

Officer Update Note

10th August 2016

Item 6.1

APPLICATION NUMBER:	2016/0359/OUT 8/58/1060/PA	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Jackson Trust	VALID DATE: EXPIRY DATE:	5th April 2016 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		

2.2 Publicity

Since the compilation of the Officer Report the applicant has submitted, a rebuttal prepared by an Infrastructure Engineer at Hydrock to the comments made by in relation to the standing water on the application site. The comments received highlight that:

- The site itself is designated as Flood Zone 1 by the Environment Agency indicative flood mapping and is therefore categorised as being at low risk of fluvial flooding. The Environment Agency 'Main River', Bishop Dyke, flows along the northern boundary of the site, private flood defences offer a standard of protection against any flood water. Spring Drain flows along the western boundary of the site. The Environment Agency has proposed measures including an 8m no-development easement along banks of the watercourse, as well as raising of finished floor levels to +300mm above external ground levels. This ensures the risk of flooding to the proposed development remains low.
- Similarly, the British Geological Survey groundwater flooding susceptibility map indicates that the site is located outside of the mapped extent of groundwater flooding and is at low risk. However, the underlying geology of the site is comprised of predominantly impermeable clay beneath the topsoil surface layer. As a result of this, during times of heavy or more prolonged rainfall the water cannot permeate naturally through the ground and will have a tendency to pool in topographical low points of the land. This is what the pictures to Members will have shown. Indeed, the Jeremy Benn Associates (JBA) indicative surface water flood map for the site shows some areas to be located within the 1 in 100 and 1 in 1000 year mapped extent of

surface water flooding, meaning surface water flooding at the site is very unlikely.

- The proposed development would replace the current grassed areas and thus direct rainfall to the new below ground drainage networks that lead to an onsite attenuation system. This would therefore reduce the occurrence of surface water ponding and ensure the risk of surface water flooding to the development is low. In light of this, surface water flood risk to the proposed development remains low and in our view does not represent a justifiable reason for refusal of this application.

Since the compilation of the Officer Report there have been two further letters of representation which have highlighted the following:

- The village is growing far too fast, infrastructure cannot keep pace. Land has been filled with water for several months. Water needs somewhere to go, it does not simply disappear! Using the last bit of unused land puts a number of properties at risk of flooding.
- This proposal would be seriously detrimental to the existing residents together with the severe flooding risk.
- The growing traffic due to the industrial estate and volume of housing in the village is far outstripping the roads and amenities in Sherburn and we're losing our village.
- The development itself is far too close to the bypass in a flood plain.

2.23 Recommendation and Conditions

Condition 4

To be deleted as overlaps with Proposed Condition 15.

Condition 18

To be deleted as overlaps with Proposed Condition 19.

Condition 8

Should read as follows:

“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, cycle ways 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.”

The applicant’s agent has requested changes to the content of a number of the proposed conditions. However given that these conditions have been agreed by legal and Statutory Consultees not all have been amended. It is suggested that the following proposed conditions are amended to be read as the following:

Condition 5:

“No dwelling shall be occupied until a scheme to demonstrate that at least 10% of the energy requirements 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 unless it can be shown to be unviable or not feasible. 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.”

Condition 6:

“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 unless subsequent survey results indicate otherwise and are agreed in writing by the LPA.”

Condition 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 unless subsequent survey results indicate otherwise and agreed in writing by the LPA and the Environment Agency.:

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.”

The reasons for all the above Conditions would not change.

Item 6.2

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		

1.5 Publicity

One additional comment has been received from a neighbour advising that the ownership of the site had reverted back to the previous owners Ibrend Estates BV (the previous owner of the whole site before the sale to Redrow in 2014). The

applicant confirmed that this was the case. However, neither party would be prejudiced by this as both are fully aware of the application.

2.3 Green Belt – Principle of Development

Paragraphs 2.3.5 – 2.3.15 of the report refer to the purpose of including land in the Green Belt. Steer is taken from case law (*R (Lee Valley Regional Park Authority) v Epping Forest DC* [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJJ) and (*Redhill Aerodrome Ltd. v Secretary of State for Communities and Local Government* [2015] P.T.S.R. 274) which concluded on this point that development that is considered not to be inappropriate development in the Green Belt, are not to be considered harmful either to the openness of the Green Belt or to the purpose of including land in the Green Belt.

It is therefore considered that these paragraphs should be omitted from the report as no assessment is considered necessary in this regard.

Item 6.3

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		

Section 4.1 – Consultations

Paragraph 1.4.1

Parish Council have commented on the application as follows:

At its meeting on 19th May 2016 the Council resolved to object to this application on the following grounds:

1. 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. This area is snarled up, particularly at busy periods, which is also when the school bus picks up and drops off directly opposite the entrance to Bridge Close; at this time of day there are vehicles and pedestrians, particularly children, all over the place and the chances of accidents occurring is very high.

2. 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.

3. The impact of the proposed rebuilding of the bridge is not yet clear, and as such this application should be seen as premature.

Paragraph 1.4.3 – NYCC Highways

Following the submission of amended plans the NYCC has suggested the two additional conditions to be added to their previous conditions.

1. 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 base course 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.

02. 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:

- a. Provision kerbed footway and appropriate road markings on Common Lane/Station Road as per submitted drawing 48750C
- b. A programme for the completion of the proposed works has been submitted to and approved in 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.

Paragraph 1.4.7 – Aimi Brookes provides comments on planning applications as a “Waste and Recycling Officer”

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

Paragraph 2.7.14 – reference to “289” should be “103”.

2.19 Recommendation and Conditions

Condition 1

Reason for the condition to read as follows:

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

Condition 3

To be deleted as overlaps with Proposed Condition 4

Additional Condition A - Highways

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 base course 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.

Additional Condition B – Highways

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:

- a. Provision kerbed footway and appropriate road markings on Common Lane/Station Road as per submitted drawing 48750C
- b. 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.

Item 6.5

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		

Since the compilation of the report, one further comment has been received (from a previous objector) who has stated:

- We still have concerns about the construction of two dwellings being erected on this site, mainly due to drainage issues that have been raised in the past by the present occupants of Low Mill. We feel that this will only get worse with the erection of more houses and driveways.

Given the application is in outline form with all matters reserved, condition 8 is amended as follow:

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

- Location Plan: LOC01

Reason

For the avoidance of doubt.