the A659. Each plot has an appropriate level of on-site parking for each dwelling and the road width and the turning area can accommodate the proposed level of dwellings. NYCC were consulted and requested an amended plan for the access to the site which has been received and accepted with conditions suggested.
- 2.10.3 Objections received from neighbours relate to highway and traffic issues from the proposal and the lack of visitor parking. It is noted that the approved 9 employment

units would have generated a level of traffic in particular during the mornings and evenings which would be similar in traffic trips to that associated with dwellings. There would also have been traffic journeys to the site more frequently than houses for deliveries associated with the employment units. It is considered that the level of traffic, noise and disturbance associated with 11 dwellings would not be significantly greater than 9 employment units or even the previous industrial nature of the site.

2.10.4 NYCC Highways have not raised any objection to the level of parking provision for each plot or matters relating to visitor parking.

2.10.5 An objection refers to a highways planning condition of the residential scheme for 128 dwellings which relates to protected right turn lane on the A659 with pedestrian refuge and footway link to bus stops. Whilst this comment is noted, it is considered a separate matter outside the determination of this planning application.

2.10.6 An objection refers to the development relying on the use of the private car. The comment is noted, however this application as with the previous scheme factored into the assessment the sustainable impact of the proposal including connections to public transport. The employment units would have to a degree relied on employees using a private vehicle for work. Also the new houses that are occupied, given the degree of private cars parked use a private vehicle to access the housing estate.

2.11 Land Contamination

2.11.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.

2.11.2 The application is accompanied by a Geo environmental Report, Remediation strategy and Verification report and these has been reviewed by the Council's land contamination consultants. The consultants advise that the process would be additionally best served by the preparation and submission for review of remediation statements for each plot of the development that clearly indicate what elements of risk and aspects of remediation to attend to risk relate to a particular plot and how adequate remediation has been verified. This can be secured by condition.

2.11.3 The proposals are therefore, subject to conditions, acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.12 Impact on Residential Amenity

2.12.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1(1) of the Local Plan and Paragraph 200 of the NPPF.

2.12.2 Upon receiving objections from neighbours and the Parish Council regarding the height of the 'Fitzroy' house type (plots 129-134), the applicant supplied amended house types which are now smaller 'Wellington' house type. However, the objections remain.

2.12.3 The revised design of the row of four houses from 2 1/2 storey units 'Fitzroy'

to 2 storey units 'Wellington' in the Officers view remove the potential for adverse harm and achieves appropriate separation distances.

- 2.12.4 The separation distance between house type 'Wellington' and the neighbours to the south is circa 19.5m and the ground level is relatively flat, although the neighbour's houses are the taller 'Fitzroy' house types. It is considered such separation distance is considered acceptable on this residential scheme and thereby would be considered to raise no adverse amenity harm, by virtue of appearing overbearing or oppressive or affecting loss of light.
- 2.12.5 The separation distances from the new houses to the north (Avon and Stour house type) is circa 20.5m and the separation distance with houses to the east from the 'Wellington' house type is circa 10.5m. There is adequate space around each plot for outdoor enjoyment which is reflective of the layout of the wider housing estate.
- 2.12.6 Concerns centre on the employment units being replaced by houses and the privacy and proximity of these houses to their houses and gardens. Whilst it is acknowledged that houses would appear taller than the consented employment units (the employment units were some 7.8m high to ridge compared to the 'Wellington' house type being 9.3m high), the separation distance and layout of gardens is considered to be acceptable. Whilst the principle of the work units is generally supported it is considered that there is some betterment in the removal of a potentially un-neighbourly use.
- 2.12.7 Noise, dust and disturbance was raised by residents and whilst the comings and goings associated with the new occupants of the dwellings, it is considered that this would not be significantly more than the consented employment use on this part of the site.
- 2.12.8 Having taken into account the matters discussed above it is considered that, subject to conditions, the proposal would not cause significant detrimental impact on the residential amenities of neighbours in accordance with policy ENV1(1) of the Local Plan and the NPPF.

2.13 Design, Layout and Appearance

- 2.13.1 Selby District Local Plan Policy ENV1(1) requires development to take account of the effect upon the character of the area, with ENV1(4) requiring the standard of layout, design and materials to respect the site and its surroundings. Significant weight should be attached to these policies as they are consistent with the aims of the NPPF.
- 2.13.2 The NPPF paragraph 56 states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 2.13.3 The house types proposed would relate to the approved design, scale and appearance of houses being constructed on the wider site which includes the 'Wellington', 'Fitzroy', 'Avon' and 'Stour' house type. The external finishes include

Ibstock - Gault cream brick walls, Russell Highland Mock bond colour grey slate roof tile with silver pearl render.

2.13.4 The proposed design, layout and appearance of the dwellings would ameliorate with their surroundings and thereby accord with Policies ENV1 of the Local Plan and SP19 of the Core Strategy subject to condition.

2.14 Recreational Open Space Contribution, Education, Healthcare, Waste and Recycling

2.14.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded limited weight given it conflicts, in part, with the Council's Community Infrastructure Levy Charging Rates, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.14.2 Since the adoption of the Community Infrastructure Levy (CIL) this cannot be secured by way of contribution. However, the application would be subject to a CIL payment a percentage of which would be paid to the Parish Council and can be spent on improvements to recreational open space within the local area.

2.14.3 In addition, Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare and waste and recycling are required. In regards to contributions towards education and healthcare these policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy. It is considered that no direct contribution is required due to the adoption of CIL.

2.14.4 With respect to Waste and Recycling a scheme for the provision of facilities can be delivered via the Section 106 at a rate of £65 per dwelling.

2.14.5 Having had regard to the above the proposal comply with policies ENV1, RT2 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.15 Other Matters

2.15.1 Objections refer to the loss of employment units for the locality. However the application is accompanied with marketing of the site for more than one year with no take up of prospective businesses. Also there is no policy protection for the employment units by condition or other means in the approved scheme.

2.15.2 It is considered that given that the wider site is under construction for housing that this proposal would not lead to adverse harm to wildlife. Also it is not considered necessary to seek open space and community facilities for this scheme given the provision on the original approved scheme and is covered in any event by CIL.

2.15.3 The impact from a development on house value is not considered a material planning consideration in the determination of this application.

2.16 Conclusion

- 2.16.1 The application seeks full planning permission for the erection of 11 dwellings on land that was previously used for industrial purposes. Also the wider site is currently under construction as a major residential scheme. The application is considered to conform to Green Belt policy being appropriate development in the Green Belt on previously developed land and reusing such land.
- 2.16.2 Other matters of acknowledged importance such as design, layout, scale, residential amenity, flood risk, drainage, climate change and energy efficiency, impact on the highway, impact on residential amenity, noise environ and matters of nature conservation Interest and affordable housing are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF.
- 2.16.3 The proposal is therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. The proposal accords with the overarching aims and objectives of the NPPF and it is on this basis that permission should be granted subject to conditions.

3.0 Recommendation

This application is recommended to be Granted subject to the following conditions: and the applicant entering into the relevant Section 106 Agreement to secure affordable housing and waste and recycling:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. Prior to the commencement of development details of the materials to be used in the construction of the exterior walls and roof(s) of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. Prior to the commencement of development details of the means of site enclosure shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be constructed in accordance with the approved details prior to the development being brought into beneficial use and thereafter shall be maintained as such.

Reason:

To safeguard to the rights of control by the Local Planning Authority in the interests of amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. Development shall not commence until a scheme of details of finished floor levels of each building together with corresponding finished ground levels, ground levels of land around the site and details of surface and land drainage associated with any works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that building have been completed. These shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To protect the living conditions of local residents, in accordance with Policy ENV1(1) of the Selby District Local Plan.

05. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

06. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development can be properly drained, having had regard to Policy ENV1 of the Selby District Local Plan.

07. Prior to commencement of development, a surface water management scheme which includes detail on flood risk, pollution control, designing for exceedence and urban creep as noted in the Suds Officer statutory comments received on 5th July 2016 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be carried out in full.

Reason:

In the interests of surface water management having had regard to Policy SP15 of the Selby Core Strategy.

08. No occupation of any part of the development shall take place until remediation statements for each plot of the development has been submitted to and agreed in writing with the Local Planning Authority, which indicates what elements of risk and aspects of remediation to attend to risk relate to each plot and how remediation has been verified.

Reason:

To ensure effective remediation of the scheme in line with the NPPF and Policy ENV1 of the Selby District Local Plan.

09. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- o the proposed highway layout including the highway boundary.
- o dimensions of any carriageway, cycleway, footway, and verges.
- o visibility splays.
- o the proposed buildings and site layout, including levels.
- o accesses and driveways.
- o drainage and sewerage system.
- o lining and signing.
- o traffic calming measures.
- o all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level.
- o the proposed road channel and centre line levels.
- o full details of surface water drainage proposals.

c. Full highway construction details including:

- o typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths .
- o when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels.
- o kerb and edging construction details.
- o typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason

In accordance with policies T1 and T2 of Selby Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

10. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with policy T1 of the Selby Local Plan and in the interests of highway safety.

11. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

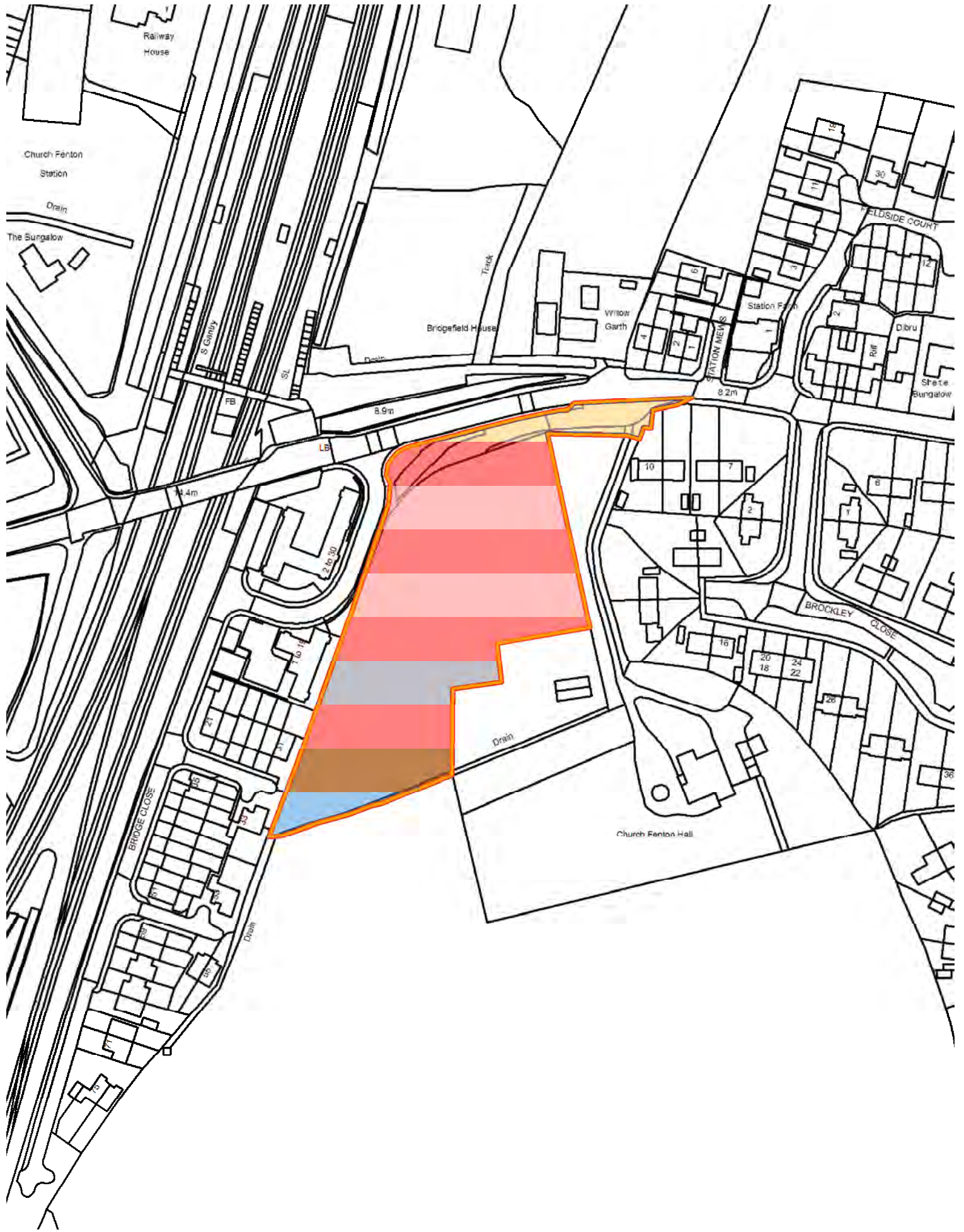
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0223/FUL and associated documents.

Contact Officer: Keith Thompson (Senior Planning Officer)

Appendices: None



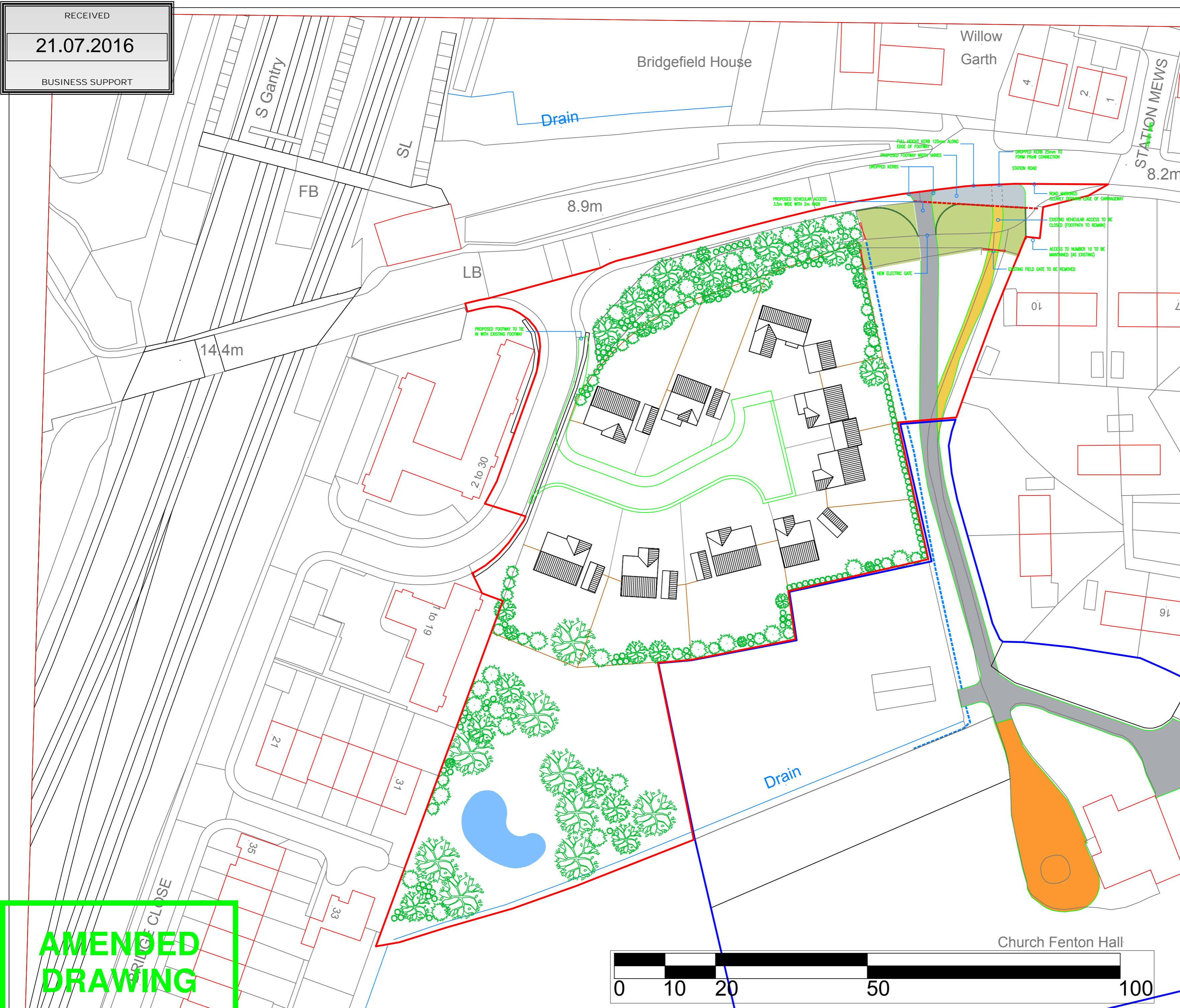
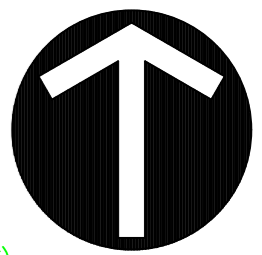
APPLICATION SITE

Item No: 2016/0457/OUT

Address: Common Lane, Church Fenton

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 BUSINESS SUPPORT



- KEY**
- ACCESS TRACK
 - PROPOSED FOOTWAY
 - PROPOSED LANDSCAPING (NOT TO EXCEED 1m IN HEIGHT)
 - EXISTING GRAVEL TURNING HEAD
 - EXISTING PUBLIC RIGHT OF WAY
 - GRAVEL TRACK EXTENSION TO PUBLIC RIGHT OF WAY
 - PROPOSED STONE WALL
 - PROPOSED DRAINAGE DITCH
 - HIGHWAY BOUNDARY (TBC)

- KEY**
- ACCESS TRACK
 - PROPOSED FOOTWAY
 - PROPOSED LANDSCAPING (NOT TO EXCEED 1m IN HEIGHT)
 - EXISTING PUBLIC RIGHT OF WAY
 - GRAVEL TRACK EXTENSION TO PUBLIC RIGHT OF WAY
 - PROPOSED STONE WALL
 - PROPOSED DRAINAGE DITCH
 - HIGHWAY BOUNDARY (TBC)

Project Title:
 Land South of Common Lane

Site Address:
 Church Fenton Hall

Client:
 Eyre, Land and Sea

Drawing Type:
 Proposed Indicative Layout Plan

Reference Number
48750 C

Drawn: AAH	Checked: AAH
Date: 21.7.2016	Scale: 1:500@A2

AAH Planning Consultants

York Office 2 Bar Lane York YO1 6JU Tel: (01904) 780955	London Office 27 Old Gloucester Street London WC1N 3AX Tel: (020) 74195113
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AMENDED DRAWING

To: Planning Committee
Date: 10th August 2016
Author: Simon Eades (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0457/OUT (8/62/281/PA)	PARISH:	Church Fenton Parish Council
APPLICANT:	Eyre Land And Sea Ltd	VALID DATE:	28th April 2016
		EXPIRY DATE:	23rd June 2016
PROPOSAL:	Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall		
LOCATION:	Land South of Common Lane Church Fenton Tadcaster		

The application has been put forward towards Planning Committee as it is being recommended for approval contrary to Policies SP9 and SP2A(c) of the Core Strategy.

Summary:

The proposed scheme is for an outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment of the access serving Church Fenton Hall.

The application site is located outside the defined development limits of Church Fenton. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy. However, development limits are currently under review as part of the PLAN Selby sites and allocations document in line with commentary detailed in the Core Strategy. In evaluating the application, the relationship of the proposal to the edge of the settlement and defined development limit (as set out on the Policies Map) the proposal is considered, on balance, to be acceptable.

It is considered that an acceptable proposal could be designed so that it would achieve an appropriate layout and appearance at reserved matters stage so as to respect the character of the local area, and not significantly detract from highway safety and residential amenity. The proposals are also considered to be acceptable in respect of, the

impact on flooding, drainage and climate change, protected species, contaminated land and affordable housing.

Having had regard to the above, it is considered that, on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

Recommendation

This planning application is recommended to be APPROVED subject to the conditions detailed in paragraph 2.19 of the Report.

1. Introduction and Background

1.1 The Site

- 1.1.1 The application site is an area of grassed land which is surrounded by development on three sides. To the north of the application site lies Common Lane and the opposite side of Common Lane is the residential properties of Station Mews. The properties on Station Mews are within the defined developments of Church Fenton.
- 1.1.2 To the east of the site is a cul-de-sac known as Brockley Close, a form of development which is common in this part of the village. This boundary is currently well screened by high mature trees. Brockley Close is within the development limits of Church Fenton.
- 1.1.3 To the west of the site is the mixed residential development area of Bridge Close. This obtained planning permission under application reference numbers CO/2003/0281 and CO/2003/1257 and consists of a mixture of flats, terrace and semi-detached dwellings which has linear and cul-de-sac layout. This development is located outside the development limits of Church Fenton.
- 1.1.4 To the south of the application site lies Church Fenton Hall. This is the only built form to south of the application site and it is located outside the development limits of Church Fenton. This boundary is currently well screened by high mature tree screening.
- 1.1.5 The application site is located within Flood Zone 1 which is at the lowest risk of flooding.

1.2. The Proposal

- 1.2.1 The application seeks outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall, all other matters are reserved.
- 1.2.2 Vehicular access for the proposed residential development would be provided via a purpose built access from Bridge Close. The proposed scheme also includes the realignment of the access for Church Fenton Hall.

1.3 Planning History

- 1.3.1 There no historical applications specific to this application site however, the listed applications below which are to west of the application site are considered to be relevant to the determination of this application.
- 1.3.2 A full planning application under reference number CO/2003/0281 for Outline application for residential development on 0.6ha of land was granted approval on 23rd April 2003.
- 1.3.3 A full planning application under reference number CO/2003/1257 for demolition of existing buildings, construction of new access road and erection of 52 dwellings was granted approval on 10th June 2004.

1.4 Consultations

1.4.1 Parish Council
No response received.

1.4.2 Natural England
Natural England has no comments to make on this application.

1.4.3 NYCC Highways

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.
- Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer under section 106 of the Town and Country

Planning Act 1990,16 which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980.

However having said the above, NYCC Highways are aware that although Bridge Close has been put forward for adoption, there are issues regarding the completion of the S38 Agreement. Therefore, as NYCC Highways cannot progress an application to adopt a road which is not connected to any existing public highway, this will need to be discussed with the Development Control team at County Hall. The adoption of Bridge Close is beyond the applicant's control, so they have agreed

to build the access road to an adoptable standard and enter into a Section 38 Agreement when the Bridge Close issue has been addressed. NYCC Highways therefore recommend conditions are attached to any permission granted.

1.4.4 Yorkshire Water Services

No objections subject to a condition.

1.4.5 Lead Policy Officer

The application should be considered against both the saved policies in the adopted 2005 Selby District Local Plan (SDLP) and the 2013 Selby District Core Strategy (CS).

The key issues which should be addressed are:

1. The Principle of Development
2. Impact on the Council's Housing Land Strategy
3. Previous Levels of Growth and the Scale of the Proposal
4. Relation of the Proposal to the Development Limit

1. The Principle of Development

Paragraph 11 of the NPPF restates planning law that requires planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF re-emphasises that an up-to-date Development Plan is the starting point for decision-making, adding that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The policies in the SDLP and Adopted CS are consistent with the NPPF.

It is noted also that under para 14 of the NPPF that the presumption in favour of sustainable development should be seen as a golden thread running through decision-taking. Para 49 of the NPPF also states that housing applications should also be considered in the context of the presumption in favour of sustainable development.

CS Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. Church Fenton is defined in the Core Strategy as a Designated Service Village, which has some scope for additional residential and small scale employment to support rural sustainability.

This outline proposal for 9 dwellings is on land that is adjacent to, but outside of, the defined Development Limits of Church Fenton as defined on the Policies Map of the SDLP. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy. However, Development Limits are currently under review as part of the PLAN Selby sites and allocations document in line with commentary detailed in the Core Strategy. In evaluating the application, the relationship of the proposal to the edge of the settlement and defined Development Limit (as set out on the Policies Map) should be given due consideration as detailed under Section 4 of this response.

2. Impact on the Council's Housing Land Strategy

On the 3 December 2015, the Council's Executive formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure

of 5.8 years, as set out in the Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. This application would provide additional dwellings to housing supply, although it needs to be proved by the applicant that the site can contribute dwellings within the next 5 years of the supply period.

3. Previous Levels of Growth and the Scale of the Proposal

CS policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. To date, Church Fenton has seen 6 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 97 dwellings, giving a total of 103. CS policy SP5 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Church Fenton has exceeded its dwelling target.

As a guide, the Council consulted on various growth options for the DSVs as part of the development of PLAN Selby in July / August 2015 and at this point the research indicated minimum growth options of between 18-36 dwellings for Church Fenton. The scale of this proposal when considered individually, at 5 dwellings, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy. However you must also consider this proposal in the context of the settlement having already exceeded its potential growth options.

4. Relation of the Proposal to the Development Limit

Core Strategy Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment; therefore it is important to determine the impact the proposed scheme has on its surroundings. The site is located in the countryside and outside of Development Limits. The draft PLAN Selby evidence document "Settlement Setting Landscape Assessment" (January 2016) finds that that the overall landscape assessment parcel for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect from development. The proposal extends into the countryside and in determining the application, thought will need to be applied as to:

- The overall impact of the proposed development on the countryside;
- whether the current Development Limit as defined in the Policies Map remains robustly defined, or has changed and,
- whether the proposed development would set a new clearly defensible boundary.

Detailed issues to consider when reviewing the Development Limit and the potential impact of the development, include:

- planning history;

- physical extent of existing settlement;
- settlement form and character;
- the type, function and range of buildings on the edge of the settlement;
- impact of the development on the countryside, environment and amenity, and
- the extent of current defensible boundaries, which are durable and likely to be permanent, and whether the development would erode or contribute towards maintaining a clear defensible boundary.

1.4.6 Lead Officer-Environmental Health

The development is quite close to a main railway line and would recommend that a condition is attached to the application.

1.4.7 Aimi Brookes

Note from the design and access statement that the layout has been designed to highway adoptable standards and includes sufficient room for RCV to turn, aiding waste collection. Confirmed has no further comments / requirements at this time.

1.4.8 Council's Contaminated Land Consultant

WPA have reviewed the Screening Assessment Form for the above site, as well as a brief review of freely available online mapping. It is evident that the site was historically adjacent to railway sidings until at least 1967, with part of the present-day site boundary overlapping the sidings area, which is considered to be a potentially contaminating land use. No objection subject to conditions.

1.4.9 Selby Area Internal Drainage Board

No objections subject to conditions.

1.4.10 North Yorkshire County Council Historic Environment Team

The proposed development has no known archaeological constraint

1.5 **Publicity**

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper and has resulted in three letters of representation being received at the time of the compilation of this report. The comments can be summarised as follows:

- The proposed access road from Bridge Close would have a negative effect for the following reason: Bridge Close, is located directly adjacent to the bend at the end of the down ramp into Bridge Close. More traffic would increase further the potential risk of a vehicle crashing into the outside wall of our flat, the existing guard rail being inadequate as it is.
- Vehicle traffic at junction of Bridge Close and Common Lane will be increased. This junction point can already suffer congestion / turning hazards due to: i) dropping off / collecting people using the railway station (the top of Bridge Close is already used as a turning and waiting point). ii) visitors to the Sunar Bangla restaurant do not have a dedicated parking area, and use the top of Bridge Close for parking (where the new access is proposed) or the roadside on Common Lane opposite the Bridge Close junction. This is particularly noticeable on Friday and Saturday evenings. As a result of the above two points, the Bridge Close / Common Lane junction can already be at times congested with the potential for incident when cars are pulled up or parked.

- The proposal would increase the use of Bridge Close junction which is already hazardous due to parking on the Railway Bridge, and use by school buses. There is poor visibility due to the hump of the bridge, and a large numbers of cars littering the streets all around the bridge area due to a lack of parking at the station. This is likely to worsen as housing increases in Church Fenton, Ulleskelf and surrounding villages. We receive complaints from local residents about parking outside the houses on Station Walk as well as from people living on Bridge Close because cars are being left on the bridge forcing vehicles to turn left on the wrong side of the road heading into traffic coming over the blind summit of the bridge.
- The new proposed entrance to Fenton Hall would be directly opposite the entrance to the Station car park. This is a very tight and difficult access with poor visibility due to the slope of the bridge and also a very tight turn meaning that vehicles entering or leaving the station car park from the west have to turn on the wrong side of the road.
- The cumulative impact of planning approvals for housing in Church Fenton is leading to increasing urbanisation of the village with the loss of green space and the linear village character. Numbers currently approved already exceed anything that was likely through PLANSelby and additional estate development should therefore be resisted.
- The impact of the proposed rebuilding of the bridge is not yet clear, and as such this application should be seen as premature.

2. Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are as follows:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
SP8:	Housing Mix
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
T1:	Development in Relation to Highway
T2:	Access to Roads
ENV28:	Other Archaeological Remains
RT2:	Recreational Open Space
CS6:	Developer Contributions to Infrastructure and Community Facilities

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (PPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Other Policies/Guidance

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007
- North Yorkshire County Council SuDs Design Guidance, 2015

2.6 Key Issues

- 2.6.1 The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.

2.6.2 Identifying the impacts of the proposal.

1. Layout, appearance, scale and landscaping
2. Flood risk, drainage and climate change
3. Impact on highways
4. Residential amenity
5. Nature conservation and protected species
6. Affordable housing
7. Waste and recycling and Recreational open space
8. Contamination
9. Impact on Heritage Assets

2.7 **The Appropriateness of the Location of the Application site for Residential Development in Respect of Current Housing Policy and Guidance on Sustainability Contained within the Development Plan and the NPPF.**

- 2.7.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.7.2 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 2.7.3 Policy SP2 identifies Church Fenton as being a Designated Service Village which has some scope for additional residential development to support rural sustainability. The site is located outside the defined development limits of Church Fenton and therefore is located within the open countryside. Policy SP2A(c) states that 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.
- 2.7.4 In light of the above policy context the proposals to develop this area of open countryside for residential purposes are contrary to policy SP2A(c) of the Core Strategy.
- 2.7.5 The proposal should therefore be refused unless material considerations indicate otherwise. One such material consideration is that despite the Council confirming that housing policies are up to date, as it now has a 5.8 year supply of deliverable housing land, this supply needs to be maintained until the Sites and Policies Local Plan (PLAN Selby) allocates new sites suitable for housing. It is noted that the timescale envisaged for PLAN Selby to be adopted is May 2018 and as such the housing supply needs to be maintained until PLAN Selby is adopted and this should be done in such a way that it does not cause significant harm to acknowledged interests, which are discussed later within this report. In this instance the applicants have not confirmed that the proposals would contribute towards the Council's housing supply and would be delivered within the first five years of the Plan period

so as to assist in maintaining the Council's five year housing land supply until PLAN Selby is adopted.

2.7.6 The NPPF is another material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development, with particular emphasis on boosting significantly the supply of housing. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

2.7.7 Sustainability of the Location of the Development

In respect of sustainability, the application site lies outside of the defined development limits of the village of Church Fenton which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. Church Fenton contains 2 public houses one of which is also a restaurant, an additional separate restaurant, convenience stores one including a post office, Primary School, Guest House, Train Station, Jigsaw Childcare village hall and church. The village also benefits from a bus service operating to Tadcaster to Pontefract, Wakefield and Doncaster, albeit this is a limited service during the evening and on weekends. The bus stop is located on outside the White Horse Public House which is within accessible walking distance of the site. In addition there is a railway station at opposite the application site which has regular service with approximately 31 trains departing daily to the final destinations of Blackpool, Leeds, Sheffield and Leeds. The first train departs 06:32 and the last train departs at 23:32

2.7.8 The village is considered to be "more sustainable" in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, which is due to the village performing relatively well with respect to its access to services and facilities, and accessibility by public transport. It is therefore considered that the settlement is well served by local services which weigh in favour that the site can be considered as being in a sustainable location. However, sustainability is not just about location, it also involves a much wider range of issues which will be considered next.

2.7.9 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. The economic, social and environmental aspects which weigh in favour of the proposal: -

2.7.10 Economic

The proposal would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities. In addition the subsequent reserved matters application would attract payment to the Community Infrastructure Levy, the monies arising from which would be spent towards infrastructure projects within the Selby District such as schools, transport improvements, healthcare improvements etc. In addition a proportion of the CIL payment would be allocated to the Parish Council to be spent on the provision, improvement, replacement, operation or maintenance of infrastructure such as open spaces, village halls, leisure facilities, schools etc.

2.7.11 Social

The proposal would deliver levels of both open market housing and hence would promote sustainable and balanced communities, would improve the tenure mix and would assist in the Council meeting the objectively assessed need for housing in the district.

2.7.12 Environmental

The proposals would provide ecological enhancements to the site and could deliver high quality homes for local people. The proposals would not result in a detrimental impact on protected species and could provide ecological benefits. The proposals are within a village which is served by public transport, which does enable a reduction in reliance on the private car and further measures to encourage sustainable travel are to be secured via a Travel Plan.

2.7.13 To date, Church Fenton has seen 6 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 97 dwellings, giving a total of 103. CS policy SP5 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Church Fenton has exceeded its dwelling target. As a guide, the Council consulted on various growth options for the DSVs as part of the development of PLAN Selby in July / August 2015 and at this point the research indicated minimum growth options of between 18-36 dwellings for Church Fenton. The scale of this proposal when considered individually, at 9 dwellings, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy. Given the above and the scale of the development the proposed scheme is considered to be on balance to be sustainable level of growth of the village.

2.7.14 Previous Levels of Growth and the Scale of the Proposal

Core Strategy Policy SP4 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. Policy Officers have confirmed that Church Fenton has seen 289 dwellings built and/or approved in the settlement since the start of the Plan Period in April 2011.

2.7.15 Objectors have raised concerns in relation to growth of the village and these are noted.

2.7.16 Core Strategy policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. To date, Church Fenton has seen 6 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 97 dwellings, giving a total of 103. CS policy SP5 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Church Fenton has exceeded its dwelling target. As a guide, the Council consulted on various growth options for the DSVs as part of the development of PLAN Selby in July / August 2015 and at this point the research indicated minimum growth options of between 18-36 dwellings for Church Fenton.

The scale of this proposal when considered individually, at 9 dwellings, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy. Even though Church Fenton has already exceeded its potential growth options it considered that the small scale nature of the development in relation its proposed location in relationship to development limits the proposed scheme is considered to be on balance to be sustainable level of growth of the village in this instance

2.7.17 Consideration of the site under the Site Allocations DPD (2011)

It is noted that that the site had been put forward for consideration and subsequently discounted in the Site Allocations Development Plan Document (SADPD) Preferred Options under reference CHFN001. In this document it is identified the land as “CHFN001 is noted as being Greenfield land, however most sites put forward are Greenfield so this is less of a constraint that would at first appear. The site as proposed in the SADPD Issues and Options has been reduced to exclude the house and garden on the southern part of the site as there is doubt over the availability of the land. The site is well placed for public transport, and has the potential to solve a growing parking problem by providing land for a commuter car park. The site is not in the Strategic Gap, and is surrounded on 3 sides by development making it an unobtrusive infill site, preferable to backland style development. The Council therefore allocates the site for car park use (0.1ha/30 spaces at the northern part) and the remainder for residential use of 27 units”. It should however be noted that the Site Allocations DPD (Preferred Options) did not proceed to formal adoption and as such can be afforded little weight in the decision making process. The application site is therefore assessed on its own merits having had regard to the current policy position as set out above.

2.7.18 Relationship of the Proposal to the Development Limit

Core Strategy Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment; therefore it is important to determine the impact the proposed scheme has on its surroundings.

2.7.19 The application site is an area of grassed land which is surrounded by development on three sides. To the north of the application site lies Common Lane and the opposite side of Common Lane is the residential properties of Station Mews. The properties on Station Mews are within the defined developments of Church Fenton.

2.7.20 To the east of the site is a cul-de-sac known as Brockley Close, a form of development which is common in this part of the village. This boundary is currently well screened by high mature trees. Brockley Close is within the development limits of Church Fenton.

2.7.21 To the west of the site is the mixed residential development area of Bridge Close. This obtained planning permission under application reference numbers CO/2003/0281 and CO/2003/1257 and consists of a mixture of flats, terrace and semi-detached dwellings which has linear and cul-de-sac layout. This development is located outside the development limits of Church Fenton.

2.7.22 To the south of the application site lies Church Fenton Hall. This is the only built form to south of the application site and it is located outside the development limits of Church Fenton. This boundary is currently well screened by high mature tree screening.

- 2.7.23 The proposed indicative internal layout follows the existing backland style cul-de-sac development which is in keeping with existing characteristics of the surrounding built form area including Brockley Close. The indicative layout shows that the built form of the proposed dwellings extends no further south than cul-de-sac development of Brockley Close and then shows landscape screening to the south of the site. The indicative scheme by virtue of the combination of its enclosure by development from three sides and its indicative layout has shown that a scheme can be designed that will create a logical extension, infilling and rounding off of the existing development.
- 2.7.24 The indicative scheme also shows provision of a defensible boundary with the built form stopping in a similar location to the existing built form at Brockley Close. In addition to this the indicative layout proposes either to retain the existing landscaping or proposes to new landscaping to the south of the site which provides a clear distinction where the built form finishes.
- 2.7.24 The location is therefore considered not to have detrimental harmful impact on the setting of the village and the character of the area and therefore accords with Policies SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.
- 2.7.25 This report will now go on to look at these matters of detail by looking at other impacts of the proposal.

2.8 Identifying the Impacts of the Proposal

- 2.8.1 The following sections of this report identify the impacts of the proposal:

2.9. Layout, Appearance, Scale and Landscaping and Impact on the Character of the Area

- 2.9.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) and ENV3 (external lighting) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy. In addition Policy SP8 of the Core Strategy of the Local Plan requires an appropriate housing mix to be achieved.
- 2.9.2 Significant weight should be attached to Local Plan policies ENV1 and ENV3 as they are consistent with the aims of the NPPF.
- 2.9.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.9.4 The application proposes the re-alignment of the access for Church Fenton Hall and for outline consent for the erection of a residential development with means of access to be considered and all other matters reserved. Notwithstanding this an indicative layout plan has been submitted which demonstrates how the site could accommodate up to 9 dwellings based on a density of 10 dwellings per hectare which would appear to be a reasonable density having had regard to the surrounding context. The indicative layout indicates that the site would comprise of 9 detached dwellings. It is noted that the properties closest to the application site are predominately 2 storey detached, semi-detached and terraced dwellings.

Having taken into account the context of the site it is considered that an appropriate layout could be achieved at reserved matters stage.

- 2.9.5 The materials within the area vary, however predominantly consist of a mixture of red brick and rendered properties with pantile roof tiles of varying colours. Therefore, having had regard to the surrounding context and the details submitted there is nothing to suggest that an appropriate appearance and scale of properties cannot be achieved at reserved matters stage.
- 2.9.6 In terms of landscaping, this is reserved for future consideration, however it is noted that the site currently benefits from substantial tree and hedgerow planting particularly along the east and south boundaries.
- 2.9.7 The application site grassed land which is surrounded by development from three sides. To the north of the application site is Common Lane and the opposite side of Common Lane is the residential properties of Station Mews. To the east of the site is a cul-de-sac known as Brockley Close, a form of development which is common in this part of the village. This boundary is currently well screened by high mature tree screening. To west of the site is the mixed residential development on Bridge Close which obtained planning permission under application reference numbers CO/2003/0281 and CO/2003/1257 which consists of a mixture of flats, terrace and semi-detached dwellings which has linear and cul-de-sac layout. The indicative layout plan demonstrates proposed landscaping that could be incorporated into the detailed design as well as tree planting throughout the site and as such it is considered that an appropriate landscaping scheme could be achieved at reserved matters stage.
- 2.9.8 Having had regard to the impact on the character of the area, the existing site is a flat open field with mature hedgerow along the boundaries of the site. Policy ENV3 of the Local Plan requires consideration be given to external lighting and it is considered that an appropriate lighting scheme can be achieved at reserved matters stage.
- 2.9.9 Policy SP8 states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. As this is an outline scheme there is no detail as to the proposed housing mix, however an appropriate mix could be achieved at reserved matters stage taking into account the housing needs identified in the Strategic Housing Market Assessment.
- 2.9.10 Having had regard to all of the above elements it is considered that an appropriate design could be achieved at reserved matters stage so as to ensure that no significant detrimental impacts are caused to the character of the area in accordance with Policies ENV 1(1) and (4) and ENV3 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.10 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 2.10.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.

2.10.2 The application site is located in Flood Zone 1 (low probability of flooding). The application form states that sewerage will be disposed via main sewer and surface water will be disposed by sustainable drainage system. Yorkshire Water and The internal drainage board were consulted on the application and they raise no objections subject to suitable conditions. The proposed scheme is therefore considered acceptable in terms of Flood Risk and Drainage and therefore accords with Policies SP15, SP16 and SP19 of the Core Strategy and the advice contained within the NPPF.

2.11 Highways

2.11.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. These policies should be afforded significant weight.

2.11.2 Objectors have raised concerns in relation to highway safety and these are noted

2.11.3 The scheme proposes to create the access off Bridge Close. NYCC Highways states that the initial plans and information provide insufficient information relation to highway safety. The agent has submitted amended plans and additional information in relation to information requested by NYCC Highways. The amended plans have now resolved the previous concerns and NYCC Highways raise no objections subject to conditions. It is therefore considered that the development would not cause a significant impact with regard to highway safety and the impact on the surrounding highway network in accordance with policy SP19 of the Core Strategy Local Plan, policies ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF.

2.12 Residential Amenity

2.12.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1 (1) of the Local Plan and Paragraph 200 of the NPPF. With respect to impacts on noise Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 109 of the NPPF require proposals to ensure that they prevent both new and existing development from contributing to, or being adversely affected by unacceptable levels of noise pollution.

2.12.2 Objectors have raised concerns in relation to residential amenity and these are noted. The indicative layout plan demonstrates that appropriate separation distances could be achieved between the existing and proposed dwellings so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook.

2.12.3 Objectors have also expressed concerns regarding noise pollution and general disturbance during the construction process, this can be dealt with by virtue of a planning condition requiring a scheme to control, noise, vibration and dust to be submitted.

2.12.4 The Lead Officer – Environmental Health has been consulted on the application with respect to noise and they recommended that condition should be imposed in relation to noise due to close proximity of the development in relation to railway line.

The proposed scheme is therefore considered acceptable in relation to noise subject to proposing the suitable conditions recommended by Environmental Health.

2.12.5 Having taken into account the matters discussed above it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policies ENV1(1) and ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.13 Impact on Nature Conservation and Protected Species

2.13.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPPF and accompanying PPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.

2.13.2 The application is accompanied by a Great Crested Newt Report by QUANTS environmental Ltd which states "During the great crested newt surveys undertaken between 7th April and 11th May 2016, the presence of great crested newts was recorded in Pond 2. Pond 2 is located 80 m to the southeast of the development site. No evidence of great crested newts was recorded in Ponds 1, 3 and 4. Common amphibians, including common frog and smooth newt, were recorded in Ponds 1, 2, 3, and 4.

2.13.3 With great crested newt presence confirmed for Pond 2, no movement barriers between the application site and Pond 2, and with optimal terrestrial habitat on the application it is considered likely that great crested newts are present within the terrestrial habitats on the application site, and therefore a Natural England European Protected Species Mitigation Licence will be required prior to development works commencing. This can only be applied for once planning permission has been granted. Within the licence application, full details on the proposals for great crested newt mitigation and compensation input will be presented. An initial overview of the recommended mitigation and compensation input, which would form the basis of a licence application".

2.13.4 Natural England were consulted on the application and have made no comments

2.13.5 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the Ecological Appraisal.

2.14 Affordable Housing

2.14.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.

2.14.2 Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within

the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

2.14.2 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.15 Recreational Open Space and Waste and Recycling

2.15.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, recreation open space, healthcare and waste and recycling are required. These policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy

2.15.2 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded limited weight given it conflicts, in part, with the Council's Community Infrastructure Levy Charging Rates, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.15.3 Policy RT2 c) states that for schemes of more than 4 dwellings up to and including 10 dwellings, through a commuted sum payment to enable the district council to provide new or upgrade existing facilities in the locality.

2.15.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.15.4 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via a condition.

2.15.5 Having had regard to the above the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.16 Contamination

2.16.1 The Council's Contaminated Land Consultant states that "WPA have reviewed the Screening Assessment Form for the above site, as well as a brief review of freely available online mapping. It is evident that the site was historically adjacent to railway sidings until at least 1967, with part of the present-day site boundary overlapping the sidings area, which is considered to be a potentially contaminating land use. WPA would therefore recommend applying contaminated land conditions CL1 – CL5, requiring that at the least, a Phase 1 Desk Study report is submitted for review prior to development."

2.16.2 The proposal is therefore considered to be acceptable in regards to contamination on the site subject to an appropriate condition and is therefore in accordance with Policy ENV2 of the Local Plan.

2.17 Heritage Assets

2.17.1 Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF require proposals to take account of their impacts on heritage assets and in particular in relation to this site, archaeology.

2.17.2 The NPPF paragraph 128 states Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

2.17.3 NYCC Heritage state that the application has been assessed against the North Yorkshire Historic Environment Record and can advise that the site has no known archaeological constraint. With this being the case the proposed scheme therefore accords with Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.17.4 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The Local Plan policy should be afforded significant weight.

2.18 Conclusion

2.18.1 The proposed scheme is for an outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall

2.18.2 The application site is located outside the defined development limits of Church Fenton. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy. However, development limits are currently under review as part of the PLAN Selby sites and allocations document in line with commentary detailed in the Core Strategy. In evaluating the application, the relationship of the proposal to the edge of the settlement and defined development limit (as set out on the Policies Map) the proposal is considered, on balance, to be acceptable.

2.18.3 It is considered that an acceptable proposal could be designed so that it would achieve an appropriate layout and appearance at reserved matters stage so as to respect the character of the local area, and not significantly detract from highway safety and residential amenity. The proposals are also considered to be acceptable in respect of, the impact on flooding, drainage and climate change, protected species, contaminated land and affordable housing.

2.18.4 Having had regard to the above, it is considered that, on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

2.19 Recommendation

This planning application is recommended to be APPROVED to the conditions detailed below:

01. Applications for the approval of the reserved matters referred to in No.2 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than whichever is the later of the following dates:
- (i) The expiration of five years from the date of the grant of outline planning permission; or
 - (ii) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

02. Approval of the details of the (a) appearance b) layout, (c) scale and (d) landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

03. No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

04. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

05. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

06. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

07. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08. No development shall commence until a written scheme for protecting the proposed noise sensitive development from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed properties shall not exceed 50 dB LAeq (16 hour) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority Construction work shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved should not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB LAm_{ax} in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason

To protect the amenity of the area and in accordance with Policy ENV1 of the Selby District Local Plan

09. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and in accordance Policies SP15, SP16 and SP19 of the Core Strategy.

10. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Great Crested Newt Report by QUANTS environmental Ltd dated May 2016.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

11. No dwelling hereby approved shall be occupied until waste and recycling provision has been provided for each of the dwellings.

Reason:

In order to comply with The Adopted Developer Contribution Supplementary Planning Document (2007).

12. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

c. Full highway construction details including:

- for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority.

Reason

In accordance with policy SP19 of the Core Strategy Local Plan, policies ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

13. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason

In accordance with policy SP19 of the Core Strategy Local Plan, policies ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

14. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason

In accordance with policy SP19 of the Core Strategy Local Plan, policies ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF and in the interests of highway safety

15. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
 - The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority:
 - Provision kerbed footway and appropriate road markings on Common Lane/Station Road as per submitted drawing 16035103a

- A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.

Reason

In accordance with policy SP19 of the Core Strategy Local Plan, policies ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

16. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. measures to control the emission of dust and dirt during construction
 - f. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - g. HGV routing

Reason

In accordance with policy SP19 of the Core Strategy Local Plan, policies ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

LOC - Location Plan - LOC01 A
 EXT - Existing Plans - 48750 C
 GEN – General –

Reason

For the avoidance of doubt.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2015/0457/OUT and associated documents.

Contact Officer: Simon Eades (Senior Officer Planning)

Appendices: None



APPLICATION SITE

Item No: 2016/0236/HPA

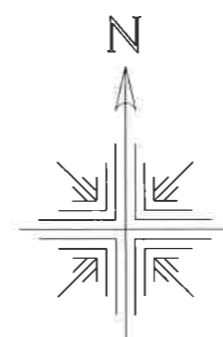
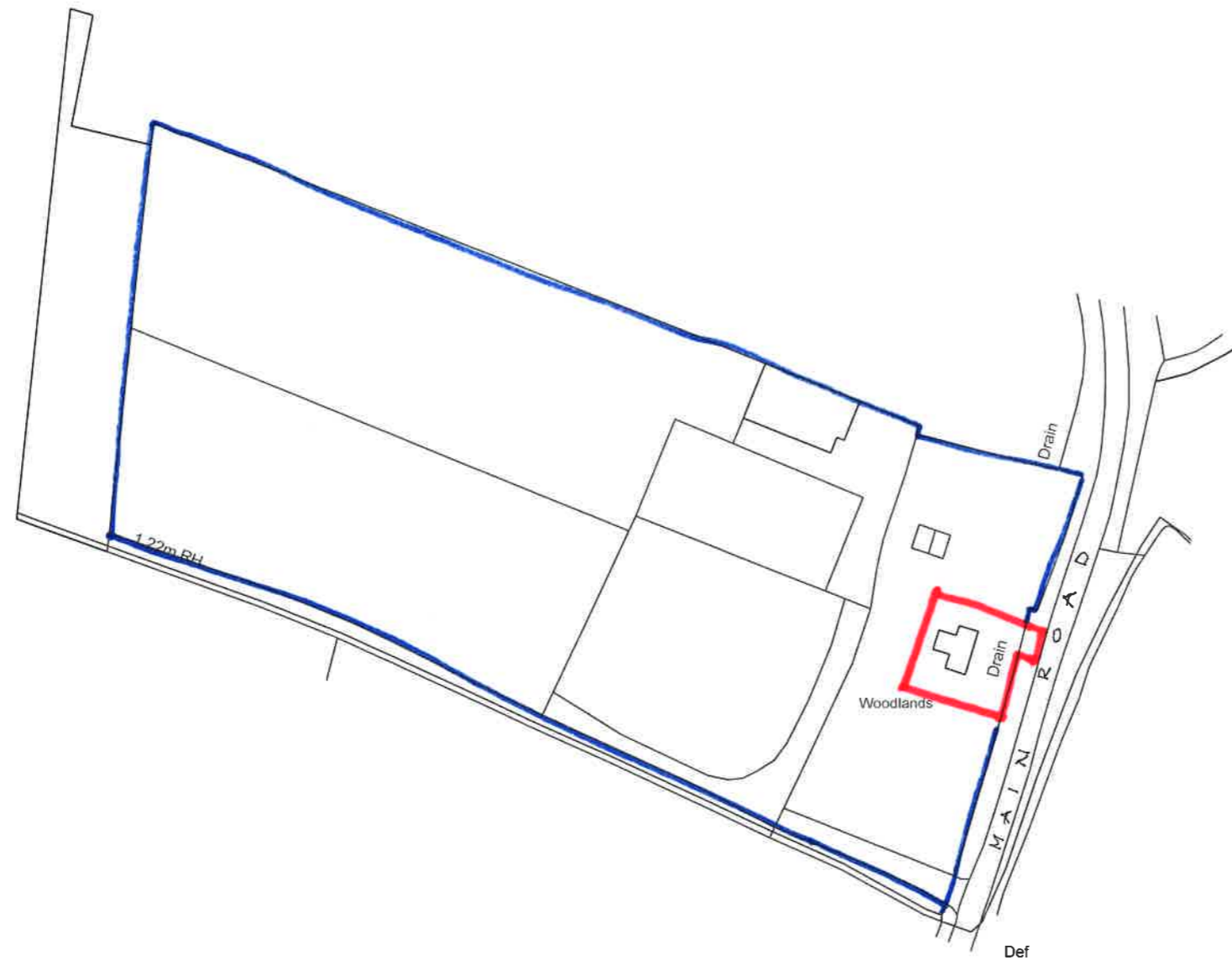
Address: Woodlands, Long Drax Village

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P#N Design
 Kiftsgate House
 Wauldby Manor Farm
 Beverley Road
 Welton
 East Riding of Yorkshire

HU 15 1QR
 tel 01482 665531
 fax 01482 665548



Scale 1:1250 @ A3

Revision:	date
A	
B	
C	

Client: Mr A Barker

Project: Proposed Extensions

Location: Woodlands
 Main Road
 Drax

NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

Date: 09/10/15 Drawn: CNW

Scale: 1:1250 Checked:

Drawing No: 2597-4

RECEIVED
 21 March 2016
 BUSINESS SUPPORT

To: Planning Committee
Date: 10th August 2016
Author: Simon Eades (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0236/HPA (8/24/22J/PA)	PARISH:	Long Drax Council
APPLICANT:	Mr & Mrs Barker	VALID DATE:	21 March 2016
		EXPIRY DATE:	16 May 2016
PROPOSAL:	Proposed demolition of the existing single storey rear extension , proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof		
LOCATION:	Woodlands, Long Drax Village, Selby, YO8 8NH,		

Local ward Councillor Peart has requested this matter has been brought to Planning Committee in light of the changes to permitted development right changes in the General Permitted development order 2015.

Summary:

The application is for the proposed demolition of the existing single storey rear extension, proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof. Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed extension by reason of its size, scale, massing and the overall depth would form a disproportionate addition over and above that of the original dwelling dominating it visually, particularly when viewed from the side elevations and as such would detract from the open character of the countryside and the visual amenities of the area contrary to Policies ENV1 and H14 of the Selby District Local Plan.

In all other respects the proposed extension would not result in a detrimental impact on the residential amenity of the occupants of neighbouring properties, the existing highway network, conservation interests or flood risk, the application therefore complies with Policy in these respects.

Recommendation

This planning application is recommended to be REFUSED for the following reasons outlined in Paragraph 2.14 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located outside defined development limits and is located within the open countryside and is location in Flood Zone 3.

1.1.2 The application site is a standalone dwelling which is located in an open low lying countryside character area with low lying fields and hedges. Having consulted the council's historic maps, the site history and following a site visit it would appear that the original dwelling constitutes the two storey element to the front with the central hipped roof section to the rear. The two storey flat roof element and the attached single storey flat roofed element to the rear being extensions to the property, granted consent under reference 8/24/22/PA in March 1983.

1.2. The Proposal

1.2.1 Proposed demolition of the existing single storey rear extension, proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof.

1.3 Planning History

1.3.1 The following historical applications which are considered to be relevant to the determination of this application.

1.3.2 An application (reference CO/1983/12546) for Extensions and alterations was permitted on 24.03.1983.

1.3.3 An application (reference CO/1986/0688) for Erection of an extension to existing garage at was permitted on 14.10.1986.

1.3.4 An application (reference 2006/0368/OUT) for Outline application for the erection of a detached bungalow at Woodlands, Main Street, Long Drax was refused on 07.07.2006.

1.3.5 An application (reference 2007/0028/OUT) for Resubmission of a previously refused application. For the erection of a detached bungalow. was refused on 22.03.2007.

1.3.6 An application (reference 2011/0975/HPA) for Erection of a 2 storey extension to the rear and re construction of detached garage with studio in roof space was refused on 23.11.2011.

1.3.7 An application (reference 2012/0786/HPA) for proposed stables and arena for equestrian use including change of use of part of existing agricultural field was refused on 16.08.2012.

- 1.3.8 An application (reference 2012/0786/HPA) for Erection of a part single, part two storey extension to the rear was refused on 02.11.2012.
- 1.3.9 An application (reference 2014/0434/HPA) for erection of a part single, part two storey extension to the rear was refused on 29.08.2014.
- 1.3.10 An application (reference 2011/1041/FUL) for the proposed demolition of existing rear single storey extension and construction of a new side single storey extension was refused on 04.12.2015.
- 1.3.11 An application (reference 2016/0574/HEN) House Extension Notification for a proposed single storey kitchen extension, was permitted on 21.06.2016

1.4 Consultations

1.4.1 Long Drax Parish Council

Long Drax Parish Council has considered this application. We have no objection to it. We are aware that past similar applications have failed on the grounds that they did not meet SDC Council guidelines in respect of size of extension and visual impact of it to the local character of the area. This latest proposal seems modest and does not look out of place.

1.5 Publicity

- 1.5.1 All immediate neighbours were informed by letter and a site notice was erected on site. No letters of representation has been received.

2.0 Report

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
H14:	Extensions to Dwellings in the Countryside
T1:	Development in Relation to the Highway Network

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Key Issues

2.5.1 The main issues to be taken into account when assessing this application are:

1. Background
2. Principle of development.
3. Design and Impact of Development on the Countryside
4. Impact on residential amenity.
5. Nature and Conservation Interests
6. Impact on highway and parking arrangements.
7. Flood Risk

2.6 Background

2.6.1 It should be noted that this application is a fourth resubmission following three earlier refusals.

- 2.6.2 The first refusal under application number 2011/0975/HPA was also dismissed at appeal for the erection of a two storey extension to the rear and re-construction of detached garage with studio in roof space. The 2011/0975/HPA application was refused on two grounds:
1. The proposed two storey rear extension by reason of its size, scale, massing and overall depth in relation to the original dwelling would form a disproportionate addition over and above that of the original dwelling dominating it visually, particularly when viewed from the side elevations and as such would detract from the open character and the visual amenities of the open countryside contrary to Policies DL1, ENV1 and H14 of the Selby District Local Plan.
 2. The proposed garage by reason of its siting further away from the original dwelling and by virtue of its height, size, scale and massing would be considered to be visually intrusive and harmful to the open character and appearance of the countryside contrary to Policies DL1 and ENV1 (1).
- 2.6.3 The subsequent appeal was dismissed by the Planning Inspectorate for the following reasons:
- 2.6.4 The increased depth of the side elevations, together with the bulk of the new roof, would entirely change the character and appearance of this dwelling. The combination of the existing and proposed extensions would result in a building that would be entirely at odds with the original scale and form of the property. The currently proposed additions would dominate the appearance of the side of the dwelling even when compared to its currently extended form. In addition the scale and bulk of the side elevations would be harmful to the original character of the property. The unrelieved mass, together with the scale of the proposed roof form, would result in the side elevations dominating the appearance of the property. These elevations would have little design interest or quality. The lack of any relief within these elevations would increase their perceived scale and ensure that their overall bulk would detract from the appearance of the dwelling and the wider area.
- 2.6.5 The extension proposed would be contrary to Policies DL1, H14 and ENV1 of the Selby District Local Plan as these include requirements that development be in keeping with the character and appearance of the dwelling; would not have a significant adverse effect on the character and appearance of the area; and would not be visually intrusive in the landscape. Whilst the National Planning Policy Framework requires a presumption in favour of sustainable development, this does not extend to poorly designed extensions such as this.
- 2.6.6 The garage would be contrary to the aspirations of Policies ENV1 and DL1 as it would not have a satisfactory standard of layout and design, nor would it respect the character or appearance of the area.
- 2.6.7 The second refusal under application number 2012/0786/HPA for the following reason:
1. The proposed rear extension by reason of its size, scale, massing and overall depth in relation to the original dwelling would form a disproportionate addition

over and above that of the original dwelling dominating it visually, particularly when viewed from the side elevations and as such would not be in keeping with the character and appearance of the dwelling, would have a significant adverse effect on the character and appearance of the area and would be visually intrusive in the landscape contrary to Policies DL1, ENV1 and H14 of the Selby District Local Plan.

2.6.8 The third refusal under application number 2014/0434/HPA for the following reason:

1. The proposed rear extension by reason of its size, scale, massing and overall depth in relation to the original dwelling would form a disproportionate addition over and above that of the original dwelling dominating it visually, particularly when viewed from the side elevations and as such would not be in keeping with the character and appearance of the dwelling, would have a significant adverse effect on the character and appearance of the area and would be visually intrusive in the landscape contrary to Policies ENV1 and H14 of the Selby District Local Plan.

2.6.9 The fourth refusal under application number 2015/1147/HPA for the following reasons:

1. The proposed side extension by virtue of its layout, size, design, foot print and roof type is considered to introduce alien incongruous feature to the character and form of the host dwelling. The proposed scheme therefore fails to accord with Policy H14 (1) of the Selby District Local Plan.
2. The proposed side extension by reason of its size, design, layout, scale, massing and projection in relation to the original dwelling would form a disproportionate addition over and above that of the original dwelling and would dominate it visually contrary to Policy H14 (2) and ENV1 (4).

2.6.10 Under application reference number 2016/0574/HEN for a House Extension Notification for a proposed single storey kitchen extension, the proposed single storey rear extension was considered to be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A, in accordance with the submitted information received on 25th March 2015.

2.6.11 This application is a resubmission following these decisions and the scheme is now for the proposed demolition of the existing single storey rear extension, proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof.

2.7 The Principle of the Development

2.7.1 Relevant policies in respect to the principle of development, the presumption in favour of sustainable development and reducing carbon emissions and the effect of climate includes Policies SP1 and SP15 (B) of the Core Strategy and Paragraph 14 of the NPPF.

2.7.2 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale

of the proposed development. Having had regard to the nature and scale of the proposal for proposed demolition of the existing single storey rear extension, proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof. It is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.

2.7.3 Therefore having had regard to policy SP15 (B) it is considered that the proposal is acceptable.

2.7.4 Core Strategy Local Plan Policy SP2(c) states

2.7.5 "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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."

2.7.6 The application site is located outside the defined development limits and is therefore located in the open countryside. The proposed scheme is for various extensions to an existing dwelling. The proposed scheme therefore accords Policy SP2 (c) of the Core strategy

2.8 Design and Impact of Development on the Countryside

2.8.1 Relevant policies in respect to design and the impacts on the character of the area include Policies H14 and ENV1 (1) of the Selby District Local Plan, and Policy SP19 of the Core Strategy.

2.8.2 Significant weight should be attached to the Local Plan policy ENV1 and ENV15 as it is broadly consistent with the aims of the NPPF.

2.8.3 Relevant policies within the NPPF, which relate to design include paragraphs 56, 60, 61, 65 128, 132, and 200.

2.8.4 Policy H14 of the Selby District Local Plan specifies that extensions to dwellings in the countryside will be permitted provided that 1) the proposal would be appropriate to its setting and not visually intrusive in the landscape 2) the proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually and; 3) the design and materials of the proposed extension would be in keeping with the character and appearance of the dwelling. In addition Policy ENV1 (1) requires the proposals to take account of the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings. These policies should be afforded significant weight as they are considered to be in accordance with the NPPF in terms of achieving good quality design.

- 2.8.5 In relation to Policy H14 (1) the proposed single storey rear extension and roof alterations would be appropriate in terms of the context of the site and its setting due to the use of an appropriate design and appearance in relation to the host property. The extension would be wholly sited within the existing domestic curtilage, thereby not resulting in any encroachment into the open countryside in accordance with Policy H14 (1).
- 2.8.6 In terms of Policy H14 (2) which aims to protect the countryside from the impact of extensions to existing dwellings by ensuring that they are proportionate to the original dwelling. What constitutes a disproportionate addition/extension is not defined in policy and as such whether an extension by itself, or cumulatively with other extensions constitutes a disproportionate addition is a matter of fact and degree. On the basis of recent appeal decisions it is considered that extensions in the countryside with a cumulative volume of over 50% are normally considered disproportionate, however proposals also have to be assessed through the comparison of the proposal (and other extensions to the property) in relation to the size, scale and mass of the existing original building. In this context the existing original building refers to the building as it stood in 1947 or as it was originally built after that date.
- 2.8.7 Having consulted the council's historic maps, the site history and following a site visit it would appear that the original dwelling constitutes the two storey element to the front with the central hipped roof section to the rear. The two storey flat roof element and the attached single storey flat roofed element to the rear being extensions to the property, granted consent under reference 8/24/22/PA in March 1983. The existing extensions already result in a 49.5% volume increase from the original dwelling, when adding on the extensions now proposed (not including the volume of the elements to be demolished) the proposals would result in 91% volume increase over that of the original property.
- 2.8.8 This volume increase is the larger previously refused application reference application reference number 2014/0434/HPA and 2015/1147/HPA which had a 76% volume increase and application reference number 2012/0786/HPA which had a 78% volume increase and the refused application. The 2011/0975/HPA reference number had a 110% volume increase. The assessment under Policy H14 is not just one of volume but is also whether the proposals would be a disproportionate addition over and above the size of the original dwelling and whether it would dominate it visually.
- 2.8.9 It should also be noted that in the course of this application that a proposed single storey rear kitchen extension, under a House Extension Notification application reference number 2016/0574/HEN was considered to be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A, in accordance with the submitted information received on 25th March 2015. Also in this notification the submitted plans showed a single storey side extension but this was not considered under this notification as side extensions are not considered under this process. To considered whether the side extension to be permitted development would either be through a planning application or through no certificate of lawfulness for a proposed development. None of these options were submitted for the side extension.

- 2.8.10 The single storey extension in House Extension Notification (HEN) was proposed to be built off the central hipped off shot of the original house which proposed a projection of 8metres. As such the application site, including the original dwelling, approved built extensions and this proposed extension not built the under a House Extension Notification and “potential PD side extension (not including this proposed scheme) has potential volume increase of 100% and would have potential volume increase of 78% without the “potential PD side extension”.
- 2.8.11 In addition to this it should be noted that the HEN extension (8metre projection) is to be built off the same rear wall as proposed single storey extension in this application (4.7metre projection) therefore there is the possibility that a combination of both proposals could be constructed. With this being the case the cumulate volume of original dwelling, demolitions, existing approved built extension, part of the HEN application and this proposed application would have potential volume increase of 103%. If the “potential PD side extension was also added to these elements it would have a potential volume increase of 124%.
- 2.8.12 It is considered that the scenario in which the single storey extension under the HEN application could either be built on its own or built alongside with the proposed single storey application under this application, officers acknowledge that a fall-back position could be given some weight when considered what could and what could not be built. However, each case should be determined on its own merits and not all fall-back positions deserve the same weight. In order to be given significant weight a fall-back position would have to constitute a realistic alternative which would be implemented rather than just a theoretical possibility.
- 2.8.13 In this case officers have grave doubts as to whether there is a realistic prospect that the extension permitted under the HEN application would be implemented if this permission was to be refused. If there was such a realistic prospect one would have expected the applicant to have implemented the extension approved under the notification. The above considerations also applies to the “potential PD single storey side extension” because there has no application submitted for certificate lawfulness for a proposed development and nor as proposed development been implemented.
- 2.8.14 In light of the above scenarios for both the approved HEN application and the “potential PD extension” they are considered to be a fall back position which is afforded limited weight as material consideration for this application. With this being the case volume increase will only be counted and calculated from the original dwelling, the existing extensions, the proposed extension and alterations to the roof (not including the volume of the elements to be demolished) the proposals would result in 91% volume increase over that of the original property.
- 2.8.15 The Planning Inspector in the previous appeal stated 'the increased depth of the side elevations, together with the bulk of the new roof, would entirely change the character and appearance of this dwelling. The combination of the existing and proposed extensions would result in a building that would be entirely at odds with the original scale and form of the property. The currently proposed additions would dominate the appearance of the side of the dwelling even when compared to its currently extended form. In addition the scale and bulk of the side elevations would be harmful to the original character of the property. The unrelieved mass, together with the scale of the proposed roof form, would result in the side elevations

dominating the appearance of the property. These elevations would have little design interest or quality. The lack of any relief within these elevations would increase their perceived scale and ensure that their overall bulk would detract from the appearance of the dwelling and the wider area.'

- 2.8.16 The original dwelling constitutes the two storey element to the front with the central hipped roof section to the rear. The proposed scheme along with existing approved flat roof two storey extensions (which are to be changed to pitched roofs) projects 7.9 metres from the rear wall of the front two storey element and projects 4.7metres more forward than the central hipped roof section to the rear.
- 2.8.17 It is considered that same concerns as raised by the previous refusals under application reference numbers 2011/0975/HPA, 2012/0786/HPA, 2015/1147/HPA and the concerns raised by the Inspector would still apply to the proposals now presented. In the previously refused applications it has been made clear through verbal communications to both the applicant and various planning agents that it is considered that the property has been already extended to its limit and that it may be very difficult to extend further given the countryside location, the policy constraints for the site and the extent of previous extensions.
- 2.8.18 Having taken all of the above into account it is considered that the proposed side extension by reason of its size, design, layout, scale, massing and projection in relation to the original dwelling would form a disproportionate addition over and above that of the original dwelling and would dominate it visually contrary to Policy H14 (2) and ENV1 (4).
- 2.8.19 In relation to Policy H14 (3) the proposed extension would match the original dwelling in terms of materials, roof design and fenestration which ensures that the proposals respect both the host dwelling and the character of the area and it is noted that the removal of the flat roof and replacement with hipped roof sections would improve the overall appearance of the property, however this is not considered to outweigh the harm by virtue of the size, scale and massing in relation to the original dwelling.

2.9 Impact on Residential Amenity

- 2.9.1 Relevant policies in respect to residential amenity are Policy ENV1 (1) of the Local Plan. In respect to the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity and that the relevant paragraph with respect to when it is appropriate to remove permitted development rights is paragraph 200.
- 2.9.2 There are no residential properties which would be significantly affected by the two storey extension and therefore there would be no significant detrimental impact on residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

2.10 Nature and Conservation Interests

- 2.10.1 Relevant policies in respect to Nature conservation issues include Policy SP18 of the Core Strategy, Policies ENV1 (5) and EMP13 of the Selby District Local Plan and paragraph 109 and 125 of the NPPF

2.10.2 In respect to impacts of development proposals on protected species planning policy and guidance is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System" in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.

2.10.3 Having had regard to the above it is noted that the application site does not contain significant areas of semi-natural habitat and is not subject to any formal or informal nature conservation designation or known to support any species given special protection under legislation. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accord with the requirements of the Habitats Regulations 2010, and ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF

2.11 Impact on Highway and parking arrangements

2.11.1 Relevant policies in respect to highway safety and parking include Policy ENV1 (2), T1, T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF.

2.11.2 It is considered that the proposals would not result in a significant detrimental impact on the existing highway network and would accord with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Core Strategy Policy SP19 and the NPPF.

2.12 Flood Risk

2.12.1 The site is located within Flood Zone 3a. Flood Zone 3a has a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea in any year. The NPPF states that applications for minor development should not be subject to the Sequential or Exception Tests but will still have to meet the requirements for FRA's and flood risk reduction measures. The NPPF defines minor development as householder development i.e. sheds, garages, games rooms etc within the curtilage of the existing dwelling in addition to physical extensions to the existing dwelling itself. The proposed development therefore falls within the definition of minor development and there is no requirement for a Sequential or Exception Test. An appropriate FRA is required in line with the NPPF and this has been submitted with the application. The Flood Risk Assessment states that the extension would be constructed to the same ground floor level as the main property, flood resilience techniques would be used in accordance with the ODPM document 'Preparing for Floods' in terms of wall construction, floor construction and electrical installation. Subject to the proposed measures being incorporated in to the development the proposal is considered acceptable and in accordance with the guidance contained within the NPPF.

2.13 Conclusion

2.13.1 The application is for the proposed demolition of the existing single storey rear extension, proposed erection of new single extension to rear and to change the existing two storey flat roofs to be hipped roofs to be incorporated in to the existing hipped roof. Having had regard to the development plan, all other relevant local and

national policy, consultation responses and all other material planning considerations, it is considered that the proposed extension by reason of its size, scale, massing and the overall depth would form a disproportionate addition over and above that of the original dwelling dominating it visually, particularly when viewed from the side elevations and as such would detract from the open character of the countryside and the visual amenities of the area contrary to Policies ENV1 and H14 of the Selby District Local Plan.

2.13.2 In all other respects the proposed extension would not result in a detrimental impact on the residential amenity of the occupants of neighbouring properties, the existing highway network, conservation interests or flood risk, the application therefore complies with Policy in these respects.

2.14 Recommendation

This planning application is recommended to be REFUSED for the following reasons.

01. The proposed rear extension by reason of its size, scale, massing and overall depth in relation to the original dwelling would form a disproportionate addition over and above that of the original dwelling dominating it visually, particularly when viewed from the side elevations and as such would not be in keeping with the character and appearance of the dwelling, would have a significant adverse effect on the character and appearance of the area and would be visually intrusive in the landscape contrary to Policies ENV1 and H14 of the Selby District Local Plan.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

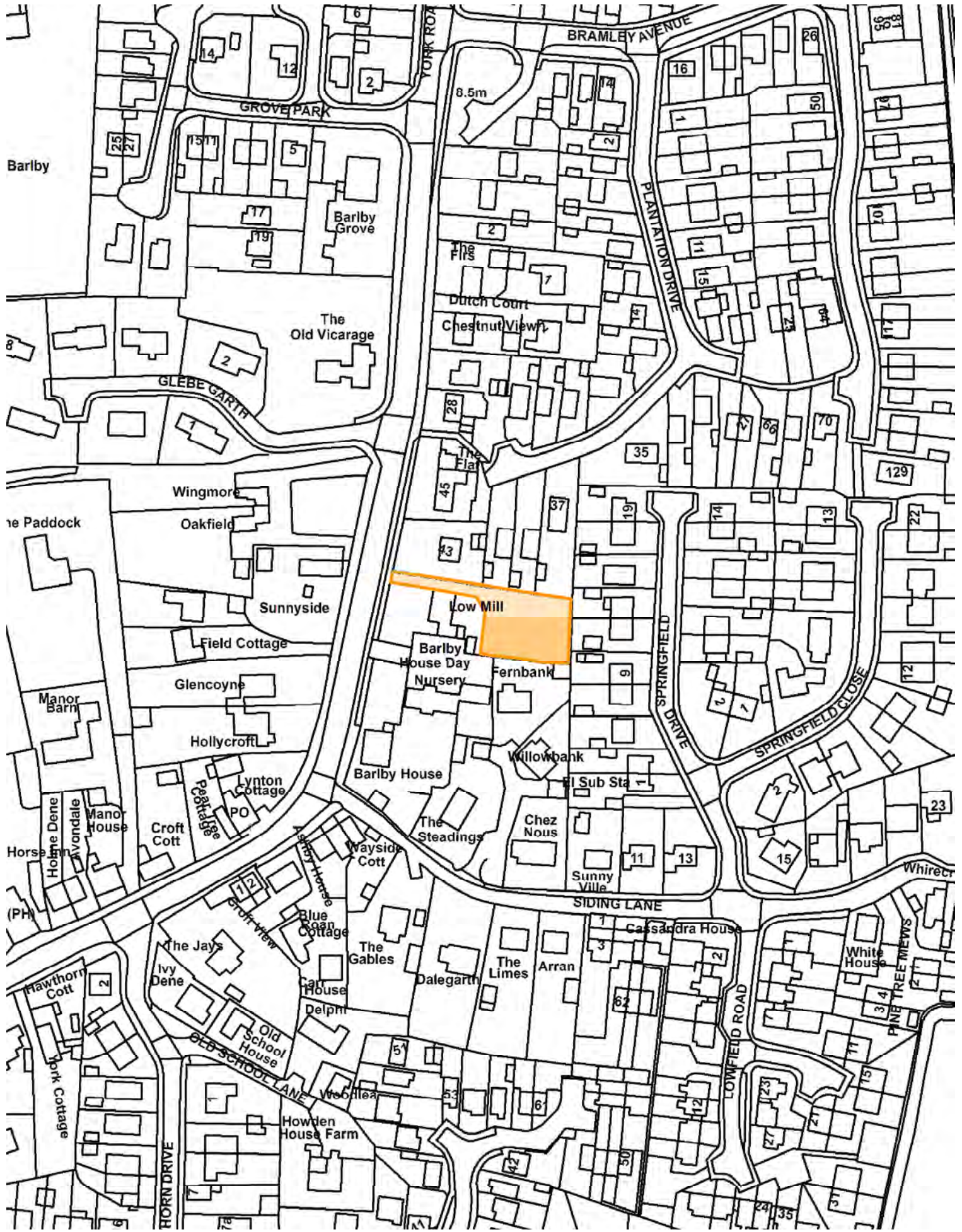
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0236/HPA and associated documents.

Contact Officer: Simon Eades (Senior Officer-Planning)

Appendices: None

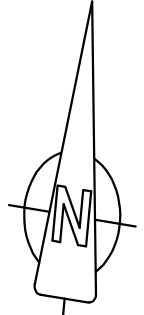
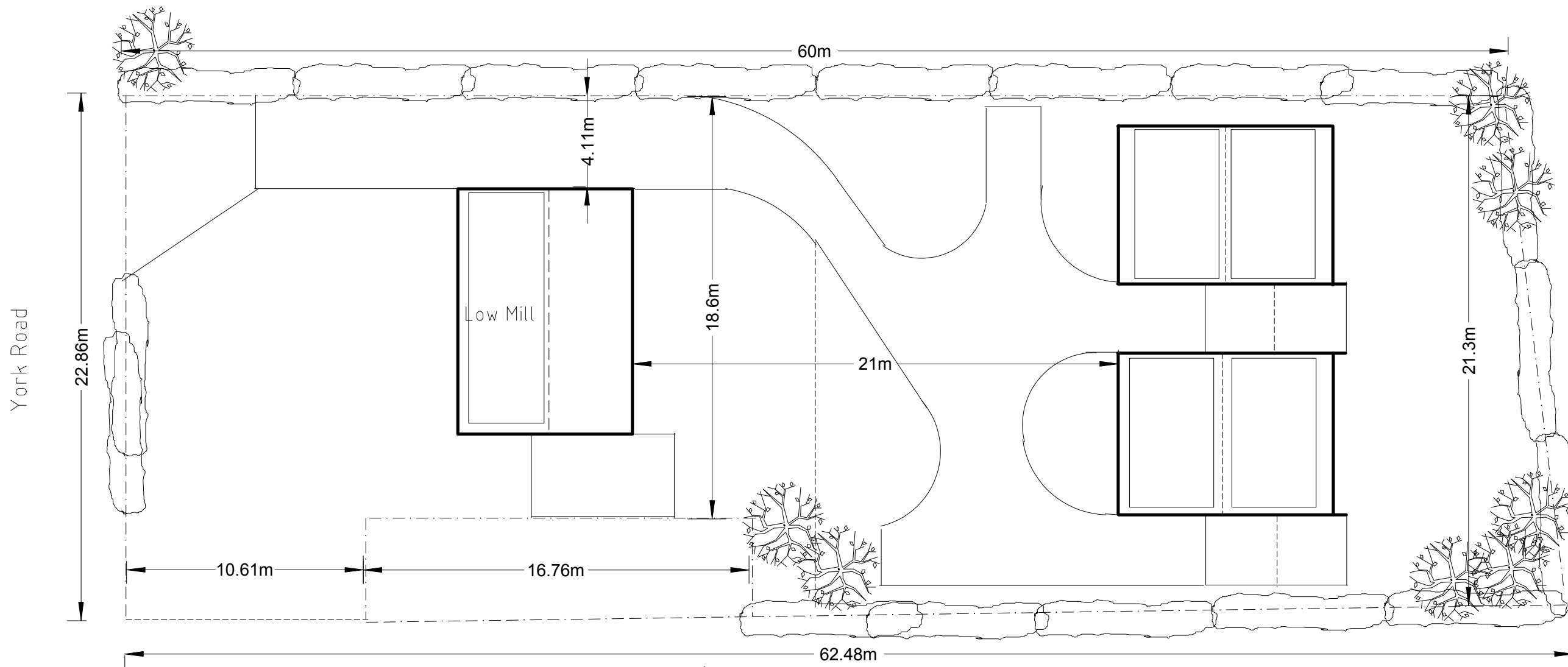


APPLICATION SITE

Item No: 2015/0957/OUT

Address: Low Mill, York Road, Barlby

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Keith Jenkinson
Jenkinson Associates

Proposed 2 detached dwellings
on land to the rear of
Low Mill
York Road
Balby
Selby YO8 3JP

Scale 1:200 at A3

Date August 2015

Drawing No 865K N010

for Mr & Mrs Pyrah



Jenkinson Associates
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Report Reference Number: 2015/0957/OUT

Agenda Item No: 6.5

To: Planning Committee
Date: 10 August 2016
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/0957/OUT (8/16/515A/PA)	PARISH:	Barlby and Osgodby Parish Council
APPLICANT:	Mrs Annette Pyrah	VALID DATE:	27 August 2015
		EXPIRY DATE:	22 October 2015
PROPOSAL:	Proposed outline application with all matters reserved for the erection of 2 detached dwellings to the rear of		
LOCATION:	Low Mill, York Road, Barlby, Selby, North Yorkshire, YO8 5JP		

This matter has been brought to Planning Committee in the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to this judgement the Council was able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under 10 residential units. However, following the recent Court Judgement the proposal is contrary to the provisions of the Development Plan, but there are material considerations which would justify approving the application. In addition, there has been more than 3 objections to the proposal and as such, the application cannot be taken to Sub-Committee.

Summary:

The application seeks the outline approval with all matters reserved for the erection of two detached dwellings within the rear garden of Low Mill, York Road, Barlby. The site is located within the defined development limits of Barlby which is identified as a Designated Service Village in the Core Strategy.

The principle of the proposed development is considered to be acceptable having regard to Policy SP2A(a) and SP4(a) of the Core Strategy Local Plan given the location of the development within the defined development limits of a Designated Service Village.

Matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination are considered to be acceptable.

In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 2.17 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the defined development limits of Barlby and is located within Flood Zone 1.

1.1.2 The site comprises an existing area of garden land associated with the residential property to the west, Low Mill which fronts York Road. There is residential development to the north, east and south and a day nursery location to the south west.

1.2. The Proposal

1.2.1 The proposal seeks outline permission for the erection of two dwellings within the existing rear garden area of Low Mill, York Road, Barlby.

1.2.2 A layout plan has been submitted which shows the location of the proposed dwellings, means of access to the site and landscaping. However, it is noted that these are not under consideration as part of the application and would be considered at the reserved matters stage.

1.2.3 Although scale and appearance are not under consideration, the Design and Access Statement states that the scale and design of the proposed dwellings would be in keeping with the scale and proportions of Low Mill.

1.3 Planning History

1.3.1 An outline application (CO/2003/1207) for the erection of one dwelling to the rear was refused on 26 November 2003

1.4 Consultations

1.4.1 Parish Council

Object due to concerns about the vehicle access to the proposed dwellings.

1.4.2 NYCC Highways

The design standard for the site is Manual for Streets and the required visibility splay is 2 metres by 45 metres. The available visibility is 2 metres by 45 metres and is achievable within the highway. The Local Highway Authority recommends that several conditions are attached to any permission granted.

1.4.3 Yorkshire Water

No response within the statutory consultation period.

1.4.4 The Ouse & Derwent Internal Drainage Board

The site is near to Barlby Village Drain which is a Board maintained Watercourse, as such, any additional discharge from the development of the site and any adjacent infrastructure may cause problems. Despite being pumped, the area is prone to flooding.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water discharges from the site into a watercourse located in a Board district, be it directly or indirectly via a public or private sewer/ drainage ditch.

The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

The applicant has stated the intention to use a soakaway to dispose of surface water. The Board recommends that the viability of this soakaway should be tested using the BRE Digest 365 guidelines to ensure that all surface water is captured in a 1:30 rainfall event and that no overland flow occurs during a 1:100 rainfall event. If the test proves successful the applicant should then produce a design of soakaway for the

consideration of the LPA. If the test proves unsuccessful, the applicant must produce alternative designs.

The Board recommends that any full approval granted to the proposed development should include a soakaway condition.

1.4.5 WPA Environmental (Council's Contaminated Land Advisors)

The report is compact, but covers all relevant characterisations of the site in sufficient detail, along with a thorough conceptual model and risk assessment. The report expands on the recommendations, stating; 'It is noted that whilst a limited intrusive site investigation (including appropriate laboratory testing of soil samples) could be adopted in order to validate the preliminary risk assessment conclusions, a watching brief during all proposed redevelopment activities and associated ground works (which would include a thorough inspection of any exposed sub surface soils/Made Ground) would likely be sufficient'. In light of Envirep's recommendation; WPA would advise that one condition is attached to any permission granted.

1.5 **Publicity**

- 1.5.1 All immediate neighbours were informed by letter and a site notice was erected. Six letters of objection have been raised following notification of the application with concerns raised in regards to drainage, privacy, access, felling of trees, noise, impact on wildlife, pedestrian safety and loss of light.

2.0 **Report**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 **Selby District Core Strategy Local Plan**

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Development in Settlements
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change

- SP16: Improving Resource Efficiency
- SP18: Protecting and Enhancing the Environment
- SP19: Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

- ENV1: Control of Development
- ENV2: Environmental Pollution and Contaminated Land
- T1: Development in Relation to Highway
- T2: Access to Roads

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Other Policies and Guidance

Affordable Housing Supplementary Planning Document
 Developer Contributions Supplementary Planning Document March 2007

2.6 Key Issues

2.6.1 The main issues to be taken into account when assessing this application are:

1. Principle of the Development
2. Visual impact on the Character and Form of the locality
3. Impact on Residential Amenity
4. Flood Risk, Drainage and Climate Change
5. Impact on the Highway
6. Affordable Housing Assessment
7. Impact on Nature Conservation and Protected Species
8. Land Contamination
9. Other Issues

2.7 Principle of the Development

2.7.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

2.7.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF. The application site is situated within the Development Limits of Barlby which is defined as a Designated Service Village. Policy SP2A(a) of the Core Strategy advises that Designated Service Villages have some small scope for additional residential and small scale employment growth to support rural sustainability and in the case of Barlby, to complement growth in Selby.

2.7.3 Policy SP4(a) states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits"

In Designated Service Villages -

"Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)".

2.7.4 The proposal is considered to fall within one of the types of development identified within SP4(a) of the Core Strategy and is therefore acceptable in principle. In respect to the above it is noted that Policy SP4(c) of the Core Strategy states "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (eg Village Design Statements), where available.

2.8 Visual impact on the Character and Form of the Area

- 2.8.1 Relevant policies in respect of design and impact on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policies SP4 and SP19 of the Core Strategy.
- 2.8.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design include paragraphs 56 to 64.
- 2.8.3 The application site is located within the defined development limits of Barlby and the proposal is for the outline approval with all matters reserved for the erection of two dwellings.
- 2.8.4 The application site comprises an existing area of garden land associated with the residential property to the west, Low Mill which fronts York Road. The application site is surrounded by residential development to the north, east and south and a day nursery location to the south west.
- 2.8.5 A Design and Access Statement has been submitted which states the proposed outline application is for the development of the rear gardens of Low Mill for residential dwellings of a similar size and proportions to Low Mill York Road. It continues and states that "The appearance of the proposed dwellings will be in keeping with the existing detached semi-bungalows using similar materials." Details of appearance, scale and massing of the proposed dwelling would be considered at reserved matters stage.
- 2.8.6 The Design and Access Statement concludes that "The proposed development will be sympathetic to the area while having its own identity. The impact both on the character of the area and residential amenities will satisfy local and national policies. It will be a more economic use of land and as previously mentioned add to the housing stock for family accommodation."
- 2.8.7 In terms of landscaping, this would be for future consideration. The application site benefits from a landscaping buffer on the northern, western and southern boundaries at present which provides adequate screening of the site. The D&A Statement suggests that "The periphery of the site will be fully screened by the existing indigenous trees & hedging to the north, south and east boundaries maintaining existing hedging and trees. Any spaces will be made up of 1.8 screening to maintain privacy."
- 2.8.8 As such, it is considered that a future reserved matter application could incorporate appropriate landscaping in accordance with Policy ENV1(4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.8.9 In this context it is considered that an appropriate layout, scale and design could be achieved at reserved matters stage to accord with Policy ENV1(4) of the Local Plan and policies SP4, SP18 and SP19 of the Core Strategy and the NPPF.

2.9 Impact on Residential Amenity

2.9.1 Relevant policies in respect to impacts on residential amenity include Policy ENV1(1) and ENV2 of the Local Plan. The Local Plan policies should be afforded substantial weight given that they do not conflict with the NPPF. In respect to the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity.

2.9.2 The indicative layout plan demonstrates that appropriate separation distances could be achieved between the existing and proposed dwellings so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook.

2.9.3 It is therefore considered that a suitable scheme could come forward at reserved matters stage that would be capable of ensuring that no significant detrimental impact on the residential amenities of the area would result and a good standard of residential amenity would be achieved in accordance with policies ENV1(1) of the Local Plan, Core Strategy Policy SP19 and the NPPF.

2.10 Flood Risk, Drainage and Climate Change

2.10.1 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant paragraphs within the NPPF which relate to flood risk, drainage and climate change include paragraphs 94 and 95.

2.10.2 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

2.10.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.

2.10.4 The application site is located within Flood Zone 1 which is at a low probability of flooding. The application forms states that surface water would be directed to a soakaway. Yorkshire Water has not responded to the consultation and the Ouse & Derwent Internal Drainage Board has requested a condition is attached in regards to the effectiveness of soakaways.

2.10.5 Having taken the above into account it is therefore considered that, subject to the attached conditions a satisfactory drainage scheme could be brought forward to adequately address flood risk, drainage, climate change in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.

2.11 Impact on the Highway

2.11.1 Policies ENV1(2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network and that parking and access arrangements are satisfactory. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.

2.11.2 With respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

2.11.3 Highways Officers have recommended that several conditions are attached to any permission granted. However, given the application is with all matters reserved including access, it is considered that these conditions cannot be included on any permission on this application but could be included as conditions on any future reserved matters application.

2.11.4 On the basis of the above, It is considered that the proposed scheme is acceptable and is in accordance with policies ENV1(2), T1 and T2 of the Local Plan and the NPPF.

2.12 Affordable Housing Assessment

2.12.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.

2.12.2 Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

2.12.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.13 Impact on Nature Conservation and Protected Species

2.13.1 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests, or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area. These policies should be given significant weight as they are consistent with the NPPF.

2.13.2 Having had regard to the above it is noted that the application site does not contain significant areas of semi-natural habitat and is not subject to any formal or informal nature conservation designation or known to support any species given special protection under legislation. It is therefore considered that the proposal would accord with Policy ENV1 of the Local Plan and the NPPF with respect to nature conservation.

2.14 Land Contamination

2.14.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.

2.14.2 The application is accompanied by a Contamination Screening Assessment Form which sets out that there is no past or existing contamination issues associated with the site. The report has been assessed by the Council's Contamination Consultant who has stated that "The report is compact, but covers all relevant characterisations of the site in sufficient detail, along with a thorough conceptual model and risk assessment. The report expands on the recommendations, stating; 'It is noted that whilst a limited intrusive site investigation (including appropriate laboratory testing of soil samples) could be adopted in order to validate the preliminary risk assessment conclusions, a watching brief during all proposed redevelopment activities and associated ground works (which would include a thorough inspection of any exposed sub surface soils/Made Ground) would likely be sufficient'. In light of Envirep's recommendation, one condition is recommended to be included on any permission granted.

2.14.3 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.15 Other Issues

2.15.1 Six letters of objection have been raised following notification of the application. Many of the objections raise concerns in regards to drainage, privacy, access, felling of trees, noise, impact on wildlife, pedestrian safety and loss of light. As the application is in outline form with all matters reserved, consideration is only given to the principle of development on this site as other details (e.g. design, appearance etc) would be considered at the reserved matters stage once a final design has been submitted.

2.16 Conclusion

- 2.16.1 The proposal is for an outline application with all matters reserved for the erection of two dwellings. The application site is located to the rear of Low Mill which is located within the defined development limits of Barlby and the proposal is considered to comply with Policy SP2A(a) of the Core Strategy.
- 2.16.2 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species and land contamination.
- 2.16.3 In light of the recent Court of Appeal Judgement in relation to the West Berkshire Case, the scheme is considered contrary to Policy SP9 of the Core Strategy Local Plan as an Affordable Housing contribution cannot be required. However, due to this judgement, there are material considerations which would justify approving the application.

2.17 Recommendation

This planning application is recommended to be APPROVED subject to the following conditions.

01. Approval of the details of the (a) appearance, b) landscaping, c) layout, d) scale and e) access of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

02. Applications for the approval of the reserved matters referred to in No.1 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

03. Should any of the proposed foundations be piled then no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration shall

be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interest of protecting residential amenity in accordance with Policies ENV1 and ENV2 of the Local Plan.

04. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage.

05. Before the development hereby approved is commenced a scheme for the discharge of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be brought into use until the scheme for the discharge of foul or surface water has been implemented. The implemented scheme shall be retained for the lifetime of the development.

Reason:

In the interest of satisfactory and sustainable drainage.

06. Before the development hereby approved is commenced a scheme to demonstrate the suitability of new soakaways, as a means of surface water disposal, in accordance with BRE Digest 365 shall be submitted and approved in writing by the Local Planning Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

07. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Location Plan: LOC01
- Planning Layout: 865K N010

Reason
For the avoidance of doubt.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2015/0957/OUT and associated documents.

Contact Officer: Calum Rowley (Senior Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/0449/MLA

Address: Leeds Road, Thorpe Willoughby

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To: Planning Committee
Date: 10th August 2016
Author: Ruth Hardingham (Interim Deputy Lead Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0449/MLA	PARISH:	Thorpe Willoughby Parish Council
APPLICANT:	Miller Homes	VALID DATE:	25th April 2016
		EXPIRY DATE:	23rd May 2016
PROPOSAL:	Application to modify a section 106 planning obligation under section 106BA following approval of 2016/0197/REM for reserved matters application relating to the approval of details of appearance, landscaping, layout and scale in relation to the development of 276 homes and associated infrastructure of approval 2014/1028/OUT outline planning permission for residential development including access, all other matters are reserved for future consideration		
LOCATION:	Land Near Crossing At, Leeds Road, Thorpe Willoughby, Selby		

This matter has been brought to Planning Committee for consideration due to the applicant seeking a lower affordable housing contribution than what Members agreed to on the original outline consent planning reference: 2014/1028/OUT which was a 40% on-site affordable housing contribution.

Summary:

Under Section 106BA of the Planning Act 1990 developers may seek to modify their obligations that may have been agreed with local planning authorities. In this case the applicant has sought to modify the agreement so that they can provide less affordable housing on site. Such cases should be determined on the basis of what amount of affordable housing can be accommodated without making the scheme unviable. The evidence used is therefore financial in nature and the Council normally seeks the input from the District Valuer to provide specialist advice. The application has sought to initially reduce the on-site 40% affordable housing contribution to 32%. However, the applicant has now offered a contribution of 36% on-site affordable housing in light of negotiations with the Council.

Recommendation:

The application is recommended to be APPROVED subject to delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to reduce the on-site affordable housing contribution to 36%. 135

1.0 Introduction and Background

2.0 Planning History

2.1 Planning permission 2014/1028/OUT was issued on the 13th January 2015 for the following:

“Outline planning permission for residential development including access. All other matters are reserved for future consideration

2.2 A S106 was signed by the Landowners / Applicants on the 13th January 2015 securing the delivery of

- Affordable Housing On Site at 40% of Units arising from the development
- Education Contribution
- Provision of On Site Recreational Open Space
- Waste and Recycling Contribution

2.3 A Reserved Matters application 2016/0197/REM relating to the approval of details of appearance, landscaping, layout and scale in relation to the development of 276 dwellings was approved on 7th June 2016.

3.0 Assessment

The following section outlines the

- Scope of Submissions and Consideration under S106BA
- Summary of Appellants Case on Submission under S106BA
- Advice from District Valuer to Local Planning Authority
- Officer Conclusion

3.1 Scope of Submissions and Consideration under S106BA

3.1.1 The Growth and Infrastructure Act inserted Sections 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a "requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure.

3.1.2 In April 2013 the Department of Communities and Local Government (DCLG) issued a Guidance Document entitled “Section 106 affordable housing requirements”, and sets the context for the associated legalisation. It notes that

“The Government encourages a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible. The National Planning Policy Framework establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that local planning authorities should positively seek to meet the development needs of their area.

Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case”.

- 3.1.3 It is also stated in the Guidance that “The new application and appeal procedures do not, in any way, replace existing powers to renegotiate Section 106 agreements on a voluntary basis. The application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.”
- 3.1.4 The ability to make submissions under the above noted sections was subject to subject to a ‘sunset clause’ killing off the changes after 30 April 2016 unless otherwise extended.
- 3.1.5 On the 11th April 2016 DCLG confirmed that any application or appeal underway as of the 30th April 2016 under section 106BA should still be considered by the Local Planning Authority or Planning Inspectorate.

3.2 Summary of Appellants Case on Submission under S106BA

- 3.2.1 Under the submissions made by the Applicants, under application 2016/0449/MLA, the Applicants have provided an updated Viability Assessment. that they state shows a case for the scheme to provide a 32% contribution for affordable housing, which they considered to be viable alongside the other contributions noted in the signed S106 Agreement. The applicant in their supporting statement argue that the current returns at 40% affordable housing provision renders the site unviable and it is therefore a significant barrier to the delivery of the development within the five year period including that of market and affordable housing.

3.3 Advice from District Valuer to Local Planning Authority

- 3.3.1 Following submission of the updated Viability Appraisal to the Authority in April 2016 the District Valuer (Ellen Atkin) was instructed to review the updated submission and to advise the Council.
- 3.3.2 Advice received on the 16th May 2016 from the District Valuer set out a series of key differences between the parties in terms of appropriate developer profit levels, abnormal costs, finance costs, construction costs, contingency levels, baseline sales values and professional fees, and ultimately concluded that:

“Using my suggested current day land value, my residual development appraisal shows that the project makes a market related profit of 26.82% on gross development value, whilst at the same time delivering 110 affordable homes, 40% of the total number of scheme dwellings and the full section 106 contributions shown in paragraph 2.4. In short, I therefore disagree with the applicant’s view that the scheme can only viably provide a 32% on site affordable housing contribution.”

- 3.3.3 The applicant submitted a rebuttal to the District Valuer's (DV) initial comments which raised concerns in regards to the discrepancies in sales values, benchmark land value, build costs and developer profit. The District Valuer addressed the concerns raised by the applicant and concluded that:

"It is acknowledged that identifying an appropriate benchmark land value is one of the most controversial aspects of a viability appraisal. In this regard, it is difficult to identify a precise figure. However, on reflection and in the context of the identified evidence I consider the £175,000 per net developable acre to be broadly reasonable and in line with the figure agreed at the adjacent site.

Although my approach to arriving at the total build cost differs from the applicants I arrive at a total cost of £25,385,244 compared to the applicants cost of £25,313,312. Therefore, my build costs are £71,932 higher than the applicant's costs. Evidence shows a range of 15% to 20% profit on GDV, with an average at just under 17.5% which contradicts the Johnson Mowat view that 20% is generally accepted in the market place. However, I have run the appraisal using 20% profit on GDV which shows the scheme generates a surplus/super profit of £4.49 million over the market level requirement as determined by the DAT methodology above."

- 3.3.4 A meeting was held with the Applicants and their advisors on the 20th July 2016 and at this meeting the Applicants agreed to increase their offer up to 36% which is half way between the original 32% offered and the 40% agreed in the original S106. The District Valuer was asked if they would accept a contribution of 36% on-site affordable housing contribution? If they would move on a 20% developer profit? If there was any scope to move on the land value? And whether a submission of further evidence could change their stance, and if so what would be required? In conclusion to the questions asked the District Valuer stated that even when using the higher profit of 20% the scheme is still in the District Valuer's opinion hugely viable. In light of this, the District Valuer still recommended that scheme could easily deliver the full affordable housing and other S106 contributions and would not support the Council accepting the lower 36% AH contribution put forward by the applicant.

3.4 Officer's Conclusion

- 3.4.1 Under S106BA then the Council has 28 days to determine any submission made to it unless an extension in this timescale is agreed with the Applicants. There is an extension of time agreed until 10th August 2016.
- 3.4.2 The advice of the District Valuer to the Council was clear that in her view the scheme could deliver 40% of the units as affordable housing provision. However the Planning Practice Guidance states that

"Where local planning authorities are requiring affordable housing obligations or tariff style contributions to infrastructure, they should be flexible in their requirements. Their policy should be clear that such planning obligations will take into account specific site circumstances."

Officers also consider that despite the Council confirming that housing policies are up to date, as it now has a 5.8 year supply of deliverable housing land. This permission would contribute towards the Council's housing supply. The applicants have confirmed that the 40% on-site affordable housing contribution renders the site unviable and it is therefore a significant barrier to the delivery of the development within the five year period including that of market and affordable housing, which Officer's feel is a material consideration in determining whether or not a reduced contribution should be accepted.

4.0 Conclusion

4.1 Given the above, Officer's therefore consider that a pragmatic approach should be taken and agreeing a contribution of 36% on-site affordable housing would also ensure that a significant barrier to the delivery of this development within the five year period is reduced. The proposal would still ensure that 99 affordable housing units are delivered on site. Officers consider that this approach is in accordance with relevant local and national policy and guidance.

5.0 Recommendation

5.1 **The application is recommended to be APPROVED and subject to delegation being given to Officers to complete the Deed of Variation to the original Section 106 agreement to reduce the on-site affordable housing to 36%. This variation shall be time limited for a period of 3 years from the date of the decision.**

6.1 Legal Issues

6.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

6.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

6.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

7.1 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

8. Conclusion

4.1 As stated in the main body of the report.

9. Background Documents

5.1 Planning Application file reference 2015/0449/MLA and associated documents.

Contact Officer: Ruth Hardingham (Interim Deputy Lead Officer Planning)

Appendices: None

Planning Committee 2016-17



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Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out the Government's planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.