



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 7 SEPTEMBER 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 record the minutes of the Planning Committee meeting held on 10 August 2016 (pages 1 to 8 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 2015/0683/FUL - Low Farm, Low Farm Road, Bolton Percy, Tadcaster (pages 11 to 40 attached)
- 6.2 2015/0448/OUT - Colton Lane, Appleton Roebuck (pages 41 to 99 attached)
- 6.3 2016/0850/FUL - Quarry Drop, Westfield Lane, South Milford (pages 100 to 115 attached)
- 6.4 2016/0403/OUT - West Farm, West End, Ulleskelf (pages 116 to 144 attached)
- 6.5 2016/0484/REM - The Laurels, Main Street, Church Fenton (pages 145 to 175 attached)
- 6.6 2016/0505/OUT - Land Adj To, Station Mews, Church Fenton (pages 176 to 195 attached)
- 6.7 2016/0693/FUL - Cherwell Croft, Hambleton (pages 196 to 207 attached)
- 6.8 2016/0895/OUT - Woodland House, School Road, Hemingbrough (pages 208 to 229 attached)
- 6.9 Tree Preservation Order (TPO) No. 1/2016 - Land adjacent to New Bungalow, Main Street, South Duffield (pages 230 to 257 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meetings
13 September 2016 – Special
12 October 2016
9 November 2016

Enquiries relating to this agenda, please contact Janine Jenkinson on:
Tel: 01757 292268, Email: jjenkinson@selby.gov.uk

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Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 10 August 2016
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), Mrs E Casling, I Chilvers, J Deans, D Mackay, B Marshall, C Pearson, and P Welch.
Apologies:	None.
Officers present:	Gillian Marshall, Solicitor to the Council; Jonathan Carr, Interim Lead Officer (Planning); Ruth Hardingham, Interim Deputy Lead Officer (Planning); Calum Rowley, Senior Planning Officer; Yvonne Naylor, Principal Planning Officer; Keith Thompson, Senior Planning Officer; and Daniel Maguire, Democratic Services Officer
Public:	22
Press:	1

12. DISCLOSURES OF INTEREST

Councillor Peart noted that he had requested planning application 2016/0236/HPA (agenda item 6.4) to come before the Committee as the ward councillor, but that he had an open mind on the application and would make a judgement based on the merits of the case presented to the Committee.

13. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed Councillors and officers to the meeting.

14. MINUTES

The Committee considered the minutes of the Planning Committee meetings held on 29 June 2016 and 13 July 2016, and the minutes of the Planning Sub-Committee meeting held on 26 July 2016.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 29 June 2016 and 13 July 2016, and the minutes of the Planning Sub-Committee meeting held on 26 July 2016 as a correct record.

15. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6(a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6(a) for the duration of the meeting.

16. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications.

- | | |
|--------------------------|---|
| 16.1 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 Officer (Planning) presented the report, which was for an outline application for up to 20 dwellings and had previously been considered by the Committee at the meeting on 13 July 2016. The Committee had deferred a decision to allow for a site visit, which had subsequently taken place on 8 August 2016.

It was noted that the application had been brought to the Committee due to a request by a ward councillor, Councillor David Buckle.

The Committee's attention was drawn to the Officer Update Note which included further comments from the applicant regarding flooding, comments from two local residents, and amendments to the conditions.

The Interim Deputy Lead Officer (Planning) recommended that the application be approved, subject to the conditions outlined in the report (as amended in the Officer Update Note).

Mr David Buckle addressed the Committee as a local resident, to object to the application.

Councillor Melvin Hobson addressed the Committee as a Parish Councillor to object to the application.

Councillor Bob Packham addressed the Committee as a ward Councillor to object to the application.

Mr Edward Harvey addressed the Committee as the agent to support the application.

The Interim Deputy Lead Officer's recommendation to approve the application, subject to the conditions detailed in the report, was moved and seconded.

RESOLVED:

- (i) To delegate authority 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**
- (ii) To APPROVE the application, subject to the conditions detailed in the report and the officer update note and subject to the satisfactory completion of a Section 106 agreement as outlined in (i) above.**

16.2 Application: 2016/0223/FUL
Location: Ebor Court, Newton Kyme, Tadcaster.
Proposal: Proposed residential development of 11 dwellings.

The Senior Planning Officer presented the report, which was for a residential development of 11 dwellings on a site previously approved for 9 employment units. Planning consent for the demolition of the old Papyrus Works and the development of the site for 128 dwellings and 9 employment units had been granted on 1 May 2014. The current application had been brought to the Committee due to more than 10 objections having been received.

The Committee's attention was drawn to the Officer Update Note, which included an additional public comment received and the deletion of paragraphs 2.3.5 to 2.3.15 in the original report.

It was noted that the developer had been unable to attract sufficient commercial interest in the 9 employment units and was seeking to provide 11 dwellings in place of the employment units. It was further confirmed that the

larger 'Fitzroy' style of dwelling had been withdrawn, and that the 11 dwellings would be no larger than 9.3m to ridge and 5.3m to eaves which compared with 7.8m to ridge and 4m to eaves for the previously approved employment units.

The Senior Planning Officer recommended that the application be approved, subject to the conditions outlined in the report.

Mr Peter Jones addressed the Committee as a local resident to object to the application.

Mr Mark Johnson addressed the Committee as the agent to support the application.

The Senior Planning Officer's recommendation to approve the application, subject to conditions contained in the Officer's report, was moved and seconded.

RESOLVED:

To APPROVE the application subject to the conditions outlined in the officer's report and the completion of a Section 106 agreement on affordable housing and waste and recycling.

16.3 Application: 2016/0457/FUL
Location: Land south of Common Lane, Church Fenton, Tadcaster.
Proposal: Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment of access serving Church Fenton Hall.

The Principal Planning Officer presented the report which was an outline application for the erection of 9 dwellings including access and the realignment of access to Church Fenton Hall.

The Committee's attention was drawn to the Officer's Update Note which included additional Parish Council comments, changes to some conditions and minor corrections.

The Principal Planning Officer recommended that the application be approved, subject to the conditions in the report.

Mr Chris Carol addressed the Committee as the agent, to support the application.

The Principal Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in the report and the officer update note.

- 16.4 Application: 2016/0236/HPA**
Location: Woodlands, Long Drax Village, Selby.
Proposal: Proposed demolition of the existing single storey rear extension, proposed extension of new single extension to rear and to change the existing two-storey flat roofs to be hipped roofs incorporated into the existing hipped roof.

The Principal Planning Officer presented the application which was for the demolition of existing extensions and the construction of a larger extension. The application had been brought to the Committee following a request by a ward councillor, Councillor Dave Peart.

The Committee was advised that having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the officer considered that the proposed extension would form a disproportionate addition over and above that of the original dwelling 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. Consequently the Principal Planning Officer recommended that the application be refused.

Mr Richard Borrows addressed the Committee as the agent in support of the application.

A proposal to approve the application as it was not considered to detract from the open character of the countryside and visual amenities of the area, subject to conditions, was moved and seconded.

RESOLVED:

To APPROVE the application (subject to conditions relating to time of delivery, materials used in construction, completion of a Flood Risk Assessment and the detail of plans to be approved by the Planning Officer), as the application would not detract from the open character of the countryside and the visual amenities of the area.

16.5 Application: 2016/0957/OUT
Location: Low Mill, York Road, Barlby.
Proposal: Proposed outline application with all matters reserved for the erection of 2 detached dwellings to the rear of the location.

The Senior Planning Officer presented the report which was for an outline application with all matters reserved for the erection of 2 detached dwellings to the rear of the existing property. The application had been brought before the Committee in the context of the recent Court of Appeal judgement in 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 Supplementary Planning Document (SPD) from developments of fewer than 10 residential units. However, following the recent Court Judgement the proposal was contrary to the provisions of the Development Plan, but there were material considerations that would justify approving the application. In addition, as there had been more than 3 objections the application could not be considered by the Planning Sub-Committee.

The Committee's attention was drawn to the Officer Update Note, which included one additional consultation response and an amendment to a condition.

It was confirmed that the principle of the proposed development was considered to be acceptable with regard to Policy SP2A(a) and SP4(a) of the Core Strategy Local Plan as the location was 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 were considered to be acceptable.

It was further confirmed that the recent Court of Appeal decision was a material consideration of substantial weight which would outweigh the policy requirement for the commuted sum. The Senior Planning Officer therefore recommended that, having had regard to Policy SP9 and the Planning Policy Guidance that, on balance, the application was acceptable without a contribution for affordable housing.

The Senior Planning Officer's recommendation to approve the application, subject to conditions detailed in the report and the officer update note, was moved and seconded.

RESOLVED:
To APPROVE the application, subject to the conditions detailed in the report and the officer update note.

- 16.6 Application:** 2016/0449/MLA
Location: Land near crossing at Leeds Road, Thorpe Willoughby.
Proposal: Application to modify a section 106 planning obligation under section 106BA following approval of 2016/0197/REM for reserved matters relating to the approval of details of appearance, landscaping, layout and scale in relation to the development of 276 dwellings and associated infrastructure.

The Interim Deputy Lead Officer (Planning) presented the report, which was an application to modify a Section 106 planning obligation relating to a previously approved application for the development of 276 dwellings and associated infrastructure. The application had been brought before the Committee due to the applicant seeking to reduce the affordable housing contribution that the Committee had previously agreed.

The Interim Deputy Lead Officer (Planning) confirmed that, under Section 106BA of the Planning Act 1990, developers may seek to modify obligations that had previously been agreed with the planning authority. The applicant had approached the Council to request a reduction in the affordable housing contribution from 40% to 32% as the applicant had concluded that 40% was not commercially viable. Subsequent discussions between the applicant and the Council had resulted in a revised figure of 36%. The District Valuer had considered both revised figures and had disagreed with the applicant, advising that 40% was a commercially viable figure.

The Interim Deputy Lead Officer (Planning) confirmed that, on balance, the revised figure of 36% on-site affordable housing contribution was acceptable and recommended approval.

The Solicitor to the Council advised the Committee that it was required to make a judgement on the degree of weight to be given to both positions, and also the extent to which a 40% affordable housing contribution could be a barrier to the delivery of the development and the subsequent impact on the Council's delivery of its 5-year housing land supply.

The Interim Deputy Lead Officer's recommendation to approve the application, subject to the completion of a Deed of Variation to the original Section 106 agreement was moved and seconded.

RESOLVED:

- (i) To delegate authority to officers to complete a Deed of Variation to the original Section 106 agreement to reduce the on-site affordable housing contribution to 36%; and**

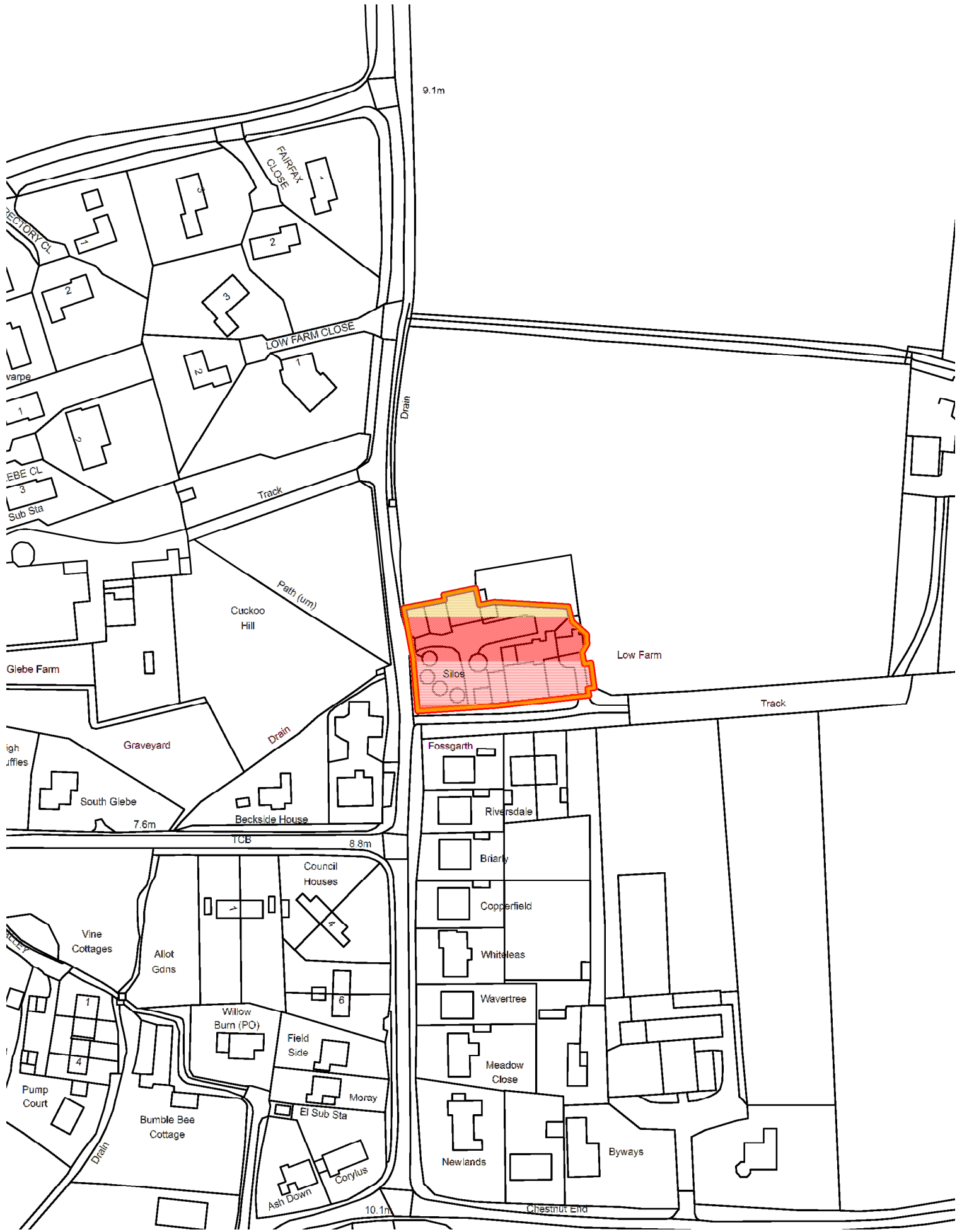
- (ii) To APPROVE the application subject to the satisfactory completion of a Deed of Variations to the original Section 106 agreement as outlined in (i) above.**

The meeting closed at 4.06pm.

Items for Planning Committee
7 September 2016

Ref	Site Address	Description	Officer	Page
2015/0683/FUL	Low Farm Low Farm Road Bolton Percy Tadcaster North Yorkshire YO23 7AH	Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2No. dwellings with garden land and the erection of 1 new dwelling.	FIEL	11-40
2015/0448/OUT	Colton Lane, Appleton Roebuck	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 dwelling with associated infrastructure and open space provision on land adjacent to Hillcrest House	YVNA	41-99
2016/0850/FUL	Quarry Drop Westfield Lane South Milford Leeds West Yorkshire LS25 5AP	Part retrospective application for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period	JETY	100-115
2016/0403/OUT	West Farm, West End, Ulleskelf	Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale	TOWE	116-144
2016/0484/REM	The Laurels, Main Street, Church Fenton	Reserved matters application relating to access, appearance, landscaping, layout and scale of approval 2015/0760/OUT outline application (all matters reserved) for the erection of 25 dwellings, garages, adopted road and landscaped areas	YVNA	145-175
2016/0505/OUT	Land Adj To, Station Mews, Church Fenton, Selby, North Yorkshire	Outline application for the erection of 5 new dwellinghouses with access (all other matters reserved).	KETH	176-195
2016/0693/FUL	Cherwell Croft, Hambleton, Selby, North Yorkshire	Proposed erection of one dwelling (amended house type)	KETH	196-207

2016/0895/OUT	Woodland House, School Road, Hemingbrough, Selby, North Yorkshire YO8 6QS	Outline application for residential development with all matters reserved at land adjacent	KETH	208-229
TPO No. 1/2016	Land adjacent to New Bungalow Main Street South Duffield Selby North Yorkshire	Tree Preservation Order	SOKI	230-257

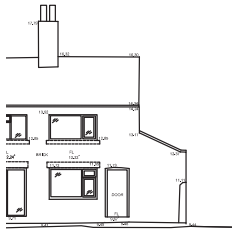


APPLICATION SITE

Item No: 2015/0683/FUL

Address: Low Farm, Low Farm Road, Bolton Percy

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2 m wide proposed footpath, shown shaded

uncontrolled ig with tactile and dropped kerbs and highway details

Proposed dwelling to this plot deleted

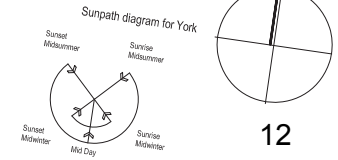
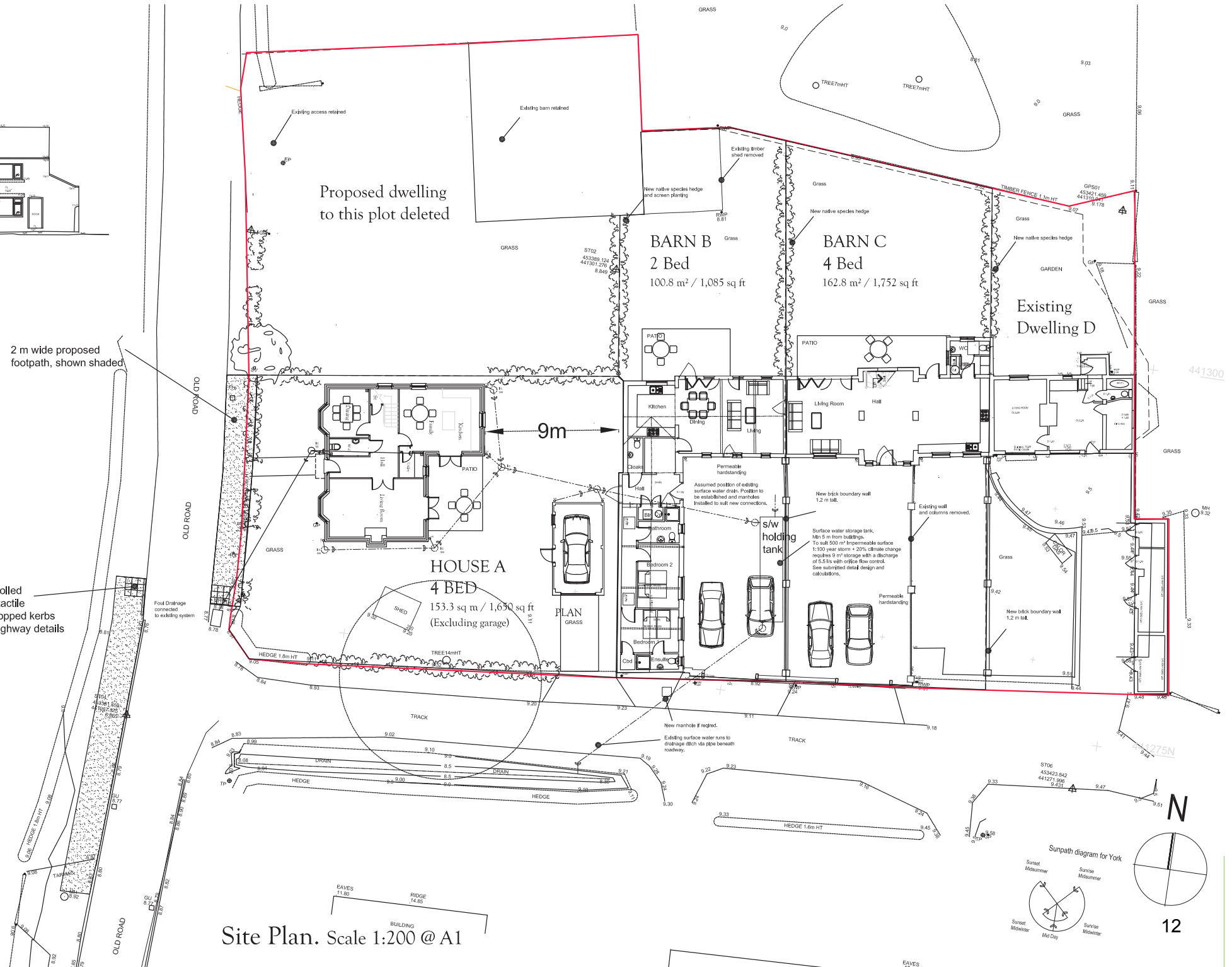
BARN B
2 Bed
100.8 m² / 1,085 sq ft

BARN C
4 Bed
162.8 m² / 1,752 sq ft

Existing Dwelling D

HOUSE A
4 BED
153.3 sq m / 1,650 sq ft
(Excluding garage)

Site Plan. Scale 1:200 @ A1





Report Reference Number 2015/0683/FUL (8/78/100H/PA)

Agenda Item No:6.1

To: Planning Committee
Date: 7 September 2016
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/0683/FUL	PARISH:	78
APPLICANT:	Mr R Penty	VALID DATE:	7th July 2015
		EXPIRY DATE:	1st September 2015
PROPOSAL:	Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2No. dwellings with garden land and the erection of 1new dwelling.		
LOCATION:	Low Farm Low Farm Road Bolton Percy Tadcaster North Yorkshire YO23 7AH		

This matter has been brought to Planning Committee as 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 there are material considerations which would justify approving the application without the need to secure an affordable housing contribution. Furthermore there have been more than three objections received to the scheme.

Summary

The site comprises a farm house which fronts the access track along the south if the site. It is attached to a row of single, two and three storey traditional brick and pantile farm buildings, together more modern corrugate sheeting and timber additions, silos and open front farm buildings on the north east edge of Bolton Percy village.

The proposal retains originally provided for the retention of an existing dwelling, and provides for the alteration of existing agricultural buildings (with previous planning permission) for conversion to 2 dwellings with garden land and the erection of 2 new dwellings. The application has been amended. The new dwelling outside of the development limits has been removed and only one additional new dwelling within the development limits is now proposed alongside the conversions and the retention of the farmhouse.

The site is partly within the development limits of Bolton Percy, which is a secondary village. All of the buildings and proposed new building elements of the scheme are within the part of the site that

is within the development limits. Given that the proposal entails the conversion/ re-use of a building and change of use of the site to form ancillary areas it would meet the requirements of both SP2 and SP4 of the Core Strategy and therefore would be acceptable in principle.

The whole site lies within the Conservation Area. When considered against the requirements of the 1990 Town and Country Planning (Listed Buildings and Conservation Areas) Act to pay special attention the desirability of preserving or enhancing the character or appearance' of a conservation area, it is concluded that the scheme would enhance the character and appearance of the area. As such there would be no harm to the heritage assets of the site.

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 development is, acceptable in respect of principle of the development, the impact on the character, appearance of the area, impact on Heritage Assets, impact on Residential Amenity, impact on Flood Risk, highway Safety, affordable housing contribution, impact on nature conservation and protected species and ground conditions, flood risk, drainage and climate change.

Recommendation

This planning application is recommended to be approved subject to conditions set out in section 3 of the report.

1. Introduction and background

1.1 The Site

The site comprises a farm house attached to a row of single, two and three storey traditional brick and pantile farm buildings, a range of more modern farm buildings constructed of corrugate sheeting and timber, together with silos and areas of hardstanding. Boundaries are a mix of fencing and hedgerows. The area to the north and east is rural with open farmland. It is located on the north east edge of Bolton Percy village abutting the built form of the village. The site has an existing vehicular access from the main street and also from an unadopted access road along its southern boundary.

The site lies within the Conservation Area and within Flood Zone 1.

1.2 The proposal

The proposal provides for the retention of an existing dwelling, the alteration of existing agricultural buildings (previous planning permission) for conversion to 2No. dwellings with garden land and the erection of 1 new dwelling.

Vehicular access to all properties would be from the unadopted access road to the south. Pedestrian access to the new dwelling would be provided from Old Road to the west.

1.3 Planning History

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

2008/0401/OUT (PER - 01.07.2008)- Outline application for the erection of one dwelling

2008/0418/CON (NOREQ - 10.04.2008) Conservation Area Consent for the demolition of grain store

2010/0828/FUL (PER - 18.11.2010) Conversion of redundant agricultural buildings to 2 No. dwellings including the addition of a two storey and a single storey extension.

2013/0685/DPC (COND - 08.08.2013) Discharge of conditions 2 (materials), 4 (hard landscaping), 6 (landscaping), 7 (investigation and risk assessment), 15 (site enclosure), 16 (trees) and 17 (demolition) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant agricultural buildings to 2 No dwellings including the addition of a two storey and a single storey extension

2013/1046/DPC (COND - 22.10.2013) Discharge of conditions 7 (contamination) and 8 (remediation) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant agricultural buildings to 2 No dwellings including the addition of a two storey and a single storey extension

2013/1083/DPC (COND - 12.11.2013) Discharge of condition 9 (Remediation Scheme) of approval

Planning Permission 2010/0828/FUL has been implemented but not completed since all the pre-commencement conditions have been discharged and work started on site.

2012/0553/COU (PER - 12.02.2013) Change of use of part of former farmyard to garden land.

1.4 Consultations

NYCC Highways Canal Rd –

It is noted from the previous approval (2010/0828/FUL) that the plans did not show any vehicle/pedestrian accesses off Old Road. However, due to the increase of dwellings and the likelihood of pedestrians accessing the site from Old Road, NYCC would like an extension of the existing footway (south of the site) to link up with the creation of a new footway (eastern side of Old Road) fronting the whole of the site (with a tactile crossing point). This will encourage walking and provide safer access to and from the site for pedestrians. Therefore, the Local Highway Authority recommends that the Conditions are attached to any permission granted cover the following;

- Private Access/Verge Crossings: Construction Requirements (plus informative)
- Approval of detail for site works
- Construction management plan -details

Yorkshire Water Services Ltd –

No comments are required on the basis that the developer is draining only foul water to the public foul and sewer, and that surface water is to soakways.

However, if developer changes from soakaways to public foul sewer network, they will have to submit further details to YW.

It is also noted there is a local land drain system, near to the site, to avoid any connection to public foul sewer network, subject to any advice from your drainage section as land drainage authority of local Internal Drainage Board (IDB) if there is one in the area.

Ainsty (2008) Internal Drainage Board

The Ainsty Drainage Board has been in communications with the applicant and has worked towards a solution. The Board endeavour to reduce flood risk wherever possible and are now satisfied that the applicant has a clear methodology for sustainable disposal of surface water. The applicant has clarified the intention to discharge into the watercourse using the existing facilities, and will attenuate the discharge rate to 70% of the existing. The discharge rate will be 5.5 l/s which would meet the requirements of the board as the previous rate was 7.84 l/s.

Informative requested in relation to consent. – see section 3 of the report.

Contamination Consultants

The report finally concludes that; ‘The site as a whole can reasonably be expected to be acceptable for its intended use without remediation’, and recommends; ‘Therefore, no further investigation is required’. While the recommendations are appropriate to the findings of the report, WPA would not consider the CSM and PRA sufficient or accurate enough for recommendations to be made.

Parish Council- comments summarised

- The additional proposed properties would make this site very dense.
- Together with the plans submitted for the other side of Low Farm Road (3 large 5 bedroom detached dwellings) this would completely change the character of the village entrance.
- Would tidy up the neglected site, but plans show two detached houses facing the road be very close to the carriageway, with only one car parking space per house. This is not sufficient.
- Does not enhance this part of the village which is in the Conservation Area.
- there are four field entrances off this lane, which will at times require access for farm machinery.
- At this point, adjacent neighbours, don't seem to have been notified including pair of semi-detached bungalows using the same unmade track, neither has the first detached bungalow on School Lane
- Low Farm Road being a very narrow single track road and the main entrance to the village additional vehicles to this site, would only add to the congestion. There is no room for a footpath to be constructed (as recommended by North Yorkshire Highways) as there is a culverted ditch on the west side of the road and insufficient space on the east side.
- Drainage and sewage problems in Bolton Percy are still ongoing. During heavy rain Low Farm Road has flooded in the past, and the Sewage Pumping Station in the village cannot cope with the influx of water at the present time, so adding the proposed two outstanding planning applications is going to make the situation unbearable for everyone. It seems from the SDC website, that Yorkshire Water and Drainage Board have not so far passed comment on these plans.
- no mention of where oil tanks would be sited

In addition the Parish Council were notified of amended plans and make new comments summarised below

- The extra dwelling removed from the scheme could easily be re-instated at a later date.
- The Terrace of three is over development. The PC support the improvement of this site in principle but the existing buildings should be retained and converted not demolished.
- The photos don't show Low Farm Road which is single track with no passing places.

1.5 Publicity

The application was advertised by site notice, neighbour notification letter resulting in letter from 5 households and a letter on behalf of Beckside Residents Forum being received. In addition a letter has been received from Planning Consultants on behalf of Sam Smiths

Brewery. The letter is attached as an appendix to this report so that members can be aware of the contents in full.

1.5.1 The comments made, issues raised and grounds of objections are summarised as follows:

- Houses A and B propose vehicular access from a busy single carriageway
- House B should clearly have access off the less busy and safer private unmade road
- The local authority should forthwith use their Section 106 and related powers to require the unmade-up private road to be compliant with statutory minimum standard.
- Unsatisfactory road safety
- Parking not sufficient when many 4 bedroom householders have grown up children at home generating the need for 4 spaces per house.
- There needs to be proper arrangements for all deliveries (oil etc) to ensure the road is not blocked for emergencies.
- Footways are essential on both sides of the road. There is not the space to achieve this.
- The proposed surface water holding tanks should be fully specified to the satisfaction of the local authority, Environment Agency and Drainage Board.
- Disregard for overloaded infrastructure for drainage and sewage
- Existing Flooding issues in the village will be exacerbated by this additional development.
- The 30 new houses at Ulleskelf have impacted on flooding and the pumping station in Bolton Percy. This needs to be resolved.
- The proximity of the nearby watercourse (within 20m) should be delineated. When combined with other recent developments (12 in total) the cumulative impact on the surface
- The existing problems with the utilities (water and electric) will be exacerbated.
- The changes to the building are unacceptable and will adversely affect the Conservation Area and the character and appearance of this part of the village
- Site is in Bolton Percy Conservation Area where the highest design standards should be sought. This scheme is a visual intrusion. The scheme does not enhance the CA but seeks to maximise the development.
- Overdevelopment
- Comments made suggesting the proposal contravenes Planning Policies of the Development Plan
- Bolton Percy is not a Designated Service village and this scheme is much more than just infilling with 5 new dwellings proposed.
- The intention to improve the site is welcomed but a fresh scheme is needed.
- The terrace of 3 new dwellings is out of keeping with detached dwellings in the village which are set further back into plots.
- Due to lack of a five year housing supply Bolton Percy is being forced to take unwanted houses.
- Comments made suggesting the proposal contravenes Planning Policies of the Development Plan
- Low Farm Cottage is not shown on the plan
- Queries about the lack of consultation and not receiving letters of notification.
- Interested parties should explore a mutually agreed solution not this behind the scenes horse trading way in a secret way.

1.5.2 At the time the application was submitted the scheme was advertised and notifications made in accordance with the Councils policy at that time. In view of the comments made and due to the amended scheme now received, the immediate neighbouring properties closest to the site have been notified of the amended scheme and have a period to response expiring before this planning committee date of 7 September. An update of any further comments received will be given at the meeting.

2 Report

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 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
- SP5 - The Scale and Distribution of Housing
- SP9 - Affordable Housing
- SP10 Rural Housing Exceptions Site
- SP15 - Sustainable Development and Climate Change
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

2.2 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

2.3 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 guidance in the Policy for Traveller Sites and the National Planning Practice Guidance, provides the national policy framework and 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 National Planning Practice Guidance provides guidance on wide variety of planning issues and the following report is made in light of the guidance in those documents.

2.4 Community Infrastructure Levy

Under the Community Infrastructure Levy (CIL) Regulations, the proposal would be liable for payment of CIL at the appropriate rate adopted by Selby District Council on 1st January 2016.

2.5 Key Issues

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

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. Identifying the impacts arising from the development:
 1. Layout, scale, landscaping and design and Impacts of the character and form of the area
 2. Impact on heritage assets
 3. Residential amenity
 4. Flood risk, drainage and climate change
 5. Impact on highway safety and capacity
 6. Impact on nature conservation and protected species
 7. Contaminated land and ground conditions
 8. Affordable housing

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 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.

2.6.3 The application site lies partly inside and partly outside of the defined development limit of Bolton Percy and also lies within the Conservation Area. Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP4 "Management of Residential Development in Settlements" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy and Policy SG1 of the Local Plan.

2.6.4 Bolton Percy is a Secondary Village where Policy SP2A(b) of the Core Strategy Local Plan (2013) is applicable and which allows for limited amounts of residential development to be absorbed where it will enhance or maintain the vitality of rural communities and which conform to Policy SP4 and Policy SP10.

2.6.5 Policy SP4, in Secondary Villages, allows for, amongst other things, conversions, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.

- 2.6.6 In relation to the conversion of the farm buildings, all of the existing buildings to be converted are within the development limits of the village. Only two dwellings would be created utilising the traditional elements of the brick farm buildings. This would be a small scale amount of development which would enhance the appearance of the site thus contributing positively to the vitality of the village. As such the conversions would be consistent with the aims of Policy SP2(b).
- 2.6.7 The single additional dwelling proposed is also within the development limits of the village and, being a 'limited amount' of development which replaces dilapidated farm buildings is therefore also consistent with the aims of SP2(b) enhancing the site and thus contributing positively to the vitality of the village community.
- 2.6.8 Turning to the issue of whether the scheme complies with Policy SP4. Criteria a) of the policy allows for both the filling in of small linear gaps in otherwise built up frontages, and for the conversion/redevelopment of farmsteads.
- 2.6.9 The site is located at the end of a row of dwellings fronting Old Road. The new dwelling would front the Old Road extending this row. Taken by itself, this would not be consistent with the approach of filling in small gaps since there are no other dwellings on this side of the road to the north of the proposed plot. However, there are dwellings to the west and east. These include the dwellings beyond the Old School House to the south west and the existing Farm House (Low Farm House) to the east. However, there is also open land north of the Old School House directly west of the site. Low Farmhouse is positioned at the east side of the site and fronts the track/lane running west to east. There are further dwellings opposite Low Farm House to the south fronting the track. As such the new dwelling proposed is located on a corner flanked by existing dwellings to the east and south with dwellings further to the west. Although the new dwelling would infill a small gap within the development limits it does not strictly conform to the description of infill development set out in Policy SP4 which requires the development to infill only a small gap in an otherwise built up residential frontage. The new dwelling would be positioned between the Old School House and (as yet) the unconverted farm buildings. Therefore the proposal does not represent infill development.
- 2.6.10 However, Policy SP4(a) also allows for the 'conversion' and 'redevelopment' of farmsteads within secondary villages subject to the criteria set out in part (b). SP4 (b) requires that schemes for the conversion and/or redevelopment of farmsteads to residential use within development limits be treated on their merits according to a number of principles. Each of the three principles identified in the policy is dealt with in turn below;
- *“Priority will be given to sympathetic conversion of traditional buildings which conserves the existing character of the site and buildings”*.- In this case the more modern dilapidated buildings are to be removed and the traditional brick farm buildings retained. These have interest and character and their retention and conversion will ensure they have a new future and can be retained. The details of the scheme are considered in subsequent sections of this report and are considered to be sympathetic and acceptable.
 - *“Redevelopment of modern buildings and sympathetic development on farmyards and open areas may be acceptable where this improves the appearance of the area”*. The removal of the unsympathetic modern farm building and the silos and the replacement with this one single detached dwelling will result in an enhancement of the site thus improving the appearance of the area. This is discussed in more detail in subsequent sections of this report.
 - *“Proposals must relate sympathetically to the existing form and character of the village”*. It is considered that the scheme is sympathetic to the character and form of

the village and this is discussed in greater details within subsequent sections of this report.

2.6.11 Comments have been received suggesting that the scheme does not comply with the above principles and would lead to an erosion of the character of the area due to the physical changes, domestic curtilages (and associated visually intrusive paraphernalia), vehicle parking areas, an inappropriately designed dwelling. Furthermore, the density of development is argued to not be typical of the area. However, these matters are considered in subsequent sections of this report. Overall, the scheme is considered acceptable in these respects and therefore is consistent with Policies SP2 and SP4.

2.6.12 Turning to the issue of those parts of the proposed scheme outside of the development limits, i.e. the part of the site to the north beyond the existing farm buildings SP2A(c) the Core Strategy limits development to in the countryside (outside Development limits) to ;

“the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings to proposals of an appropriate scale, which would diversify the local economy 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 CP9 SP13; or meet rural affordable housing need (which meets the provisions of Policy CP6 SP10), or other exceptional special circumstances”.

2.6.13 The part of the site outside of the development limits would be utilised only as garden land. No new buildings are proposed within this part of the site. Furthermore it is material to the consideration that the land has a previous planning permission for garden land both as part of the previous planning permission for conversion (an extant permission which the applicant claims has commenced and remains extant) and through a separate planning permission. Future development within this area could be controlled on this scheme by a condition removing permitted development allowances. Given the planning history with the already having a partially implemented permission and the fact that the scheme does not include any new buildings in this part of the site, its use as residential curtilage is considered acceptable.

2.6.14 Overall, the proposed development would provide only a small number of additional dwellings which would be consistent with the aims of Policy SP2 to provide ‘limited amounts of residential development inside development limits’. the small increase would be assist in supporting existing services and facilities in the village. This together with the visual improvement to this end of the village is considered would add new vitality to the settlement consistent with the aims of Policies SP2 and SP4 of the Core Strategy.

2.6.15 Further detail is awaited from the applicant in relation to the rural economic benefits of the development and s ubject to receipt of satisfactory information in this respect, it is considered that the scheme complies with SP2 and SP4.

2.6.16 Comments have been received suggesting this scheme is only supported due to lack of 5 year land supply. This is not the case. The District does have a 5 year land supply and this proposal does not conflict with planning policy.

2.6.17 The proposal entails the conversion/ re-use of buildings and the erection of one new dwelling within the development limits and the change of use of the remainder of the site to form ancillary areas. It therefore would meet the requirements of both SP2 and SP4 of the Core Strategy and is acceptable in principle. However proposals that are acceptable in principle are still required to meet other relevant policies in the development plan and NPPF. The next section goes on to look at the impacts of the proposal.

2.7 Layout, Appearance, Scale and Landscaping and the Impact on Character and Form of the Area

- 2.7.1 The relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.
- 2.7.2 Significant weight should be attached to Local Plan policies ENV1 and ENV3 and Policies SP8 and SP19 as they are consistent with the aims of the NPPF. In addition relevant paragraphs within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.7.3 The proposed layout of the scheme has been designed to have regard to the surrounding context and to respect of the design, scale and relationship to neighbouring properties. The existing dwelling would be retained and restored. The traditional barns have attractive design features which have been retained within the scheme. The more modern elements of the farm buildings with areas covered in corrugate sheet roofs are in poor condition and these together with the silos would be removed. The scheme is contained within the existing farm yard site. Only one additional dwelling is now proposed and this follows the line of existing dwellings fronting the lane. Overall it is considered that the scheme will improve the appearance of this end of the village and is appropriate in scale, form and impact to this part of the village.
- 2.7.4 In terms of landscaping the plans indicate natural field hedging to the boundaries. This would ensure a soft natural new edge to this end of the village. However, to ensure an appropriate hard and soft landscaping scheme is provided and implemented, suitable conditions are recommended under section 3 of this report.
- 2.7.5 Having had regard to all of the above elements the scheme has been appropriately designed so as to ensure that no significant detrimental impacts would be caused to the character of the area in accordance with policies ENV 1 (1) and SP19 of the Core Strategy and the NPPF.

2.8 Impact on the Heritage Assets

- 2.8.1 Policies ENV1 and ENV28 of the Selby Local Plan, Policies SP18 and SP19 of the Core Selby Strategy and the NPPF require proposals to take account of their impacts on heritage assets. The Local Plan Policies should be afforded significant weight.
- 2.8.2 In accordance with the NPPF paragraph 128 the Local Planning Authorities require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Planning (Listed Building and Conservation Areas) Act 1990 requires, with respect to any buildings or land in a Conservation Area, that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 2.8.3 The applicants have submitted a Heritage Statement which sets out that the site lies within the Bolton Percy Conservation area. The Statement concludes that the retention of the agricultural buildings at Low Farm will help to maintain the historic links and characteristics of the Village and give a new lease of life to this uninhabited corner of Bolton Percy.
- 2.8.4 In relation to trees an arboriculture report was submitted with the application. This concluded that:- ‘A total of one Ash tree (T1) was considered to be in an acceptable overall condition, although it would benefit from minor pruning works, regardless of development proposals. The tree is not protected but lies within a Conservation Area. However, it is proposed to be accommodated by the development and as such there will be no impact and therefore the character of the Conservation Area will be maintained. In addition a suitably designed landscaping scheme will provide additional planting enhance the scheme.
- 2.8.5 It is considered that the site at present is run down, neglected and an eyesore. It is located on a visibly prominent site at the northern entrance to the village. The traditional brick farm

buildings do have some architectural merit and interest. This scheme will facilitate their retention and re-use. It will result in the removal of unsightly or dilapidated structures which at present mask the merit of the original farm buildings.

- 2.8.6 It is considered that the proposed new dwelling would continue the pattern of the more recent infill along Old Road and sit sympathetically on the street scene. The materials and detailing will respect the historic nature and contribute positively to the Village context, reinforcing the rural residential characteristics and having minimal impact on the conservation area and no detriment to the setting of any listed buildings. Furthermore, the conversion and retention of the traditional quality farm buildings and removal of modern dilapidated structures will significantly improve the appearance of the site and thus ensure the character of this part of the Conservation Area would be enhanced.
- 2.8.7 There are objections to the details of the scheme in terms of both the conversion and the design of the new dwelling. However, the proposed new dwelling is considered of an acceptable scale form and design. Its position on the corner is prominent but is in keeping with the scale form and design of the surrounding residential developments. This part of the village has a wide variety of dwelling styles and materials and the proposed dwelling style would not be inconsistent with the pattern of established development surrounding the site. The removal of the silos, the timber and corrugate sheet open barn and the more modern additions to the old farm buildings will reveal the quality and character of the more traditional farm buildings. The scheme to convert these buildings retains the majority of their important features and characteristics. There are some objections based on the 'terrace' of dwellings created being out of keeping with the dwellings in the locality. However, the traditional farm buildings are attached to the existing dwelling. Their form and position is set and the proposal to convert to two dwellings makes effective use of the existing site layout. The conversions, whilst a different form of dwelling to other existing nearby units, would add interest and variety to this end of the village and respect the history of the original buildings character.
- 2.8.8 Objections were received making comments that the conversions are not sympathetic either broadly or in detail due to large window and door openings, removal of agricultural features and essential agricultural character. Furthermore the residential curtilages and ensuing domestic paraphernalia are purported to be harmful. However, for the reasons given above, your officers consider the scheme overall would enhance the site and the Conservation area. Moreover, conditions removing permitted development rights and requiring further approval by submission of hard and soft landscaping details and boundary treatments would ensure adequate control over the potential harmful visual effects of the curtilage areas and domestic paraphernalia.
- 2.8.9 Overall, the appearance of the site will clearly change but would be significantly enhanced creating an attractive development at this end of the village encompassing the new dwellings and the converted farm buildings. As such the character and appearance of this part of the Conservation Area would be enhanced.
- 2.8.10 Having had regard to the above comments and taking into account Paragraph 135 of the NPPF, it is considered that the proposals are considered acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 of the Selby Local Plan, Policies SP18 and SP19 of the Selby Core Strategy and the NPPF.

2.9 Residential Amenity

- 2.9.1 Policy ENV1 of the Selby District Local Plan (2005) requires the District Council to take into account the effect that proposals for development will have on the amenity of adjoining occupiers. Further, one of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 2.9.2 On this site the nearest dwellings are the existing Farm House already on the site, FossGarth opposite together with the 2 other semi-detached dwellings fronting the unadopted side lane opposite the site. In addition, the School House across the road is in close proximity.
- 2.9.3 The design of the scheme ensures that no significant detriment would be caused through overlooking, overshadowing or creating an oppressive outlook on either the future residents of the proposed dwellings or the occupiers of adjacent properties. Adequate distances existing between the buildings and together with the arrangement of dwellings with private garden areas to the rear the scheme is considered acceptable. Moreover, the removal of farming activities and replacement with residential use represents a significant improvement in amenity to the nearest neighbouring dwellings.
- 2.9.4 Therefore the proposal would not cause a detrimental impact on the residential amenities of either existing dwellings and an adequate standard of amenity can be provided for future occupants in accordance with Policy ENV 1 (1) of the Local Plan and the NPPF

2.10 Flood Risk, Drainage and Climate Change

- 2.10.1 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan, and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.2 The application site is located in Flood Zone 1 (low probability of flooding) and as such it is not at risk from flooding. In respect of surface water run-off drainage it is proposed for source control of run-off via infiltration systems to a soakaway. Foul water would be disposed of via the existing main sewer.
- 2.10.3 The concerns of the Parish Council and Local Residents in relation to problems with drainage are noted. However, both the Water Authority and the Drainage Board support the scheme subject to conditions. The applicant has worked with the drainage board towards a solution and they are now satisfied that the applicant has a clear methodology for sustainable disposal of surface water. The applicant has clarified the intention to discharge into the watercourse using the existing facilities, and will attenuate the discharge rate to 70% of the existing.
- 2.10.4 In respect of energy efficiency, renewable materials will be utilised as far as possible and solar panels will be considered in order to reduce the reliance on non-renewable energy sources. In addition the dwellings would be constructed to Code for Sustainable Homes Level 3 with appropriate glazing and insulation required to meet this standard. As such the proposals will satisfy Policies SP15 and SP16 of the Core Strategy.
- 2.10.5 Therefore the proposal would not have significant impact on flood risk, drainage and the sewerage system. Having had regard to the above, subject to the inclusion of conditions 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 policies of the Local Plan should be afforded significant weight.

- 2.11.2 It is proposed that all the properties would take the access from the lane to the south which is an unadopted lane. The lane will serve 6 dwellings. The Highway Authority advise that generally only 5 dwellings should be served off a private drive and 6 or more should be served from an adoptable road. The requirement for adoption starts with 6 dwellings but is assessed on a case by case basis depending on the severity of the problem and the likelihood of being able to get the road improved. Furthermore the Highway Engineer advises that if any of the dwellings have an access (pedestrian or vehicular) onto an adopted road, then the property is not considered in the number of dwellings off a private road. This is regardless of whether they also have an access onto the private road as is the case with the proposed new dwelling. As such, in terms of numbers, the new dwelling fronting old road would be discounted, having a pedestrian access onto Old Road.
- 2.11.3 In this case the Highway Authority have indicated this is not a situation where they would require the road to be adopted. They consider it would be unreasonable to ask due to its narrow width, lack street lighting, drainage and footway for the purpose building such a small amount of additional dwellings.
- 2.11.4 However as a highway improvement, the developer has agreed, to provide a new footway linking the site. This will encourage walking and provide safer access to and from the site for pedestrians. The amended plans clearly indicate this provision. In respect of parking provision, an appropriate level of parking provision can be achieved within the scheme in accordance with the required standards.
- 2.11.5 The concerns of local residents in relation to parking, service vehicles and deliveries, footways and road safety are noted. However, the Local Highway Authority is satisfied that the scheme is acceptable subject to the conditions imposed under section 3 of this report.
- 2.11.6 The scheme provides a safe means of access to each dwelling with adequate parking. It is therefore considered to 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 Impact on Nature Conservation and Protected Species

- 2.12.1 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.
- 2.12.2 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.
- 2.12.3 As such an Ecological Scoping Assessment and Phase 1 Habitat Survey by MAB Ecology was submitted with the application and concluded:- 'There are no notable or protected habitats on site. However, the applicant was requested to undertake further survey work in relation to GCN's
- 2.12.4 In relation to the Ash tree on site this offers some bat roosting potential. However, the tree is being retained and will not be directly affected by proposed works. The buildings on site offer no/negligible bat roosting potential. Any vegetation clearance and demolition of buildings 1, 2 and 4 will need to be scheduled to avoid impact on breeding birds. A barn owl has used the open-sided building 1 as an occasional feeding roost site. In order to help safeguard the long-term use of the site and surrounding area by barn owls, a permanent internal barn owl nest box could be provided within an adjacent building on site.
- 2.12.5 The initial Ecology Assessment submitted indicated that there were no ponds within the site or within 500m of development. It states that there is a local record for great crested

newt (GCN) over 700m away and separated from the survey site and concluded the development would therefore there will be no impact on GCN. However, GCN were recorded in Ecological Assessments on other nearby developments submitted to Selby District Council. As such, the applicant was requested to undertake further survey work taking into consideration the evidence compiled by the other surveys done in the vicinity.

- 2.12.6 The applicants submitted an additional report by Wold Ecology February 2016 following further research and surveys. The survey reported that an analysis of old maps revealed approximately 10 ponds have been lost within village over the past 50 years. Only three existing ponds were identified within 500m of the Application. These were small garden ponds.
- 2.12.7 An assessment of the ponds was undertaken outside of the optimal great crested newt surveying season (March to mid June). Presence of great crested newts within 500 metres of the Application Site was confirmed during a survey at Field House Farm (140 metres south) (6th July 2015), when an immature female great crested newt was recorded within the barn on site. Netting of all ponds in August 2015 did not identify any great crested newt larvae within the 3 ponds.
- 2.12.8 Due to the timing of the field surveys, a population size class assessment, based on the number of adults counted by torchlight/trapping could not be completed. However, an assessment of the ponds' abilities to support great crested newts has been undertaken, which indicates that the ponds are unlikely to support a medium/large or significant population of great crested newts.
- 2.12.9 It is also noted that there is abundant suitable terrestrial habitat within the 500m radii of each of the ponds identified above and that the application site represents only a small area (1%) of the total terrestrial habitat available to the newts. It is concluded that it is the small size of the ponds and their characteristics which would restrict the population size rather than the availability of terrestrial habitat.
- 2.12.10 Therefore the short and long term impacts from the proposed development are considered to have only low/negligible impacts on great crested newts and viable habitats – providing the mitigation within this report is implemented. Wold Ecology considers that the proposed mitigation will ensure that the great crested newt populations within the locality are maintained at a favourable conservation status. (Conservation status is defined as “the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its population within its territory”).
- 2.12.11 The updated Ecological report sets out a series of mitigation measures and method statement for achieving the above. Subject to a condition ensuring compliance with the recommendations, the development is considered acceptable.
- 2.12.13 In the light 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.

2.13 Contamination

- 2.13.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.
- 2.13.2 A Phase 1 Contamination Report was submitted as part of the previous planning application and was the subject of a planning condition which was discharged as part of the commencement of the previous permission. As such the only requirement in respect of this proposal is for the standard conditions in respect of remediation, monitoring and the fall back condition in respect of unexpected contamination. As such the proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Selby Local Plan and Policy SP19 of the Selby Core Strategy.

2.14 Affordable Housing Contribution

- 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.
- 2.14.3 The applicant was prepared to provide the appropriate payment in accordance with the Affordable Housing SPD via a legal agreement.
- 2.14.4 In the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case the Council is no longer able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD. The proposal is contrary to the provisions of the Development Plan but there are material considerations – the High Court decision on the West Berkshire case - which would justify approving the application without the need to secure an affordable housing contribution. The proposed legal agreement is therefore no longer required.
- 2.14.5 The proposed development, although contrary to Policy SP9 of the Core Strategy is considered acceptable without an Affordable Housing contribution.

2.15 Other Issues

- 2.15.1 The issues raised by the parish council and neighbours are addressed in the above sections of the report.
- 2.15.2 There are a number of issues raised by the letter from Sam Smiths Planning Consultant. Much of their objections are based on the originally submitted scheme. Since this has now been amended, the issues in relation to the principle and planning policy are largely addressed. In relation to the issue of compliance with Planning Policy, this is covered in the section starting with paragraph 2.6.1 of the report.
- 2.15.3 In relation comments on the previous planning history and planning permission (2010/0828/FUL), applications were made to this authority to discharge the conditions mentioned and therefore the applicants can claim that the permission has been started. This information was provided to Sam Smiths consultants at an early stage in the consideration of this scheme and no further rebuttal has been received on this issue.
- 2.15.5 In relation to comments made about the rural economy, these were relevant when new building was proposed outside of development limits. As the scheme is now amended it is Policy compliant in this respect.
- 2.15.6 The Parish Council query the location of oil tanks within the scheme. This is a valid query and details can be requested for approval as part of condition
- 2.15.7 All other issues raised are considered to be addressed within this report.

2.16 Conclusion

- 2.16.1 Having had regard to all of the above, it is considered that proposal is therefore acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions in section 3 below.

3.0 Recommendation

This planning application is recommended to be APPROVED subject to the attached conditions

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. Before the development hereby approved shall commence samples of the external walling materials and roofing materials for the new dwelling and for any repair, infill or extension of the converted farm buildings together with details of the paint/ colour coating and materials for the fenestration of the converted farm buildings shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved shall be used in the new development and the conversion of the agricultural buildings.

Reason:

In the interests of visual amenity, the impact on the conservation area and in order to comply with Policies ENV1 of the Selby District Local Plan and SP18 of the Core Strategy.

03. The development, hereby approved, shall be carried out in accordance with the recommendations, mitigations and monitoring outlined in the MAB Environment and Ecological Assessment dated January 2016 and the Wold Ecology Great Crested Newt Survey Mitigation Strategy dated February 2016.

Reason:

In the interests of nature conservation 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).

04. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or any subsequent order revoking or re-enacting that order) no extensions, garages, outbuildings or other structures shall be erected within the curtilage of any of the dwellings hereby approved, nor new windows, doors or other openings shall be inserted in the converted farm buildings, without the prior written consent of the Local Planning Authority.

Reason:

In order to preserve the special character of the Bolton Percy Conservation Area and the residential amenity of the occupiers of neighbouring residential properties in accordance with Policies ENV1 of the Selby District Local Plan and the SP18 of the Core Strategy

05. Before any development is commenced the approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site, indicating the number, species, heights on planting and positions of all trees, shrubs and bushes and the position and materials of any hardstandings. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained for the

period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To secure the satisfactory landscaping of the proposal within the Conservation Area , having had regard to Policy ENV1 of the Selby District Local Plan and the NPPF.

- 06 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.

- 07 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 the visual impact on the Conservation Area and in order to comply with Policy ENV1 of the Selby District Local Plan.

- 08 All excavations within 10 metres of trees to be retained shall be in strict accordance with guidelines in BS5837 and details of the construction specification, including service runs, road surfaces, permeable hardstandings and kerb details for all works within 10 metres of trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any of the works hereby permitted. The works shall thereafter proceed strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Section 197 of the Town and Country Planning Act 1990 and in the interests of protecting the health and vitality of the principal landscape feature on the site.

- 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 access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- a. The crossings of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

REASON

In accordance with Policy T1 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 10 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 in connection with the construction of the access road or building(s) or other works until:
- (i) 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 in consultation with the Local Highway Authority:
 - a. Provision of footway on western side of Old Road linking the existing footway with a crossing point to the proposed site.
 - b. Provision of footway on eastern side of Old Road fronting the whole of the site boundary.
 - c. Provision of a tactile paved crossing.
 - (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

REASON

In accordance with policy T1 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 11 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 in consultation with the Local Highway 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. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routes

REASON

In accordance with policy T1 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

INFORMATIVE

Under the terms of the Board's Land Drainage Byelaws, the prior written consent of the Board is required for the diversion or alteration to the level or direction of the flow of the water in, into, or out of any watercourse within the Board's area.

The Board's comments have been made following consideration of the information provided by the applicant through the Planning Authority. Should these details change the Board would wish to be re-consulted.

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 2015/0693/FUL and associated documents.

Contact Officer: Fiona Ellwood, Principal Planning Officer)

Appendices:

Objection letter from Cunnane Town Planning on behalf of Samuel Smith Old Brewery (Tadcaster).

From: stuart vendy
Sent: 18 December 2015 14:52
To: Fiona Ellwood
Cc: Info
Subject: APPLICATION NUMBER 2015/0683/FUL: LOW FARM BOLTON PERCY

Please see the attached letter for your consideration.
Yours sincerely

Stuart Vendy
CUNNANE TOWN PLANNING LLP

Cunnane Town Planning LLP
PO Box 305
Manchester
M21 3BQ

Our Ref: SV/MCR/5383/SDC 181215
Your Ref: 2015/0683/FUL

*Northern Region, P.O. Box 305
Manchester M21 3BQ*

Fiona Elwood
Planning Department
Selby District Council
Civic Centre
Doncaster Road
Selby
North Yorkshire
YO8 9FT

BY EMAIL AND POST
18 December 2015

Dear Sir/Madam

APPLICATION NUMBER 2015/0683/FUL: RETENTION OF EXISTING DWELLING, THE ALTERATION OF AN EXISTING AGRICULTURAL BUILDING WITH PREVIOUS PLANNING PERMISSION FOR CONVERSION TO TWO DWELLINGS WITH GARDEN LAND AND THE ERECTION OF TWO FURTHER DWELLINGS

I write on behalf of my client, Samuel Smith Old Brewery (Tadcaster), to submit representations to the above application.

Having assessed the available information, it is clear that the proposed development is contrary to a number of important planning policies and guidance within the Development Plan, and government policy.

I believe that this conflict with policy has not been outweighed by material considerations and that planning permission should therefore be refused. My rationale and reasoning, along with detailed consideration of the issues, is set out for your convenience below under a number of sub-headings.

The proposal

This is a complex application which is reliant upon the partial implementation of previous planning permissions and the retention of an existing dwelling on the site.

The application essentially involves the creation of four new dwellings, two within an existing agricultural building and two on a cleared area of the site to the west. The existing dwelling on the site is to be amended and retained on the site. Vehicle access to the site will be via a number of new crossings and driveways formed on to both Old Road and Low Farm Road.

The application also proposes to extend the domestic curtilage of the dwellings approved under the planning permission to the north of the site. This has also been previously granted planning permission.

Site and Surroundings

The site currently comprises a farmhouse and a number farm buildings and areas of hard standing associated with the use of the site for farming activities. The site currently has areas set aside for the storage of farm equipment and related materials.

Boundaries to the site are a mix of fencing and hedgerows, retaining a generally open aspect to the surroundings. The area immediately surrounding the site is rural in nature, with open farm land to the north and east, and paddock to the west. To the south of the site lies Low Farm a mix of brick and corrugated steel buildings, along with associate silos and hard standing storage areas.

The wider surrounding area is generally rural in context with short and long distance views of the site achievable from public roads and rights of way, as well as adjoining properties and land. The rural village of Bolton Percy is located to the south and east of the site.

Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.

The Development Plan

The Development Plan for this area consists of the saved policies Selby District Local Plan (2005) and the Selby District Core Strategy Local Plan (2013). The remaining components of the emerging Local Development Framework are not yet progressed to a point where they can be afforded significant weight in the determination of applications.

The representations are therefore confined to the saved policies of the Development Plan, relevant national, regional and local policy and guidance, as well as other material considerations where necessary.

The Local Plan Proposals Map identifies the application site as straddling the settlement boundary for Bolton Percy. The settlement itself is not identified for growth within the Core Strategy. The site adjoins the Bolton Percy Conservation Area.

I deal with each of the above policies and their requirements when considered against the proposal under various sub-headings below.

Planning History

The site has a complex planning history, some of which is relevant to the determination of this application. Consequently, I highlight key issues with regard individual planning applications below.

2010/0828/FUL – the applicant claims that the planning permission has been implemented, although not completed and therefore remains extant in perpetuity. The relevant decision notice is subject to a number of pre-commencement conditions (Condition numbers 2, 4, 6, 7, 8, 9, 11, 13, 15, 16 and 17) which require information to be submitted to the Council for the agreement of the Council with regard matters that remained outstanding at the time of determination.

Having reviewed all information available of the Councils Public Access system and contacted both the relevant planning officers and Administrators direct there is no information available to suggest that these conditions have been discharged.

In a similar vein, the applicant's agent claims that the permission has been implemented, however provides no detail or evidence to substantiate such a claim. Having visited the site and reviewed the application plans submitted and approved as part of the planning application, there is no obvious excavation, construction or demolition works that have taken place that could amount to implementation of the permission.

In this regard I remain unconvinced by the information currently before the Council that the permission has in fact been lawfully implemented, and that any material weight can be attached to the purported extant planning permission.

Until such evidence is available, I consider that the use of the buildings remains in agricultural use as whilst the applicant seeks to attach weight to the planning history, it is clear that the use of the buildings for residential purposes has not commenced. The basis of the application is therefore one of the conversion of agricultural buildings to residential use.

Status of the Site and Principle of Development

The relevant definition of Previously Developed Land for the purposes of determining this application is that contained within Annex 2: Glossary to NPPF. The definition reads:

***Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.[my emphasis]*

As described above, the application site is occupied by agricultural buildings and associated curtilage. Consequently it is clear that, when considering the principle of developing the site for residential purposes the site cannot be considered as Previously Developed Land.

The sites location within the Open Countryside means that policy SP2 of the Core Strategy is therefore the main policy leading the determination of the proposals. The policy provides the settlement hierarchy for the District and the broad approach to guiding growth and new development. The principles set out in the policy direct the majority of development to the towns and more sustainable villages. Bolton Percy is neither of these locations and therefore proposal fall to be determined against criteria (b) and (c) of the policy.

These criterion provide that new residential development may be absorbed inside the development limits of secondary villages where it will enhance or maintain the vitality of rural communities and which conform to policies SP4 and SP10.

The application site straddles the development limits of Bolton Percy, and consequently the criterion only applies to the portion of the proposal that resides within the settlement boundary. There is of course the further requirement that the proposal must be demonstrated to contribute to the vitality of rural communities. The applicant has provided no such evidence in support of the application proposals.

The policy also requires that the proposal must conform to policies SP4 and SP10 of the Core Strategy. Policy SP4 provides guidance with regard the development of non-allocated sites within the District. With regard sites 'inside' secondary villages such as Bolton Percy, the policy states that schemes will only be acceptable in principle if they are conversions of existing buildings, replacement dwellings, redevelopment of previously developed land, the filling of small linear gaps in otherwise built frontages and the conversion/redevelopment of farmsteads.

Clearly the proposal is neither a conversion, replacement dwelling nor redevelopment of Previously Developed Land (with reference to the definition within NPPF set out above). The proposal similarly does not represent a 'small linear gap in otherwise built up residential frontages', but could of course be considered a conversion/redevelopment SP4 which requires that any such redevelopment of a farmstead be treated on its merits according to a number of principles. Namely, priority should be given to the sympathetic conversion of traditional buildings which conserves that character of the site and buildings, the development of new buildings on farmyards and open areas may be acceptable provided that an improvement to the appearance of the area can be demonstrated. In addition all proposals must relate sensitively to the existing form and character of the area.

The proposal does not represent a sympathetic conversion of a traditional building, in either its broad concept or detailed treatment in relation to its use of materials etc. The creation large window and door openings and the removal of agricultural features such as barn, storage building and accessible open spaces all lead to an erosion of the essential agricultural character of the settlement and the building at hand. Their replacement with private residential curtilages, and the domestic paraphernalia of dwellings further fails to positively enhance or conserve the character of the site and buildings.

Similarly, the new dwelling proposed within the settlement boundary fails to meet this criterion. The design of which appears as a formal, double fronted residence embellished

with features such as the bay windows and entrance shelter. Neither of these features are prevalent or typical within the area, where the focus is much more on simple, functionally designed dwelling that provide accommodation for agricultural workers.

In order to meet the requirements of policy SP4 the proposal must also relate sensitively to the existing form and character of the village. In this regard the area of the village that the proposal has the most effect upon is located within the adopted Conservation Area. Clearly the effect upon this sensitive area is therefore provided with additional weight.

The current view from Old Road is that of a relatively open and accessible agricultural yard area. It is currently used for storage, vehicle manoeuvring and plainly operates as a functional, commercial farm yard. The proposal will fundamentally alter this aspect of the village through the replacement of an open/working yard area, with that of an enclosed private residential frontage. The site will most likely develop into gardens and/or storage areas associated with the new dwellings. This will likely feature the parking of vehicles, trailers and/or caravans, placing of play equipment, glass houses and sheds etc. These features will be conspicuous within the settlement and Conservation Area due to their size, appearance and the fact that they are obviously not agricultural in nature. Many of these features are also brightly coloured and will be highly prominent in the surrounding landscape, particularly when viewed from roads and public rights of way from the north. There is undoubtedly the potential for a marked change in the character and appearance of the settlement when viewed from these vantage points.

I consider that the proposed dwelling and the associated change in the use of the land to residential curtilage has the potential to have a significant adverse effect of the character and appearance of the surrounding area. The proposal therefore fails to meet the requirement of criterion (c) of policy SP4.

Criterion (d) of policy SP4 requires that any scheme must be of an appropriate scale in relation the density, character and form of the surrounding area. In this regard the general character and appearance of Bolton Percy is that of a rural, dispersed and agriculturally based settlement with little high density urban development within the settlement boundary. The application scheme proposes a development which will lead to five separate privately owned dwellings occupying the site. The proposal is entirely outside the levels of density that are typical of the area. Similarly, the building themselves are of a scale and design which suggest large private residences, rather than the typical smaller agricultural workers dwellings that occur in the surrounding area. The proposal there for fails to meet this criterion of policy SP4 of the Core Strategy.

In summary with regard the provisions of policy SP4 the proposal therefore fails to accord with this policy and the applicant has not identified any material considerations which outweigh this conflict with adopted development plan policy.

Returning to the remaining criteria (c) and (d) of policy SP2 of the Core Strategy, the first of these criteria relates to the development of areas outside the settlement limits and provides for the new development being restricted to either the replacement or extension of existing buildings, the reuse of buildings for employment purposes. Well-designed new buildings are also allowed provided that they are of an appropriate scale, and which would contribute towards and improve the rural economy, and where it would improve the vitality of rural

communities. The criterion goes on to deal with dwelling which meet specific rural housing needs, however the applicant has made no case that the proposal is to meet any such need.

Again, the applicant has provided no information with the application package to demonstrate that the proposal will make a positive contribution to the rural economy or the communities with the local rural area. It is important that the proposal is considered in the context of the *rural* economy specifically, and that any relationship or economic benefits which do not apply to the rural economy are not part of this consideration.

Whilst the applicant has not provided any evidence in relation to this issue, it is important to understand the specific nature of the information required in order to meet this part of the policy. I remain of the view however that until this information is submitted it is not possible for the Council to lawfully consider the merits of the application.

On the basis of the above I am firmly of the view that the proposal fails to meet the requirements of policies SP4 and SP2 of the Core Strategy. In addition to this conflict with policy the applicant has failed to provide evidence to support the claim that the scheme meets the requirement to, for example, demonstrate a positive contribution to the rural economy. On this basis and given the failure to identify material consideration that out weight this conflict with this policy I consider that Council should refuse planning permission.

Ecology

The importance of the requirement to not harm nature conservation interests appears to have been addressed by the submission of an Ecological Assessment (May 2015). This is a walk over assessment of the site and contains no new survey information with regard specific species.

I note that the Phase 1 Habitat Map identifies at target point 3 the 'Potential refugia for Amphibians and Reptiles', however no further investigation or analysis of this feature is provided within the report, other than at Paragraph 8.4. This paragraph read:

'There will be no impact on great crested newts.'

This is far from the comfort required to establish that there will be no harm to these interests. The application proposal include the removal of this feature and the construction of new dwelling in broadly this location. Therefore the potential effects are wide ranging. It is incumbent upon the applicant to assess the 'worst case' in relation to the potential effects on Protected Species and other nature conservation interests.

Whilst this lack of information may be remedied by the submission of a detailed habitat and ecology survey, this cannot be conditioned as part of a planning application decision. The information needs to be presented prior to the decision being made, as it is critical that, when considering a development proposal, the planning authority is in possession of relevant surveys and information prior to making any decision. Guidance at paragraph 98 of Circular 06/2005 is clear that this is the case where impacts on protected species are likely to result from a development. Paragraph 99 of that Circular goes on to state:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that surveys are carried after planning permission has been granted".

Of course, the survey work should only be requested where there is a reasonable likelihood that such protected species are in existence. It is identified within the Ecology Assessment that the habitat is suitable and there are known instances of Great Crested Newt and other Amphibians in the area. I consider that there is a reasonable likelihood that important nature conservation interests may be affected by the proposals.

In order to establish whether this habitat supports protected species it is necessary to check for activity in the form of a survey to approved methodologies and standards. The absence of this information makes the situation with regard this application directly analogous with the "Cornwall case" (Regina vs. Cornwall County Council ex parte Jill Hardy; [Sept 2000]) where, to quote from the judge's summing up of the case:

"Preliminary surveys in the light shafts for roosting bats were undertaken but none were found. The ecological survey stated, however, that it was possible that the open shaft in arsenic works would support bats but more detailed underground surveys were required".

In this judgement it was found that the local authority cannot grant planning permission until the surveys, which would provide the data for a detailed evaluation of the bat interest and the significance of any impact, have been completed.

Until this information is provided I consider the determining authority is unable to reach a robust decision with regard the proposals. It follows therefore that until full information is available with regard the proposal's potential impact on protected species, any grant of planning permission, including a decision conditional upon the completion of further survey work, would be unlawful and open to challenge.

Affordable Housing

The planning application makes no provision for affordable housing either within the site or as a commuted sum to provide such facilities within the District. Policy SP9 of the Core Strategy currently provides that the Council will require a commuted sum equal to 10% provision of affordable housing on the site.

Whilst the actual amount of provision is to be negotiated, it is clear that the current position of no provision and no evidence to demonstrate that is directly contrary to the provision of policy SP9 of the Core Strategy.

Summary

It is clear from the above assessment that the proposal as it currently stands is contrary to the provisions of the adopted Development Plan and national planning policy. I am not aware of any material considerations that indicate that a decision other than in accordance with the adopted Development Plan should be made. I therefore urge the Council to refuse this application.

Notwithstanding the above comments, it is clear that the information submitted in support of the proposal is insufficient to adequately base any robust decision to approve permission (either with or without attached conditions). Where information has been submitted it appears to be incomplete and provides only a cursory assessment of a number of possible impacts. In the absence of full and robust information in support of the application in a number of areas, the only proper course of action for the Council is to refuse planning permission. To grant approval without it would put the valuable attributes of this site and surrounding area at risk and lead to a flawed planning decision that was capable of legal challenge.

I would be grateful if you would contact me to confirm receipt of this representation, the planned timetable towards determination of these proposals, and provide me with copies of any additional plans or supporting information that may be submitted to the Council on behalf of the applicant.

I trust the above is clear, however please do not hesitate to contact me if you have any queries.

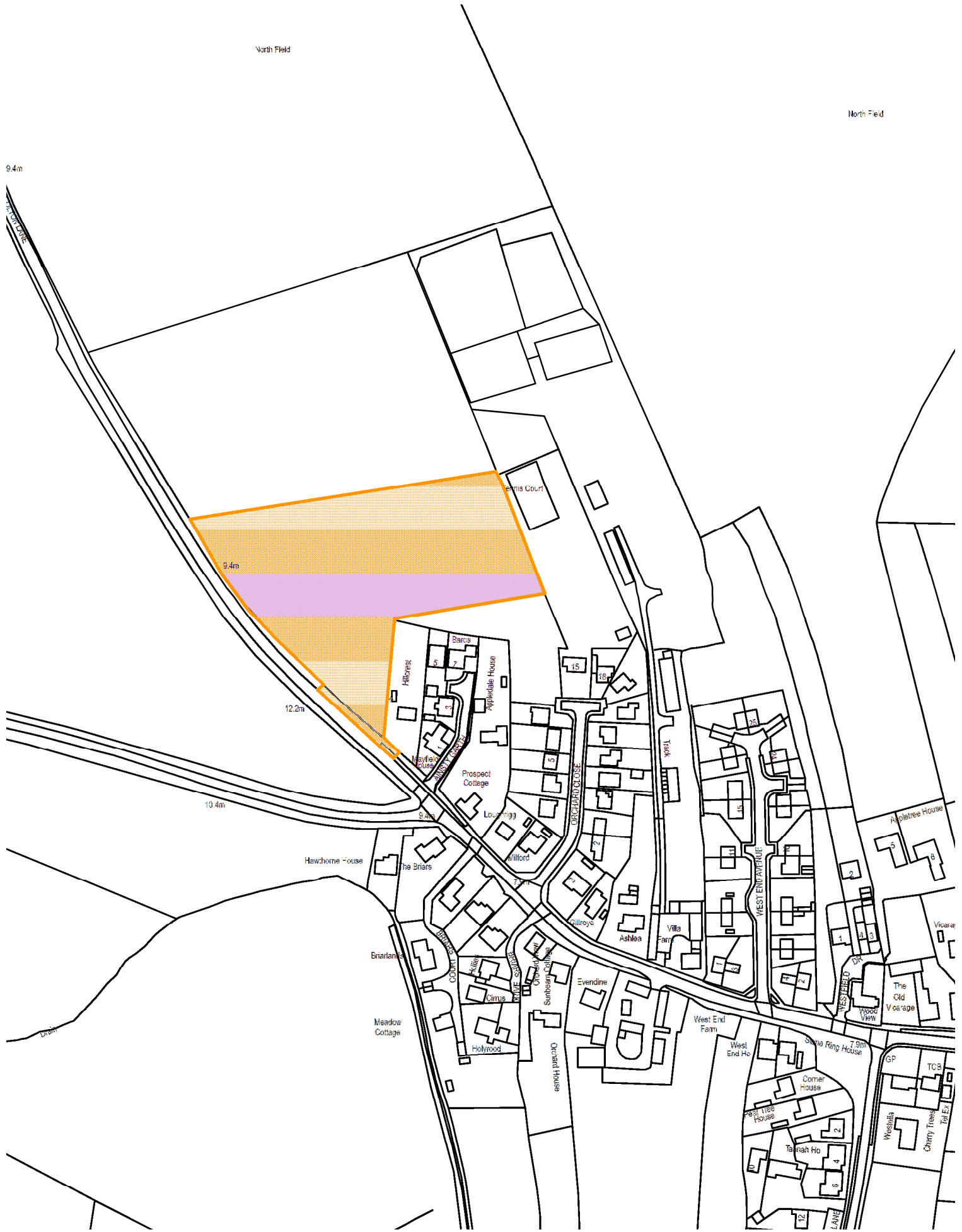
Yours sincerely


Regional Director
CUNNANE TOWN PLANNING LLP
stuart.vandy@cunnanetownplanning.co.uk

North Field

North Field

9.4m



APPLICATION SITE

Item No: 2015/0448/OUT



Address: Colton Lane, Appleton Roebuck

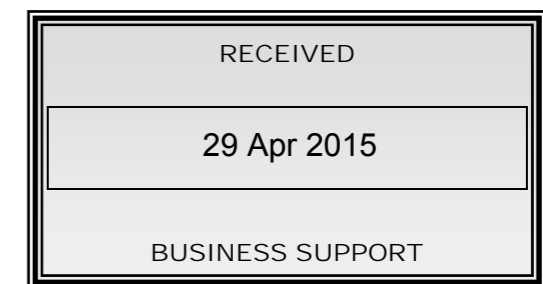
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Total Site area: circa 1.34 ha
 Residential development area: 1.17 ha
 Public open space: circa 1,697m² (policy requirement: 1,680 m²)

Total number of dwellings 28
 Development density: 24dph
 Number of dwellings (private): 17
 Number of dwellings (affordable): 11

-  Committed Development outwith the Site
-  Proposed Vehicle Access



Project
 Hillcrest (land adj. to)
 Appleton Roebuck
 Drawing Title
 Illustrative Layout

Date 27.04.15	Scale 1:1000@A3	Drawn by SW	Check by SG
Project No 24575	Drawing No 03	Revision A	

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Report Reference Number 2015/0448/OUT

Agenda Item No: 6.2

To: Planning Committee
Date: 7th September 2016
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2015/0448/OUT 8/79/233/PA	PARISH:	Appleton Roebuck
APPLICANT:	Baylis & Baylis Ltd	VALID DATE:	30 April 2015
		EXPIRY DATE:	30 July 2015
PROPOSAL:	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 dwelling with associated infrastructure and open space provision on land adjacent to Hillcrest House		
LOCATION:	Colton Lane, Appleton Roebuck		

Summary

This application has been brought to Planning Committee following the quashing of the initial decision as a result of Court submissions by Sam Smiths Old Brewery Tadcaster (SSOBT) following issuing of the decision on the 1st December 2015. As such the application needs to be re-considered by Committee in the context of any changed circumstances or new material considerations since the original consent was issued and a new decision issued by the Authority accordingly on the application.

The application is recommended for **REFUSAL** on the basis that

01. The proposal would be located within the open countryside wherein development is limited to those types identified in criterion (c) of Policy

SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for 28 dwellings, when added to the 27 dwellings that have been built or approved in Appleton Roebuck since the start of the Plan Period in April 2011 would substantially exceed the minimum growth options of between 17 – 23 dwellings for Appleton Roebuck identified by research in connection various growth options for the Designated Service Villages as part of the development of PLAN Selby in July / August 2015. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Appleton Roebuck and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

02. The proposal would be located within the open countryside and approval of this application for housing is in conflict with the recently adopted Core Strategy's spatial development strategy for this Designated Service Villages in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A) and (E)

1.0 Introduction

1.1.1 This application was initially considered at Planning Committee on the 9th September 2015, with a recommendation for Approval subject to a S106 Agreement and a series of Conditions. The Officers Report and associated Update Note are attached as **Appendix A**. The Legal Agreement in line with the resolution was progressed and consent was issued on the 1st December 2015 by the Council.

1.1.2 Subsequent to the issuing of the Decision Notice papers were lodged with the High Court seeking a Judicial Review of the Decision by Sam Smiths Old Brewery Tadcaster (SSOBT).

1.1.3 In challenging the decision SSOBT noted 6 (No.) grounds which they considered that *"the Council erred in law, or failed to take into account relevant considerations or took into account irrelevant ones, or acted irrationally, in granting planning permission for the development for any or all of the reasons"* summarized below:

- i) The Council conspicuously failed to take account a highly material consideration and / or were seriously misguided, in respect of the existence of a five year housing supply at the time of its consideration of the planning application on the 7th October 2015, and more importantly prior to the issue of its decision notice on the 1st December 2015.
- ii) The Council were misguided on the conflict with the Neighbourhood Plan could be treated as of no material weight in the absence of a five

year housing land supply, whereas such a supply in fact existed at the time the Council issues its decision notice.

- iii) The Council acted unlawfully as a result of the Council Officers failing to refer the application back to the Council's Planning Committee before issuing the decision notice on 1 December 2015.
- iv) The Council acted unlawfully in granting planning permission in any event because it proceeded on the basis that there was an absence of a five year housing supply, when in fact the Council's own documents demonstrate that there was a supply at the 1 October 2015 (if not before)
- v) In making its decision the council failed to acquaint itself with all relevant material to enable a lawful decision to be taken, because it failed to examine whether or not there was in fact a five year supply at the relevant time and proceeded on the basis of an outdated assumption
- vi) The Council acted irrationally in granting planning permission as a result of the above.

1.1.4 Following discussions between the Council's Solicitor and the Solicitor acting from the Brewery a Consent Order was issued by the Court which quashed the Decision.

1.1.5 The final Consent Order notes that the Defendant (the Council), accepts

"that the emergence of the five year housing land supply evidenced in the Councils annual monitoring report dated 25th November 2015 was capable of being a material consideration in the determination of this planning application in this instance from the 6th November 2015. The contents of the report should have been reported back to and considered by Planning Committee prior to the issue of permission pursuant to the resolution to grant permission subject to the completion of a S106 agreement on the 7th October 2015".

1.1.6 As such the Consent is quashed and the application needs to be reconsidered. As a result all statutory consultees and objectors have been advised of this position allowing a further 21 days for submission of any additional comments they wish to make and Officers have reconsidered the submission. All previous comments have been carried forward and the application submission remains as last considered by Committee in 2015.

1.1.7 This report seeks Committee's agreement accordingly to the new recommendation as set out of Paragraph 3.6.

2.0 Publicity and Consultations following Court Order

2.1 As a result all statutory consultees and objectors have been advised of this position allowing a further 21 days for submission of any additional comments they wish to make and Officers have reconsidered the submission. All previous comments have been carried forward and the application submission remains as last considered by Committee in October 2015. Consultations were issued on the 11th July 2016.

2.2 As a result comments were received as follows:

2.2.1 Development Policy

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. Appleton Roebuck 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 28 dwellings is on land that is adjacent to, but outside of, the defined Development Limits of Appleton Roebuck 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 will be a matter of analysis and discussion with the applicant over the scale of this contribution to the five year housing land supply position.

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, Appleton Roebuck has seen 25 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 2 dwellings, giving a total of 27. CS policy SP5 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Appleton Roebuck 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 17-23 dwellings for Appleton Roebuck. The scale of this proposal when considered individually, at 28 dwellings, marginally exceeds the growth options. You must also consider this proposal in the context of the level of growth in the settlement having already marginally 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 high sensitivity to development. It also assesses the settlement edge to be of high 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.

2.2.3 NYCC Highways – no further comments to make on the application.

2.2.4 Natural England - Natural England has previously commented on this proposal and made comments to the authority in our e-mail dated 13 August 2015. The advice provided in our previous response applies equally to this consultation although we made no objection to the original proposal.

2.2.5 Parish Council – advised that following a meeting on the 3rd August 2016, it was resolved to object to the above application on the following grounds, which are in addition to the previous objections, due to the fact Selby D.C. have in excess of a 5 year land bank and in light of the previous decision being Quashed by the Courts. The proposal is contrary to;

- Policy SP1 as it will add to pressure on educational and environmental conditions. The local school will be put under further strain and 28 houses will add further pressure on an already inadequate infrastructure. We are working together with Yorkshire Water, who recognise that serious inadequacies exist in the surface water drainage system, which is affecting the sewerage system.
- Policy SP2A(c) as it is on land outside the defined Development Limits of Appleton Roebuck as defined on the Policies Map of the SDLP.
- Policies SP2, SP4, & SP5 which direct the majority of new development to the Market Towns and Designated Service Villages, restricting development in the open countryside. They state the majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail, and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints.

- In SDC documents Appleton Roebuck is clearly recorded as the LEAST sustainable village in the Selby District. The village suffers from flooding and has severe infrastructure constraints due to systems now having to cope with more than twice as many homes and businesses than originally planned for in 1969 when first installed. Residents cannot access local service centres by bus (except York) therefore this development will add to road traffic movement for employment, medical and other vital services.
- Policy SP18 which aims to protect the high quality and local distinctiveness of the natural and man-made environment. The proposed site is located in the countryside and outside of Development Limits.
- Draft PLAN Selby evidence document “Settlement Setting Landscape Assessment” (January 2016) which clearly states the AR settlement is of high sensitivity to development and assesses this settlement edge to be of high importance to be protected from development.
- ENV 1 as it will affect a) the nature of the approach to the village which is historical in context, and b) the capacity of the local services and infrastructure to serve the proposal (e.g. drainage / places at the local school)
- The Designated Service Villages Growth Options Report June 2015 by ARUP consultancy, Commissioned by SDC, which concluded that the number of new houses allocated to the village should be a maximum of 17-23 over the duration of Plan Selby (2011 – 2024) as AR was the least sustainable of all villages in Selby District. Since 2011 AR has already had 25 new homes built therefore exceeding that number.

2.3 Neighbours and Objectors

Comments were received from 5 objectors as a result of the re-consultation, the comments made can be summarised as follows:

- Given that Selby council now has over 5 years of land supply in the plan, do not see that this development is acceptable or appropriate. Appleton Roebuck has seen 27 house approved and built since 2011, therefore a further development that would double this number immediately, is not in keeping with the wishes of the villagers in relation to the growth of the village nor is it realistic given the current pressures on the village.
- The village has proportionately and sensitively grown over the past years, and this should continue into the future. A large development of this scale is not what is necessary or appropriate for Appleton Roebuck village.
- Visual Impact - The approach to the village from both north and west would be visually compromised. At present from the north the village is only visible as a line of a few houses on the ridge. The new development would be visible from approx 1 mile away, Ibbotson's potato

store, and very much a visual impact ½ mile away, Colton Bridge. From Colton Bridge the development would be seen, almost all of the houses marching up the slope to obscure the few houses that can be seen at present on the ridgeline. The approach from the west at present only a few houses can be seen but the new development would be viewed from the side spilling down the slope away from the village. The village at present is tending to nestle just behind the ridge and is a joy to enter. The proposed development announces visually from afar.

- This proposed development is outside the village envelope. In our original neighbourhood development plan (NDP General Regulations 2012) with a first draft sent to village residents in January 2015 it was agreed by parishioners and parish councillors that only small developments - up to 9 houses would be tolerated. This takes into account the various disruptions to the village, any larger development would bring about. Policy ELHI Maintenance of Agricultural Land. Says that developments should be rejected where no benefit would be accorded to the villagers. This development only benefits the developers.
- Affordable Housing - This village is accorded Designated Service Village. That is a JOKE. The bus service is a handful of times a day to either Tadcaster or York. Neither direction is there a bus early enough to start a job at 8.30am and neither direction is there a bus which would allow you to finish your job at 5.30pm. We do not have a shop, we have 2 pubs and a post office once a week and a wet fish man that visits once a week.
- Drainage - which is already well known to S.D.C. with numerous works being carried out as problematical to say the least. Any large scale development would add further input into an already overloaded sewage and ground water system. The present system needs to be fundamentally updated and not just tweaked before major development is allowed. This proposal is at the very beginning of the village system and so impacts the full length of the village until the pumping station at the far end.
- Parking - the plan would appear to offer inadequate parking for the size of the development. Not only should resident parking be considered but also visitor parking which would necessitate parking on the road on site or on the main road. Delivery vehicles would also experience the same problem but magnified by the size of the vehicle
- Safety - the proposed development is on a rising road with a matter of only a few metres from the entrance to a blind crest. Travelling toward Colton out of the village over the blind crest there is a possibility of coming upon stationary vehicles waiting to access the development. Approaching the village from Colton direction the temptation for some would be to overtake vehicles entering the site which would put them into the path of oncoming vehicles over the blind crest. There would also be the temptation of visitor and delivery vehicles to park on the grass verge either full or half on half off and cause potential hazards.

- Services - It is unclear whether recycling vehicles would be allowed / able to enter the development. If unable to do this would be dangerous just short of the blind crest. The vehicle would be parked on the main road for some time and where would the wheelies and recycle boxes go to be collected.
- In my previous submittal I alluded to the lands previous history as being medieval strip gardens. This is incorrect and I would like to apologise for my mistake.
- The primary driver behind this application previously being approved was a lack of 5 year housing supply, which is no longer the case.
- Appleton Roebuck as a village is open to growth which is proportionate and sustainable and has indeed highlighted suitable land within the existing development limits for such growth, therefore there can be no justifiable reason for allowing a development of this scale outside existing boundaries.
- This development is also contrary to various aspects of the NPPF, all of which are covered in Richard Welch's (Selby Council Policy Officer) report.
- The scale of the proposed development is significant. In the last 5 years, there have been 27 new dwellings built, or approved for build in Appleton Roebuck. At 28 dwellings from this one proposal, this significantly exceeds both historic patterns of growth, and potential future developments as recommended in the Selby Plan (17-23 dwelling minimum growth option.)
- The proposed development is outside the current village development limits and there is concern that this could lead to urban sprawl through potential 'in-filling' from future developments in time.
- Drainage and sewerage capacity has been identified as being highly stretched, with annual flooding preventing access along the main road. A development of this scale would further contribute to this concern for the community, and there don't appear to be solutions presented within the proposal to clearly mitigate this issue.
- Highway safety remains a concern, with the entrance to the proposed development lying on a stretch of country road with a 60mph speed limit. It also sits close to the brow of hill on what is the main road into the village.
- There will also be a significant impact if this application is approved to neighbouring properties. The proposed development will see several houses over-looking the primary outdoor living space of multiple existing properties, including raised seating areas, a tennis court and outdoor play areas utilised by a registered, operating child-minding business.
Is outside the village envelope and will seriously affect the nature and character of the village and the view of the approach into Appleton;
- There is no need or justification for housing in this location. There is no local employment, nor public transport to any employment centres;
- There are no amenities within the village, Selby's report on sustainability of villages places Appleton at the bottom of the table. The village school is over subscribed and land-locked, any expansion will

diminish the schools amenity areas further. Throwing money at it will not solve the issue;

- The road network including the A64 is becoming more congested and a further 60 vehicles will add to this problem, exacerbated by York Races and the coastal traffic;
- There are no benefits to outweigh the harm, except turning £30k value of Agricultural land into £2.5M of building land, to fulfil a desire (not need) to live in a country location, which ironically will change to urban sprawl with such developments;
- I note the internal reports to you and need not reiterate their content.
- In conclusion the Status of DSV for Appleton is ludicrous and should be given no weight. The method by which it was obtained is dubious and has been questioned by the Parish Council, to your (now previous) CE. No reply was received and the top tier of management in Selby, including planning, have departed for pastures new. Would therefore request that full justifications be given in the officers report for any conclusions that are made. Previously totally bizarre conclusions have been proffered on the basis of no 5 year plan, and waffle. The Government now realise that their planning strategy is flawed and it would therefore seem appropriate to go back to the historical role of planners to give an unbiased professional approach, which seeks to regulate and protect from inappropriate development.

3.0 Assessment of Changed Circumstances

3.1 The changed circumstances and additional issues arising from consultations and as result of the passage of time when re-assessing this application, alongside those matters within the **Appendix A** report, the key aspects are:

1. Housing Land Supply
2. The Appropriateness of the Location for Residential Development in respect of Current Housing Policy, Housing Land Supply, the Development Plan and Guidance contained within the NPPF.
3. Identifying the impacts arising from the development:
 - a. Landscape Setting and Impact
 - b. Neighbourhood Plan
 - c. S016 Matters

3.2 Housing Land Supply.

3.2.1 The National Planning Policy Framework (NPPF) places significant importance on maintaining the delivery of a five year housing land supply to meet housing targets (para 47 bullet 4) and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (para 49).

3.2.2 When Members this application initially in September 2015, under the **Appendix A** report, the Council could not demonstrate a five year housing land supply across the District. Therefore Members were advised that those relevant development plan policies on the supply of housing were out of date. Instead paragraph 14 of the NPPF required the planning balance to be much more dependent on an assessment of the policies of the NPPF itself. Indeed the planning balance at this time was, effectively, that the Council should grant planning permission unless

- *“Any adverse effects of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

3.2.3 Now that a five year housing land supply can be demonstrated for the District (5.8 years at 1 October 2015), the planning balance has changed to allow the Council to determine the application:

- *“In accordance with the development plan unless material considerations indicate otherwise”.*

3.2.4 This is a significant difference in the approach to the determination of this application compared to that undertaken in September 2015.

3.3 The Appropriateness of the Location for Residential Development in respect of Current Housing Policy, Housing Land Supply, the Development Plan and Guidance contained within the NPPF.

3.3.1 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.

3.3.2 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.

3.3.3 Policy SP2 identifies Appleton Roebuck as being a Designated Service Village which has some scope for additional residential development to support rural sustainability. The site lies outside the defined development limits of Appleton Roebuck and therefore is located in open countryside.

3.3.4 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.

- 3.3.5 Policy SP5(A) of the Core Strategy notes that “Provision will be made for the delivery of a minimum of 450 dwellings per annum and associated infrastructure in the period to March 2027”, with SP5(B) noting that Designated Service Villages are to provide a minimum of 2000 units between 2011-2027, and SP5(E) noting that “Allocations . Allocations will be sought in the most sustainable villages (Designated Service Villages) where local need is established through a Strategic Housing Market Assessment and/or other local information. Specific sites will be identified through the Site Allocations part of the Local Plan”.
- 3.3.6 In light of the above policy context, the proposals for residential development on the site are contrary to policy SP2A(c) of the Core Strategy given it is located outside the development limits of the settlement and development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out as per the Spatial Development Strategy outlined in Policy SP1 and SP5(a), SP5(B) and SP5(E) of the Core Strategy.
- 3.3.5 In the context of SP2A(c), SP5(a) and SP5(B) and SP5(E) the proposal should therefore be refused unless material considerations indicate otherwise.
- 3.3.6 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 within this report and the **Appendix A** report.
- 3.3.7 However, it is considered that although this site could potentially contribute towards the Council’s housing supply, the Council does have a robust supply and has exceeded supply levels for DSV’s until PLAN Selby is adopted. As such granting of consent on this site would be contrary to Policies SP5(A) and SP5(E) of the Core Strategy.

Previous Levels of Growth and the Scale of the Proposal

- 3.3.8 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 Appleton Roebuck has seen 27 dwellings built and/or approved in the settlement since the start of the Plan Period in April 2011.

3.2.9 The application is for 28 units on the site, the Agents have noted the comments of Policy Officers on the re-consultation and having considered case law they have stated that they consider that

“the development plan does not identify a housing requirement for Appleton Roebuck. Instead any planning application should be considered in the context of the presumption in favour of sustainable development expressed within the NPPF, and which is a consideration in the determination of this planning application”.

They also note that

“whilst we note the comments of the Policy Team in respect of the ‘minimum’ growth options consulted on by the Council in July / August 2015 as part of the PLAN Selby consultation, these can only be afforded limited weight in the decision making process (consistent with Paragraph 216 of the NPPF). These ‘minimum’ figures have not been tested at Examination, and are subject of outstanding objections which will require significant further public consultation”

The Agents have also identified other consents issued by the Council where the minimum levels have been exceeded as a result of proposals including 2015/1346/FUL at Carlton and 2015/0907/OUT at Ulleskelf, albeit these are smaller schemes and the resultant levels of development secured is only marginally above the minimal levels. In concluding, the Agent has however they have highlighted that there is a need for a consistent approach and apply the presumption in favour of sustainable development.

3.2.10 Although, it is accepted that Core Strategy Policy SP4 does not set a minimum dwelling target for individual service villages, and therefore it is not possible to fully ascertain exactly whether Appleton Roebuck has exceeded its dwelling target. As a guide, Policy Officers have confirmed that the Council consulted on various growth options for the Designated Service Villages as part of the development of PLAN Selby in July/August 2015 and at this point the research indicated minimum growth options of between 17 - 23 dwellings for Appleton Roebuck.

3.2.11 The Agents have argued that the while the level of development in the settlement may be above that identified in the potential growth options, the policy does not set a cap on development level. However, this needs to be balanced against the settlements identification as a DSV, the growth aims of the Core Strategy and the impact of any scheme on the open countryside as well as any contribution development can make to housing land supply.

3.2.12 Although this a factor to balance in consideration as to whether the application should be supported contrary to the Core Strategy and Local Plan, it is not considered to be of significant weight to outweigh the development plan.

3.2.13 It is considered that an additional 28 dwellings Appleton Roebuck since the start of the Plan Period in April 2011 would substantially exceed the minimum growth options of between 17 – 23 dwellings for Appleton Roebuck identified by research in connection various growth options for the Designated Service Villages as part of the development of PLAN Selby in July / August 2015. As such, the proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Appleton Roebuck and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

3.2 Landscape Setting

3.2.1 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.

3.2.2 The site is located outside the development limit, and within an area of “medium” landscape sensitivity in the current public assessments. However, in commenting on the application the Parish Council and Development Policy note that 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 high sensitivity to development with the settlement fringe considered of low quality.

3.2.3 In terms of landscaping, the submitted Landscape and Visual Assessment has assessed the scheme in terms of the relationship with landscape context of the area and the topography of the site and context. The Report also accepts that there will be some visual change in the landscape context as a result of the development of the site for residential development, however it concludes that the development would not result in an uncharacteristic or unacceptable impact on the landscape.

3.2.4 In the **Appendix A** report officers noted that “Having reviewed the submitted information and visited the site Officers would advise that given the site’s location on the edge of the settlement then subject to landscaping and the retention of existing hedgerows in line with the parameters plan it is considered that a suitable landscaping scheme and boundary treatment could be achieved at reserved matters stage to ensure that the scheme has an acceptable impact on the character and form of the area”.

3.2.5 The submitted Landscape and Visual Assessment has been reviewed on behalf of the Council by Consultants (TPM Landscape) since the quashing of the decision, and they have supported the assessment of Officers, and have concluded that

- The sensitivity of the landscape at District level is moderate or medium with a landscape which is distinct without being unique and which includes aspects of quality and value. The local study work that was done in preparation for the Core Strategy offers a detailed consideration of the landscape surrounding the village and identifies a division between the north and south of the village which is evident on the ground. A more intimate landscape to the south has a higher sensitivity to development than the clearer settlement edge and open farmland to the north of the village.
- The proposed development will have an immediate and large change to this field group, changing its use from arable farmland to settlement. The local character of the landscape to the north of the village is rural in character and has an open, rolling appearance with good visibility across managed hedgerow field boundaries and occasional trees.
- The number of receptors that can experience both the landscape as a whole and views from within the landscape is limited to users of the local road network (Colton Lane and Broad Lane) and users of the public footpath network (Malt Kiln Lane and other paths running north from North Hall Farm), and residential properties at the north western edge of the village.
- The site is currently well contained and views from the north looking back towards the village already include views of the settlement edge with hedgerows surrounding the site offering some screening
- Although some harm would follow from development at the proposal site on both the local landscape and local visual amenity, this will be over a relatively small area of influence. The nature of change will not be incongruous in its location and there is a realistic expectation that mitigation measures could further reduce these impact over time and assist in the proposals ability to integrate into the existing village settlement character

3.2.6 The emerging PLAN Selby evidence on the sensitivity of the landscape to development has yet to be published and therefore it carries limited weight at this stage, in addition further assessments / reviews are still to be undertaken to underpin this base information.

3.2.7 On balance, it is considered that the even though the proposal extends into the countryside, when looking at the development limit boundary this site would effectively create a defensible landscaped boundary which would ensure that the development would be neither visually prominent, nor discordant within the landscape. Having reviewed the submitted information, had an independent review and visited the site Officers would advise that given the site's location on the edge of the settlement then subject to landscaping and the retention of existing hedgerows in line with the parameters plan it is considered that a suitable landscaping scheme and boundary treatment could be achieved at reserved matters stage to ensure that the scheme has an acceptable impact on landscape and the character and form of the area and accords with Policy SP18.

3.3 Neighbourhood Plan

- 3.3.1 Since the consideration of the application at Planning Committee in September 2015 when Members were advised that the Neighbourhood Plan does not have any weight in terms of the determination of the application given its stage of progression, the plan has progressed.
- 3.3.2 The Neighbourhood Plan was subject of a pre-submission consultation which ran between 6th June 2016 and the 24th July 2016. Following this consultation the Plan will be progressed through modifications inquiry, possible further modifications and referendum in November / December 2016 prior to being confirmed and thus gaining weight in terms of the determination of planning applications.
- 3.3.4 As such Officers still consider that the Neighbourhood Plan does not have any weight in terms of the determination of the application given its stage of progression the plan has progressed too.

3.4 S106 Requirements

- 3.4.1 The consent as issued by the Authority in December 2015, had an associated S106 Agreement relating to the provision of 40% of units for Affordable Housing (at a mix of 70% rent and 30% intermediate), Waste and Recycling and Provision of On Site Recreational Open Space. These requirements would still be appropriate for the development should Members be minded to approve the application contrary to the Officers recommendation.

3.5 Conclusion

- 3.5.1 The proposed scheme is made in outline with access to be agreed and all matters reserved for residential development on land abutting the development limits of Appleton Roebuck which is a D esignated Service Village. The proposal is contrary to Policy SP2A(c), SP5(A) and SP5(E) of the Core Strategy and should be refused unless material considerations indicate otherwise.
- 3.5.2 As noted in the report at **Appendix A**, in respect of matters of acknowledged importance such as climate change, flood risk, ecology, drainage, impact on residential amenity, highway safety, landscape impact, contaminated land and protected species it is considered that the scheme is acceptable in all of these regards.
- 3.5.3 Therefore the proposal is considered unacceptable on balance when assessed against the development plan and is contrary to Policies SP2A, SP5(A) and SP5(E) of the Core Strategy.

3.6 Recommendation

This application is recommended to be REFUSED

01. The proposal would be located within the countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for 28 dwellings, when added to the 27 dwellings that have been built or approved in Appleton Roebuck since the start of the Plan Period in April 2011 would substantially exceeds the minimum growth options of between 17 – 23 dwellings for Appleton Roebuck identified by research in connection various growth options for the Designated Service Villages as part of the development of PLAN Selby in July / August 2015. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Appleton Roebuck and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.
02. The proposal would be located within the open countryside and approval of this application for housing is in conflict with the recently adopted Core Strategy's spatial development strategy for this Designated Service Villages in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A) and (E)

3.7 Legal Issues

3.7.1 Planning Acts

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

3.7.2 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.

3.7.3 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.

3.8 Financial Issues

- 3.8.1 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 2015/0448/OUT and associated documents.

Contact Officer: Jonathan Carr (Interim Lead Officer Planning)

Appendices: None.

Appendix A



Report Reference Number 2015/0448/OUT

Agenda Item No:

To: Planning Committee
Date: 9th September 2015
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Richard Sunter (Lead Officer – Planning)

APPLICATION NUMBER:	2015/0448/OUT 8/79/233/PA	PARISH:	Appleton Roebuck
APPLICANT:	Baylis & Baylis Ltd	VALID DATE:	30 April 2015
		EXPIRY DATE:	30 July 2015
PROPOSAL:	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 dwelling with associated infrastructure and open space provision on land adjacent to Hillcrest House		
LOCATION:	Colton Lane, Appleton Roebuck		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approval of the application. There has also been a level of objections that mean the application is considered to be locally controversial.

Summary:

The proposed scheme is made in outline with all matters reserved for residential development on land abutting the development limits of Appleton Roebuck which is a Designated Service Village. The proposal is contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. On such material consideration is the NPPF.

The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable

development and paragraph 49 of the NPPF. Having had regard to paragraph 49 of the NPPF, it is considered that Policies SP2 and SP5 are out of date in so far as they relate to housing supply. However, in assessing the proposal, the development would bring economic, social and environmental benefits to the village of Appleton Roebuck.

The proposal is considered to be acceptable in principle. In respect of matters of acknowledged importance such as climate change, flood risk, ecology, drainage, impact on residential amenity, highway safety, contaminated land and protected species it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits of the application when assessed against the NPPF taken as a whole.

Therefore the proposal is considered acceptable when assessed against the policies in the NPPF taken as a whole, Selby District Local Plan and the Core Strategy.

Recommendation

This application is recommended to be Granted subject to a S106 to secure the provision of 40% of units for affordable housing (at a mix of 70% rent and 30% intermediate), education contribution, waste and recycling and provision of on-site recreational open space and the noted conditions at Section 2.21.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the countryside but sits in very close proximity to, and abuts in part, the defined development limits of Appleton Roebuck. It comprises an area of 1.34 hectares of land currently in use by the occupiers of Hillcrest House in association with the occupation of the dwelling and agricultural land.

1.1.2 The site is immediately to the west of Hillcrest House and has a defined boundary to this property. The frontage to Colton Lane is comprised of a low hedgerow with a number of trees in the highways verge, and a gated entrance serving the site at the eastern end of the site. The remainder of the boundaries are formed by a low hedgerow.

1.1.3 The properties in proximity to the site are mixed in design and materials and there is a single bungalow adjacent to the site, known as Hillcrest House.

1.1.5 The site is located within Flood Zone 1.

1.2. The Proposal

1.2.1 The application seeks outline planning permission for residential development with the means of access for approval and all other matters reserved. The application indicates a maximum of 28 dwellings with associated infrastructure and open space provision.

1.2.2 The application is accompanied by an indicative layout plan and a parameters plan. The indicative layout shows how the site could be laid out to provide a total of 28 dwellings, 11 of which are shown as affordable units and 17 for private sale, giving a density of 24 dph. The layout also shows provision of 1,697 square metres of onsite recreational open space.

1.3 Planning History

1.3.1 There is no relevant planning history for the site.

1.4 Consultations

1.4.1 Appleton Roebuck Parish Council

The Parish Council have objected to the application noting their comments are linked to the principles of sustainable development in the NPPF thus focussed on the economic, social and environmental role of planning. The Parish Council believes that the proposed development fails on all three dimensions.

The Economic Role

- The Parish Council has been working closely with Selby District Council producing the first Neighbourhood Development Plan in the District which is almost completed. It is a Government Flagship Policy that gives local people the opportunity to voice their opinions about the future of their living and working environment.
- It is accepted by SDC that Appleton Roebuck has major problems with the sewerage/drainage system and that during times of high density rainfall several villagers find raw sewerage [sic] in their gardens, backing up in their kitchens and their drains overflow. Main Street also floods. Yorkshire Water has been working on the village sewerage / drainage system over the last year trying to rectify the problems and has given the Parish Council actual information about the system capacity. The proposed development will increase the number of houses in the village by just under 10% and generate approximately 613,200 litres of waste water per year. This figure is calculated by working on twenty eight houses with an average occupancy of three people per household and using the Waste Water Calculator of 120 Litres/Day per person. The Parish Council believes that without major improvements to the sewerage/ drainage infrastructure the proposed development will pose a considerable health risk to many of the villagers in periods of high rainfall especially the old and the young. It is also accepted that climate change will produce many more frequencies of "Micro-burst" rainfall which has caused flooding to many parts of the United Kingdom that have had no history of flooding.
- The Highways Agency has also raised concerns about the Visibility Splays due to the topography of the land and that the proposed footway just leads onto a grassed verge by the side of the main road into the village.

- The land on which the proposed development is to be built on is not the right type because it is agricultural cropping land used for cereals. As we are a rural community allowing building development on greenfield sites will have the effect of removing income from the land, decrease food production and ultimately lead to less jobs in farming in the local area.
- The proposed development is also not in the right place as the current shape of the village is C shaped. This development will elongate the C which will allow potential for greater infill destroying the character of the village. It will also fundamentally change the view of the entry to the village which is a conservation village. The proposed development is also not at the right time because as previously stated the final draft of the village Neighbourhood Development Plan will be presented to the Parish Council on 1st July which is the next planned meeting.
- There is also no job market or transport infrastructure within the village at present and with the spending cuts imposed on the District Council there is little chance of any in the future.
- The proposed development will not support growth in the village it will just create more problems for the village primary school.

A Social Role

- The Core Strategy Local Plan identifies Appleton Roebuck as a designated service village with the potential for some limited housing growth. The Parish Council considers that a nearly 10% growth in housing proposed by this development is a major development and not a limited provision as set out in the Local Plan.
- Selby District Council's own original assessment of the village declares that Appleton Roebuck should be a Secondary Village because there are no shops, doctors or dentist surgeries, youth clubs or even a children's play area and the only village bus service doesn't even go to Tadcaster, which is the nearest District Hub. In fact the only village bus service (No 21) is heavily subsidised by York City Council and it's extremely probable that this service might be cut in their next round of council spending cuts.
- The Parish Council believes that the proposed development will have an adverse effect on our village school which consistently achieves an outstanding rating from Ofsted.
- The village has a mix of different housing designs which is one of the reasons that it was awarded Conservation Status by SDC.
- The proposed development would lower the build quality to a suburban sprawl and completely destroy the character of a village, which has been in existence for over nine hundred and fifty years, as the village is mentioned in the Domesday Book.

- The village has very limited local services to access -there are no shops or medical services, public transport is very limited and heavily subsidised by a neighbouring authority and jobs are rural in nature with limited opportunities. The sewerage/drainage system can't cope with the present volume of housing in the village without adding almost 10% more. The proposed development will, quite rightly, create resentment amongst existing residents if there are more instances of sewerage and flooding to even more properties due to the existing under capacity sewerage system not being able to cope with the increase in waste water produced by the development.
- Social Well-being will be diminished and the village will begin to lose its tight community spirit as it transforms into a suburban nature without the suburban infrastructure.

An environmental role

- The proposed development is on a productive greenfield site which is outside the village building envelope and therefore does not enhance but significantly degrades our natural and historic built environment and therefore does not improve biodiversity. Building on agricultural land in a place where there are no replacement job services is not a prudent use of resources.
- The development relies heavily on private motor cars. Present statistics show that families in Appleton are multi-car families because of a lack of local jobs and poor public transport services.

In summary the Parish Council summaries their comments as follows:

- The proposed site is situated in open countryside and as such it extends the urban sprawl of the village beyond the existing boundary. This will be visually prominent when viewed from the main access roads approaching the village.
- Selby District Council's Strategic Housing Land Availability Assessment does not promote this site as a potential housing site. Also no decision has yet been made on the potential housing sites in Appleton Roebuck and there may be more sustainable housing sites in the village.
- As previously stated the proposed development will increase the number of houses in the village by nearly 10% and this will have a significant impact on our village in terms of:
 1. Sewerage and Drainage systems

2. Possible enforced overcapacity of the village Primary School which would have a detrimental effect on educational standards. Lack of capacity in the village primary school would require parents to ferry young children between 3 and 6 miles to the next nearest schools – children in the same family may not be able to attend the same school – associated costs with extra travelling could cause additional financial burdens to parents thus helping to negate the benefits of low cost housing.
3. Loss of wildlife habitat – removal of hedges etc
4. If the road into the development is unadopted this would result in 56 refuse/green bins and 84 recycling boxes having to be stacked along the highway with associated dangers on windy days.
5. Increased road traffic/pollution
6. Dangerous ingress and egress
7. General imprudent use of resources

Having regard to the matters raised above, the Parish Council considers that this application is premature and considers that Selby District Council's planning Committee should not be making a decision on what is considered to be a major development for Appleton Roebuck until the Sites and Policies Local Plan has been properly considered. In addition, our Neighbourhood Development Plan, supported by SDC and Local MP Nigel Adams and promoted to the parish by Mary Weastell, is at an advanced stage in its pre-submission draft. The completed draft be presented to the Parish Council at its next meeting on Wednesday 1st July.

1.4.2 Yorkshire Water Services Ltd

Yorkshire Water made the following comments:

Waste Water

If planning permission is to be granted, the following condition (or similar) should be attached in order to protect the local aquatic environment and YW infrastructure:

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

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

The Flood Risk Assessment reference RDCPB3578R001F03 dated 24/06/2015 prepared by Royal Haskoning is acceptable. It states that sub-soil conditions will be examined with regard to their suitability for SuDS but alternatively, a watercourse exists near to the site connection which will be utilised for drainage of surface water.

1.4.3 Environment Agency

Advised that from the information we've received, it appears this proposal falls outside the scope of issues the Environment Agency wish to be consulted on, as set out in our Consultation Screening Tool, updated as of 15th April 2015, so no comments to make on the application,

1.4.4 Sustainable Drainage Officer

We have no issue with surface water drainage proposals remaining a reserved matter. Should you need a condition, can recommend the following:

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.

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.

Subsequent to these comments the SUD's Officer also advised upon re-consultation on the revised Flood Risk Assessment,

"For information, with respect to section 7.1 of the revised flood risk assessment, the applicant is advised that North Yorkshire County Council does not currently adopt SuDS features with the exception of highway drainage assets. The same section makes reference to the implementation of Schedule 3 of the Flood and Water Management Act 2010; please note that Schedule 3 has been abandoned".

1.4.5 NYCC Highways

The Local Highway Authority, following the receipt of amended plans, recommends that the following conditions are attached to any permission granted:

- HC-01 Detailed Plans for Road and Footway Layout (Outline All Types)
- HC-06 Discharge of Surface Water

- HC-10 Visibility Splays
- HC-12a Approval of Details for Site Works in the Highway
- HC-28 Construction Management Plan
- HI-20 INFORMATIVE – Statutory Processes (e.g. Amendment of Traffic orders)

1.4.6 Council's Contaminated Land Consultants

The submitted report from Royal Haskoning DSV, dated April 2014, is a PRA that appears to conform to CLR11 guidance. Although the report does not specifically mention the details of the planning application it assumes sensitive receptors (i.e. more sensitive than current agricultural land use). The consultants have undertaken a site reconnaissance. I have further reviewed the Landmark data pack, dated March 2015, and based on this information I can concur in principle with the findings within the report. The matter of potential issues with contamination could be judged as there having been submitted sufficient information to characterise the site and assess that there are no significant contaminant linkages that are likely to impact receptors associated with residential development with gardens. Should the development proceed then it would be prudent for the consultant to maintain a watching brief and if necessary prepare a report detailing and assessing any currently unknown issues with contamination to the Environmental Health Officer who may refer the matter to us for further review. Standard conditions would cover the potential requirement for such reporting and assessment.

1.4.7 NYCC Education

Based on the proposed 28, 2+ bedroom properties a developer contribution of £95,172 would be sought for primary education facilities as a result of this development for Appleton Roebuck Primary School. A developer contribution would not be sought for secondary school facilities at this time. Should the density of the site change we would be required to recalculate this based on pupil numbers available at the present time. Please note that in some circumstances additional land may also be required.

1.4.8 Rural Housing Officer

Advised that given that the outline scheme above proposes a total of 28 no. units with 40% affordable (11 units), and as such meets our requirements. The Selby District Council Strategic Housing Market Assessment 2009 has identified a need for both 2 and 3 bed affordable homes, with a required tenure split for affordable units of 30-50% intermediate and 50-70% rented (affordable and social), this data is also supported in the latest draft 2015

SHMA, due for finalisation September 2015. There is a need for both 2 and 3 bed affordable homes, but a different mix may be considered if it has been agreed in principle with an identified Registered Provider (RP) partner. Requested that the developer makes early contact with a partner RP for the affordable homes in order to confirm that the number, size and type of units

are acceptable to them and please refer to Selby DC'S Affordable Housing SPD for a list of all the RP partners. The Rural Housing Officer has also advised that in terms of the percentage split for the S.106 then the advice would be that a mix of 70% rent and 30% intermediate for the 11 no. proposed affordable units is sought via a S106.

1.4.9 Primary Care Trust

An update will be provided to Committee on this consultation.

1.4.10 Natural England

An update will be provided to Committee on this consultation.

1.4.11 North Yorkshire Bat Group

We are concerned that the ecologists have not carried out a data search for existing records of bats in the area, nor have they done any bat activity surveys of the site.

Their report states that there are no records of bats within 1km of the survey site. However, Appleton Roebuck has among the largest number of known bat roosts per square kilometre of any village in the district. A map showing the distribution of known roosts in and around the village is attached. Bats from these roosts will forage at night in the countryside around the village and will use hedgerows, tree lines, ditches and other linear features as 'commuting' routes.

We agree that the development site itself is very unlikely to support roosting bats and note that the ecologists acknowledge the likely importance of hedgerows to commuting and foraging bats and recommend their retention and enhancement, policies which we would support. However, because no bat activity surveys have been carried out there is no information as to how important each of the hedges are. This means that particularly significant hedges would be treated the same as the others; if particularly significant hedges exist on the site then alterations to site layout and plans may be appropriate to minimize impacts.

We support the inclusion of built-in bat roost features into any new properties built on the site and would also suggest the inclusion of nesting boxes for Swifts; conditioning inclusion of these features would be appropriate. We also support the proposals to restrict exterior lighting, though how this would be done is rather vague. Again, bat activity surveys would indicate where lighting would be inappropriate.

1.5 Publicity

- 1.5.1 The application was advertised by site notices, press notices and neighbour notification letter resulting in 25 letters of objection (as received by the 11th August 2015).

The issues raised can be summarised as follows:

Principle of Development

- Proposed housing numbers oppose the drafted neighbourhood plan.
- The settlement should be a secondary village and this should be reassessed by an independent body/ inspector and no applications should be determined till this has been done
- The proposal site is located outside of development limits and is therefore in open countryside, seen as the least sustainable locations in the Core Strategy. Policy SP2 discusses how development in Appleton Roebuck should be contained within the development limits of the settlement.
- The proposal opposes Policy SP4 of the Core Strategy as it is not inside of the development limits and it is not sustainable development. This also goes against the NPPF's paragraph 55.
- There are other potential housing sites within the settlement's development limits which have been identified by the SHLAA.
- Any developments should be more central to the village.
- Approving this application would only set a precedent for further similar residential developments in the village.
- The proposed development's scale is not in keeping with the village. Development proposals should be smaller.
- The proposal does not improve the quality of life for those who live and work in the district.
- A precedent has already been set by previous residential developments proposal outside of the village's development limits which were refused.
- It has been recognised that Appleton Roebuck is the least sustainable of the designated service villages and it is only designated as it is viewed as having the potential to support surrounding settlements in the future; therefore it cannot support immediate housing growth.
- The development does not meet any special circumstances as set out in the NPPF's paragraph 55.
- This proposed development would put the neighbourhood plan's success at risk.
- The proposal is against policies SP1, SP2, SP6 and SP15.
- The lack of a 5 year housing supply, and therefore presumption in favour of sustainable development is superseded by the fact that the proposal is not sustainable and also the fact that it does not comply with the golden thread running through the NPPF and specific policies in the framework such as 17, 55 and 111.
- The proposed development would be premature to the sites which are to come forward in conjunction with the emerging Local Plan and would therefore undermine the plan-making process. Allowing this proposal to go ahead before the plan is examined in public will prejudge the planning and democratic processes which are required for a fair and transparent operation of the planning decision.

- The 28 dwellings proposed will represent the bulk of the dwellings earmarked for the settlement before 2017, meaning that it would potentially provide for the bulk of the village's allocated growth without the benefit of the appraisal of alternative village sites that the Core Strategy requires.
- There are alternative brownfield sites in Selby and Tadcaster that can be developed instead.
- Local residents accept that development needs to take place in the village however they feel they need to have more a say.

Character

- This proposal would dramatically alter the approach to the village.
- The proposal does not integrate or reflect its surroundings.
- The scale and the layout of the proposed properties would differ to those which currently exist on Main Street, these being irregularly sized, long and thin, running at right angles from the road, with large gaps in between. The estate created will be at a much higher density to this.
- 'Evolution not revolution': the village needs smaller proposals not larger ones – this reflects the way the village has grown in the past.
- There are concerns that scale development could permanently destroy the character of the village.
- The exceptions to Policy SP2 condition that the proposals have to be well designed and to an appropriate scale, while contributing to the local economy where they will enhance or maintain vitality. The applicant has not provided details on the house types meaning that there is no indication that the proposal will be 'well designed', and planning conditions relating to design cannot sufficiently control new buildings in this way. The scale of the properties indicated will be substantial in size when compared to the existing properties and again the scale cannot be controlled sufficiently with planning conditions as reserved matters applications will be considered separately. The proposal will actually have a negative effect on the local economy as it will prevent and reduce rural workers access to affordable homes. Finally, the proposal does not enhance or maintain the vitality of the village.

Highways

- The transport statement is not sufficient; Public transport provision is sporadic and local residents are car dependent; there are no facilities in the village of Appleton Roebuck; the primary school is at capacity. The site is therefore unsustainable and does not comply with the NPPF.
- The proposed development would open onto a narrow country road. This would create a traffic hazard for vehicles, cyclists, horse riders and pedestrians.

- The site of the proposed access road is potentially very dangerous. The entrance is sited just west of an appreciable rise in the road (Colton Lane), which will substantially obscure the view from the east (Main Street) of vehicles entering and leaving the development coming from the north-west, there is a bend in Colton Lane which obscures all sight of the proposed entrance to the development, such that oncoming vehicles coming from the north-west along Colton Lane will not see the development entrance until the last minute.
- Traffic accessing amenities in Copmanthorpe and Bishopthorpe will be carried through the village.
- The planning statement makes no meaningful attempt to identify the travel patterns that will result in residents seeking access to facilities and services in the wider area, nor investigate how new residents will be able to make these journeys via sustainable modes of transport.
- The requirement for highway safety consideration is identified in Appendix B15 of the Village Design Statement: New accesses should be designed to minimise the loss of boundary vegetation and achieve an appropriate balance between highway safety and amenity. We would observe that the proposed entrance to the development would present a significant increased risk to highway safety both during the initial construction phase and through long term increased traffic flow.
- Parking in the road is already an issue – with cars and vans on the grass verges making it dangerous for walking on pavements through the village and additional traffic would make the situation worse.
- Absence of pavement and street lighting.

Flood Risk

- There are already currently significant problems in the village which will be exacerbated further by the high volume of additional houses.

Sewerage

- As is well known by Yorkshire Water, the sewerage system in Appleton Roebuck is at capacity and in time of heavy rain the system backs up and raw sewage overflows, particularly towards the east end of Main Street.

Effect on Services and Amenities

- Concerns over the ability of the local school to cope with demand for additional places this proposed scheme may bring. The traffic near the local school is already bad and this will further enhance this.
- The proposal does not enhance the village in any way by providing much needed community facilities.

Effects on Residential Amenity

- An outdated and inaccurate map is attached to the application that does not reflect reality. The proposed development would in fact border directly onto multiple properties on The Orchards and Ainsty Garth. There are fears that the proposal will encroach on the primary outdoor living space of properties on these streets.

Loss of Agricultural Land

- The applicant has made no reasonable attempt at justifying the loss of the agricultural land and the contribution it does or could make to the rural economy.
- Whilst the applicant has submitted an Agricultural Land Classification Assessment for the site, this is neither applied nor analysed to provide the information required to assess the proposal against development plan policy.
- The agricultural land has been incorrectly classed as grade 3b instead of grade 2 which is crucial when assessing the land against the 'Best and most versatile agricultural land as contained within annex 2 of the NPPF.
- The report makes no effort whatsoever to reflect the advice within NPPF paragraph 112 in assessing the economic and other benefits of the land in its current form, or the relative quality of the land compared to other land in the district.

Effects on the Environment

- Due to the size of the proposal, there may be a loss of wildlife habitats – therefore residents seek further assessment of this risk.

Noise & Disruption

- Noise in the village would increase if this proposal was to go ahead.
- The construction vehicles involved in the construction of this proposal would be noisy and leave mess.

Documents Submitted

- The aerial images submitted are out of date and do not show the recent Ainsty Garth and Orchard Close residential developments.
- Comments that the recent Ainsty Garth and Orchard Close developments set a precedent that lead to a logical development of the village boundary do not follow as both of these developments were built on the grounds of existing properties, which were demolished to make way for the new developments, and were both set strictly within the designated village boundary.

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

2.2.1 The relevant Core Strategy Policies are as follows:

Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Development Strategy
Policy SP5	Scale and Distribution of Housing
Policy SP8	Housing Mix
Policy SP9	Affordable Housing
Policy SP15	Sustainable Development and Climate Change
Policy SP16	Improving Resource Efficiency
Policy SP18	Protecting and Enhancing the Environment
Policy SP19	Design Quality

Members should note that although objectors have raised issues in relation to Policy SP6 "Sustainable Development and Climate Change" this policy primarily relates to plan monitoring for housing, identifying under performance and outlining remedial action. The policy therefore has no direct application in the context of determining this application.

Legal Challenge to the Selby District Core Strategy Local Plan

Sam Smith's Old Brewery has been granted leave to appeal the decision of the High Court to dismiss the Core Strategy Legal Challenge. Leave has been given on only one ground, whether the Duty to Co-operate (introduced by the Localism Act 2011) applied to work done during the suspension of the Examination in Public.

The Court of Appeal will hear the case in October 2015 and the Council has indicated that it will be defending the appeal.

The Appeal is a material consideration, however the outcome of the challenge is uncertain. The Council has successfully defended its position already before the Inspector and the High Court. As such the challenge should be given little or no weight whilst the Core Strategy as the adopted Development Plan should be given substantial weight.

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:

Policy ENV1: Control of Development
Policy ENV2: Environmental Pollution and Contaminated Land
Policy T1: Development in Relation to Highway
Policy T2: Access to Roads
Policy T7: Provision of Cyclists
Policy RT2: Recreational Open Space
Policy CS6: Developer Contributions to Infrastructure and Community
Facilities

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF) and the Planning Practice Guidance (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 and the PPG.

Other Policies/Guidance

- Affordable Housing Supplementary Planning Document, February 2014.
- Appleton Roebuck Village Design Statement, February 2012.

2.5 Key Issues

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

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. Impacts arising from the development:
 1. Impact on the character, form, locality and landscape
 2. Impact on residential amenity
 3. Impact on the highway network
 4. Loss of agricultural land

5. Flood risk, drainage and climate change
 6. Impact on nature conservation interests and protected species
 7. Contaminated land and ground conditions
 8. Affordable housing
 9. Recreational open space
 10. Education / healthcare and waste and recycling
 11. Other matters
3. Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.6 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.

- 2.6.1 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.
- 2.6.2 The site lies outside the defined development limits of Appleton Roebuck and therefore is located in open countryside.
- 2.6.3 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.
- 2.6.4 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.
- 2.6.5 In light of the above policy context the proposals to develop this land for residential purposes are contrary to policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material circumstances exist that would indicate otherwise. One such material consideration is the National Planning Policy Framework.

2.6.6 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council accepts that on this basis it does not have a 5 year supply of housing land and that policies SP2 and SP5 of the Development Plan are out of date in so far as they relate to the supply of housing land.

2.6.7 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

2.6.8 Paragraph 14 is therefore relevant to the assessment of these proposals and states that “at the heart of the framework is a presumption in favour of sustainable development”, and for decision taking this means, unless material considerations indicate otherwise,

Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or

Specific policies in this framework indicate development should be restricted.

2.6.9 As set out above the development plan policies with respect to housing supply (SP2 and SP5) are out of date so far as they relate to housing supply and therefore the proposals should be assessed against the criteria set out above.

2.6.10 In the footnote to paragraph 14 it indicates that the reference to specific policies is a reference to area specific designations including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage

Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any special landscape designation and is not Green Belt, and the site is located within Flood Zone 1. Therefore, in this case, the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

2.6.11 In respect of sustainability, the site is in part adjacent to the development limits of the village of Appleton Roebuck which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village has a primary school, two public houses, a petrol filling station that does MOT's, two churches and village hall. There is also a mobile library service into the village and recreational opportunities including a tennis club and a riding stables and a local playgroup. The village also benefits from a bus service, the bus stop is within 375m of the site entrance which provides a Monday to Saturday services linkage to York and Selby. It is therefore considered that the settlement is served by local services which weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, that despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.

2.6.12 In addition to the above it is noted that the village of Appleton Roebuck has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location. Although the village is considered to be "least sustainable" in Background Paper 5 "Sustainability Assessment of Rural Settlements" of the Core Strategy this does not mean that the village is an unsustainable location. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Appleton Roebuck it is noted that it abuts the boundary and would be served by the facilities within this settlement and as such it is considered that the site performs appropriately on balance with respect to its sustainability credentials in these respects.

2.6.13 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. In response to this the applicant has commented as follows: -

Social

The proposal would deliver both open market and affordable housing in Appleton Roebuck and hence promote sustainable and balanced communities and would assist in the Council meeting the objectively assessed need for

housing in the district. The proposals would provide 40% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would incorporate an area of recreational open space on-site. The proposals would also provide contributions towards education facilities at the local Primary School. These would complement existing provision

Environmental

The proposal would deliver high quality homes for local people and take into account environmental issues such as flooding and impacts on climate change.

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 and services. Any loss of agricultural land would be marginal, both within a parish or at a district level.

2.6.14 These considerations weigh in favour of the proposal.

2.6.15 A number of comments have been made by local residents as to the size of the development in relation to the scale of the village. As set out above, the policies in the Core Strategy which relate to housing provision within each of the settlements are considered out of date due to the lack of a five year supply. As such the proposals are assessed on their own merits with respect to the impacts of this size of development on the existing services and facilities which are considered in detail below and concluded to be acceptable.

2.6.15 Objectors have stated that the proposal does not meet any of the special circumstances as set out in the NPPF's paragraph 55. In response officers note that paragraph 55 states "Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". Whether a proposal would result in isolated homes in the countryside is a matter of fact and degree, depending on amongst other things the distance or travel time from settlements. In this instance the application site lies in very close proximity to the defined development limit of a Designated Service Village, such that many of the services and facilities are in easy walking distance. It is therefore considered that the proposal would not result in isolated new homes in the countryside and consequently the proposal is not required to meet any of the special circumstances outlined in paragraph 55 of the NPPF.

2.6.16 It is therefore concluded that the location of the site is appropriate for residential development in respect to current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.

2.7 The Impacts of the Proposal

2.7.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This sections looks at the impacts arising from the proposal.

2.8 Impact on the Character and Form of the Locality

2.8.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policies SP18 “Protecting and Enhancing the Environment” and SP19 “Design Quality” of the Core Strategy.

2.8.2 Significant weight should be attached to the Local Plan Policy ENV1(1) and (4) 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 and 200.

3.7.4 The proposed scheme seeks outline consent with means of access for approval and all other matters reserved. The description of development states that up to 28 units would be provided alongside associated infrastructure and open space provision. The application is also accompanied by a Design and Access Statement and a Landscape and Visual Appraisal. The applicants have also submitted a Parameters Plan and Indicative Layout Plan.

3.7.5 In terms of landscaping, the submitted Landscape and Visual Assessment has assessed the scheme in terms of the relationship with landscape context of the area and the topography of the site and context. The report accepts that there will be some visual change in the landscape context as a result of the development of the site for residential development, however it concludes that the development would not result in an uncharacteristic or unacceptable impact on the landscape. Having reviewed the submitted information and visited the site Officers would advise that given the site’s location on the edge of the settlement then subject to landscaping and the retention of existing hedgerows in line with the parameters plan it is considered that a suitable landscaping scheme and boundary treatment could be achieved at reserved matters stage to ensure that the scheme has an acceptable impact on the character and form of the area.

3.7.6 The design and materials on the surrounding properties are a mixture and as such it is considered that proposals could incorporate appropriate materials and detailed design finishes at reserved matters stage which would respect the character of the surroundings reflective of the approaches outlined in the Village Design Statement and the submitted Design and Access Statement.

3.7.7 Having taken all of the above into account it is considered that the site could provide an appropriate layout, appearance, scale and landscaping at reserved matters stage. Furthermore it is considered that an appropriate design, could be achieved that would be in accordance with the provisions of Policies ENV1(1) and (4) of the Local Plan, Policies 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) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.

2.9.2 In respect to the NPPF it is noted that one of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 200 of the NPPF relates to the removal of national permitted development rights which should be limited to situations where this is necessary to protect local amenity.

2.9.3 The key considerations in respects of residential amenity are considered to be the potential of the proposal to result in overlooking, overshadowing and overbearing.

2.9.4 With respect to other residential properties surrounding the application site then the only potential impact would be on Hillcrest, Orchard Close and on Ainsty Garth. The indicative layout shows no direct overlooking of Hillcrest and appropriate separation distances to Ainsty Court and Orchard Close. As such it is considered that a scheme could be designed to provide appropriate separation distances from these properties. It is therefore considered that an appropriate scheme could be designed at reserved matters stage which would ensure that no significant detrimental impact is caused to existing residents through overlooking, overshadowing or creating an oppressive outlook in accordance with policy ENV1(1) of the Local Plan and the NPPF.

2.9.5 It is therefore considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area and that a good standard of residential amenity would be achieved in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

2.10 Impact on the Highway Network

2.10.1 Policy in respect to 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.

2.10.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

2.10.3 The application seeks agreement of the access to the site and the applicants have submitted a Highways Plan (Ref 15/105/001 Rev A) which would be a listed plan on any consent. The submitted highways plan shows provision of a single access point into the site, visibility splays of 2.4m by in excess of 200m to the south east (into the village) and 2.4m x 88m to the south west (out of the village). The plan confirms that the existing hedgerow will be maintained by agreement, that the new access will be constructed to adoption standards, the provision of pedestrian cross tactile paving to allow crossing of the access road within the site, the provision of a 2.0m footway on Colton Lane towards the village along the frontage of Hillcrest House, the relocation of the village sign to outside the visibility splay and provision of 30mph road marking and signs. The internal layout and parking provision for the units will be confirmed at the reserved matters stage.

2.10.4 North Yorkshire County Council Highways have confirmed that they have no objections to the application and have noted a series of conditions which given that the application is seeking approval of access are supported by the Officers. It is also noted that appropriate cycling provision could be made at the reserved matters stage.

2.10.5 Having had regard to the above it is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1, T2 and T7 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

2.11 Loss of Agricultural Land

2.11.1 Policy in respect to the loss of agricultural land is provided by Policy SP18(9) of the Core Strategy and paragraph 112 of the NPPF. Paragraph 112 of the NPPF states local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Such land comprises grade 1-3a agricultural land.

2.11.2 The Parish Council and objectors have raised the issue of the potential loss of agricultural land through the proposed development.

2.11.3 The application is accompanied by an assessment of the agricultural land prepared by Soil Environment Services, dated April 2105. This shows that although the site is shown as Grade 2 on the MAFF (1983) Maps the testing has shown the site to constitute 1 hectare of Grade 3b and 0.3 hectare non-agricultural grade land. The proposal would therefore not result in the loss of best and most versatile agricultural land and in this respect the proposal is not contrary to Paragraph 112 of the NPPF.

2.11.4 Members are also advised that the majority of land within the district is Grade 3 also.

2.11.5 Therefore, having had regard to Policy SP18(9) of the core Strategy and paragraph 112 of the NPPF, it is considered that although the loss of agricultural land and associated loss of economic and other benefits weighs against the proposal, given the size of the application site and the agricultural grading of the land, only very limited weight should be afforded to this matter.

2.12 Flood Risk, Drainage and Climate Change

2.12.1 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. These policies should be afforded significant weight.

2.12.2 The application site is located in Flood Zone 1 thus is considered to be at a low probability of flooding.

2.12.3 The application is accompanied by a Flood Risk Assessment prepared by Royal Haskoning DHV which examines potential flood risks from a series of sources and outlines discussions with the Environment Agency, Yorkshire Water, the Internal Drainage Board, and North Yorkshire County Council. The report notes that there is a low level of flood risk to the site and that there is no specific need for any flood risk mitigation measures.

2.12.4 The Report also considers the approach to the site drainage strategy and notes the need for separate systems with surface water not being discharged to public sewers and foul sewerage connected to the main sewer.

2.12.5 The Environment Agency, Yorkshire Water and the Internal Drainage Board have been consulted on the proposals and have raised no objections subject to a series of drainage conditions.

2.12.6 With respect to energy efficiency, the supporting statement confirms in terms of Policy SP16 then the applicants would be prepared to accept a condition to require that 10% of the total predicted energy requirements to the development be provided from renewables, low carbon or decentralised energy sources as part of the development. It is considered that this can be secured via condition and as such the proposals accord with Policies SP15 and SP16 of the Core Strategy.

2.12.7 Other matters in respect of policy SP15 and SP16 can be met either compliance with current buildings regulations or through the reserved matters stage wherein the layout, design and landscaping would be considered (with the exception of criterion A which relates to plan making and wherein issues raised are, where appropriate, dealt elsewhere in this report).

2.12.8 Having taken the above into account it is therefore considered that the proposals adequately address flood risk and drainage subject to appropriate conditions and that climate change and energy efficiency measures can be secured either via condition to ensure that these are incorporated at reserved matters stage, or specifically dealt with at reserved matters stage, in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.13 Impact on Nature Conservation and Protected Species

2.13.1 Protected Species include those 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.

2.13.2 Relevant policies in respect to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy. These Local Plan policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.

2.13.3 The application included an Ecological Appraisal prepared by Tyler Grange which assesses the site. The report states that the site is not covered by, or adjacent to, any sites that are the subject of statutory or non-statutory protection, however several such sites are located within the study area. The report also notes that the closest non statutory site lies 1.2km to the north, the site boundaries offer suitable foraging and commuting habitat for bats and nesting birds and there are marginal habitats which offer potential to support badgers and hedgehogs. The Report notes that "the most significant issue with respect to development of the site is the loss of the hedgerows and the potential for adverse effects on bats. As such it is recommended that development designs retain and enhance the existing hedgerows and include the creation of new native species rich hedgerows. This will increase the ecological value of habitat on site and increase the foraging opportunities for bats". In addition it notes that "during construction the retained hedgerows should be adequately buffered to reduce the risk of disturbance and or damage to a key feature of the site" and that the "lighting layout of the future development should be designed to retain dark, unlit corridors and avoid lighting the existing hedgerows, especially hedges H1 and H4 which connect the site to the wider area".

2.13.5 Natural England has been consulted on the application and Committee will be updated on their feedback. However, Natural England usually comment that local planning authorities should follow their standing advice. The comments of the North Yorkshire Bat Group are noted. However, officers note that the applicant's Ecological Appraisal states that the applicant has carried out a

data search using the North and East Yorkshire Ecological Data Centre which returned that they had no bat records within 1km of the site. Whilst the records provided by the bat group are accepted, it is clear from the site visit, and the proposed plans, that only a small part of a species poor and heavily flail cut hedgerow would be removed. This would have no significant impact on bats. In addition officers note that the ecological appraisal does accurately assess the importance of the site for bats (and other species of conservation concern) and contains adequate proposals for enhancement, protection and mitigation. These can be controlled via a condition to ensure the above measures are secured.

2.13.6 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 and that this would be secured via a Section 106 agreement. The Council's Rural Housing Enabler has advised that the developer should identify a partner Registered Provider at an early state to confirm the number, size and tenure of the units. The Selby District Council Strategic Housing Market Assessment 2009 has identified a need for both 2 and 3 bedroom affordable homes with a required tenure split of 30-50% Intermediate and 70-50% Rented as a starting point for negotiation.

The Section 106 agreement would secure the 40% provision on-site and would ensure that a detailed Affordable Housing Plan is provided setting out the size and tenure mix based on a split of 70% rent and 30% intermediate provision.

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 Recreational Open Space

2.15.1 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.

2.15.2 The proposed indicative layout demonstrates that there would be on-site provision for recreational open space, although the detailed position and type of provision to be provided would be established in detail at reserved matters stage. It is noted that Policy RT2 sets out the requirements for provision to equate to 60sqm per dwelling and as such it would be appropriate to ensure that this is secured by Section 106 agreement given that the detailed layout and design could alter at reserved matters stage.

2.15.3 It is therefore considered that subject to a Section 106 agreement to secure the on-site provision of Recreational Open Space, the proposals are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.16 Contamination

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

2.16.2 The Council's Contamination Consultant has assessed the submitted report from Royal Haskoning DSV, dated April 2014, and has advised that it would be prudent for the consultant to maintain a watching brief and if necessary prepare a report detailing and assessing any currently unknown issues with contamination to the Environmental Health Officer who may refer the matter to them for further review and as such they have proposed use of a Condition to cover the potential requirement for such reporting and assessment.

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

2.17 Education, Healthcare, Waste and Recycling

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

2.17.2 Having consulted North Yorkshire County Council Education they have confirmed that a contribution of £95,172 would be required towards education provision at Appleton Roebuck Primary School and this would be secured via Section 106 agreement. NYCC Education has confirmed that no contribution would be sought for secondary school facilities from the development.

- 2.17.3 A consultation has been sent to the Healthcare Service in relation to this application and an update will be provided to Committee, if a response is received.
- 2.17.4 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via Section 106 agreement.
- 2.17.5 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.

2.18 Other Matters

- 2.18.1 A series of other matters have been raised by Objectors in relation to the proposed development, taking these in turn.
- 2.18.2 The Draft Neighbourhood Plan is at an early stage with no proposed timescale for the Examination in Public and adoption. Emerging plan policies, including Neighbourhood Plans must be treated “out of date” where there is no 5 year supply of housing. Therefore, at this time no weight can be afforded to the emerging Neighbourhood Plan.
- 2.18.3 Objectors have argued that the settlements should not have been classified as a Designated Service Village and should have remained as a Secondary Village and they have thus requested that the settlement designation be re-examined by an independent body and no applications determined till this has been done. The Core Strategy which is part of adopted policies utilised for decision making has been subject of independent examination and the settlement is included as a D SV. There is no requirement for a re-examination of this matter and a decision on this application cannot be delayed in the context of these comments.
- 2.18.4 Objectors have raised concerns that the application will set precedence for development on the edge of the village and that there are alternative sites more suited for development. The Council is required to consider all applications on their merits; as such it is considered that the scheme has been assessed accordingly and should not be refused in the context of precedent setting or if alternative sites are considered to be available.
- 2.18.5 Objectors have raised concerns that construction noise and extra vehicle movements would impact on residential amenity. Although there would be some noise implications arising from the development during the construction stage however this would be a short term impact and given the relationships between the site and adjoining properties it is not considered appropriate to restrict construction hours or refuse the application on this basis.
- 2.19 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.**

2.19.1 In assessing the proposal, the development would bring economic, social and environmental benefits to Appleton Roebuck and Selby. There would not be any further significant impact on the highway from the proposed development and there would not be a significant impact on the amenity of neighbouring residential properties or significant harm to the character of the area. Although there would be some loss of agricultural land, this would not result in loss of best and most versatile land and given the grading and size of the site it is considered that only limited weight should be afforded to this issue. Subject to conditions there would not be any significant impact on nature conservation issues.

2.19.2 Having assessed the proposal, it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits of the application when assessed against the NPPF taken as a whole.

2.20 Conclusion

2.20.1 The proposed scheme is made in outline with all matters reserved for residential development on land abutting the development limits of Appleton Roebuck which is a Designated Service Village. The proposal is contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. On such material consideration is the NPPF.

2.20.2 The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Having had regard to paragraph 49 of the NPPF, it is considered that Policies SP2 and SP5 are out of date in so far as they relate to housing supply. However, in assessing the proposal, the development would bring economic, social and environmental benefits to the village of Appleton Roebuck.

2.20.3 The proposal is considered to be acceptable in principle. In respect of matters of acknowledged importance such as climate change, flood risk, ecology, drainage, impact on residential amenity, highway safety, contaminated land and protected species it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits of the application when assessed against the NPPF taken as a whole.

2.20.4 Therefore the proposal is considered acceptable when assessed against the policies in the NPPF taken as a whole, Selby District Local Plan and the Core Strategy.

2.21 Recommendation

This application is recommended to be Granted subject a S106 Agreement in relation to the provision of 40% of units for Affordable Housing (at a mix of 70% rent and 30% intermediate), Education Contribution, Waste and Recycling and Provision of On Site Recreational Open Space and the noted Conditions and the following conditions:

01. Approval of the details of the (a) appearance, b) landscaping, c) layout of the site, and d) scale (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, other than the public sewer, for surface water 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 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.

05. 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.

Reason:

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.

06. 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.

07. 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.

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 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:
 - 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.

Reason:

In accordance with Policy ENV1 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 Policy ENV1, T1 and T2 of the Selby District Local Plan 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 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 Policy ENV1 of the Selby District Local Plan and in the interests of highway safety

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 88 metres (north west) and 215 metres (south east) measured along both channel lines of the major road (Colton Lane) from a point measured 2.4 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety

12. 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 in connection with the construction of the access road or building(s) or other works until:

- (i) 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 in consultation with the Local Highway Authority:
 - a. Provision of 2 metres wide footway linking the site with the existing footway on the north west side of Colton Lane
 - b. Relocate the Village Sign/ Tree in the Public Highway (position to be agreed)
 - c. Relocate (after undertaking the Statutory Procedure) the 30mph speed limit signs and provide all appropriate road markings
- (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 13. 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 in consultation with the Local Highway 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. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routes

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety.

- 14. The development hereby approved shall be carried out in accordance with the conclusions of the Ecological Appraisal prepared by Tyler Grange, dated 28th April 2015, and in particular the development shall not commence until
 - (1) A scheme for the retention and improvement and subsequent management of hedgerows is submitted to and approved in writing by the local planning authority

- (2) A scheme to ensure that adequate buffers are retained between hedgerows and construction activities
- (3) A scheme for external lighting
- (4) A scheme to avoid impacts on retained habitats of value, bats and nesting birds and hedgehogs

The development shall be carried out in accordance with the approved schemes.

Reason:

In the interests of protecting bats nature conservation interest in accordance with Policy ENV1, SP18(3)(b) and the National Planning Policy Framework.

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

- Application Site Boundary Ref 24575/02/A as received 29th April 2105
- Parameters Plan Ref 24575/04/A as received 29th April 2105
- Proposed Access Arrangements Plan Ref 15/105/001/A as received 7th July 2015

Reason:

For the avoidance of doubt.

Informatives

Informative on Condition 8

In imposing Condition 8 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.

Informative to Condition 12

There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until information (under the requirements of the Road Traffic Regulation Act 1984) showing the proposed position of the 30mph extension for consultation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.

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 2015/0448/OUT and associated documents.

Contact Officer: Richard Sunter (Lead Officer Planning)

Appendices: None.

Appendix B

EXTRACT FROM PLANNING COMMITTEE UPDATE 9 September 2015

Item 5.2

APPLICATION NUMBER:	2015/0448/OUT 8/79/233/PA	PARISH:	Appleton Roebuck
APPLICANT:	Baylis & Baylis Ltd	VALID DATE:	30 April 2015
		EXPIRY DATE:	30 July 2015
PROPOSAL:	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 dwelling with associated infrastructure and open space provision on land adjacent to Hillcrest House		
LOCATION:	Colton Lane, Appleton Roebuck		

Summary

The application includes agreement of “means of access”.

Objectors E-mails to Councillors

Objectors to the application have sent e-mails to Cllrs following publication of the Agenda referencing issues relating to:

- Sewerage and drainage
- The development is outside the village development limits
- Loss of privacy and overlooking of neighbouring properties
- Visual impact on the character of the area
- Detrimental impact on existing residents
- Detrimental impact on existing services
- Compromising highway safety
- The nature and poor quality bus connections for the settlement
- Impact on wildlife habitats
- The school capacity
- Lack of amenities in the village.
- Work on the Neighbourhood Plan

Report

14. Consultations

1.4.1 Appleton Roebuck Parish Council

Were consulted on the submitted Ecology information and advised would respond following their meeting on the 2nd September 2015. No response received although e-mail sent on the 7th September 2015 seeking feedback on this matter to which I have had no response specifically on ecology, however a further e-mail was received on the 8th September 2015 relating to the schemes relationship to the Localism Act. The e-mail stated

“Appleton Roebuck with Acaster Selby Parish Council wish to reiterate the objections originally made in their letter of June 2015.

In addition to this, having researched further, we would also like to object on the grounds of the application being in breach of the Localism Act of 2011.

The Localism Act of 2011 introduced a new requirement for developers to consult local communities before submitting planning applications for certain developments, thus giving local people a chance to comment when there is still genuine scope to make changes to proposals.

By Selby’s own definition in their June 2015 Strategic Housing Land Availability Assessment, sites for housing developments of 5 units or more are deemed to be large developments. This development of 28 houses, if given permission, is set to increase the size of Appleton Roebuck by almost 10% again, but yet no full consultation has taken place. The statutory notices have been displayed on nearby lamp posts and we understand the applicant visited nearby neighbours. However, this is a development that will affect the whole village, not just homes close by.

Our Parish Council would move that this is in breach of the Localism Act and so suggest that permission be refused or at least delayed so that full consultation can take place within the whole of the village.

Information has also been uncovered regarding the allocation of DSV status to the village which gives clear indication of a flawed process and could even lead to allegations of corruption. Mary Weastell, CEO has been informed of this and, to quote her email of 26th August to the chair of the village action group she “will look into this matter and respond as soon as possible.”

Officers can advise the Committee that the Council do not have any LDO’s within the District and therefore Section 122 (61W) of the Localism Act that requires developers to specifically do consultation prior to submission of an application does not apply unless there is such an order in place. In any instance the Applicants Supporting Statement does outline that they did speak with the Parish Council and neighbours to the site prior to the submission of the application at the end of April 2105. In addition consultations have been undertaken on the application in line with normal practices.

1.4.9 Primary Care Trust

No comments received on the application from this Consultee.

1.4.10 Natural England

No objections

1.4.11 Bolton Percy, Colton & Steeton Parish Council have submitted comments on the application on the 7th September 2015, these were copied via e-mail to the Members of Committee, however they are set out below:

Bolton Percy, Colton & Steeton Parish Council wish to support the objections of Appleton Roebuck and Acaster Selby Parish Council to the above planning application, in particular on the issue of foul drainage.

The existing foul drainage system was originally installed in 1969, to serve the villages of Colton, Appleton Roebuck and Bolton Percy. Ulleskelf and Kirby Wharfe foul drainage is also pumped to Bolton Percy pumping station, from where, it is pumped to Tadcaster treatment works.

Since 1969, all villages have greatly increased in size and with the addition in the 1990's of Bilbrough village and the Bilbrough Top development, being connected to Colton, the system is now frequently overloaded. Residents often have to endure the distress and inconvenience of sewage flooding.

A development of this size (together with the recently approved plans for 30 dwellings at Ulleskelf) will only make matters worse for villagers.

Bolton Percy, Colton & Steeton Parish Council members are becoming increasingly frustrated by the management of Yorkshire Water refusing to accept that the system needs a major upgrade and seem to prefer to pay compensation and clean up costs instead.

Though our Parish Council are not directly consulted on this planning application, it will clearly have an adverse effect on the system which services our villages and we would ask the members of the Planning Committee to consider our concerns when making a decision on this matter.

They have also advised in a subsequent e-mail that

"I think we need to explain the route of the system. I'm not sure they will understand that Ulleskelf is also pumped to Bolton Percy. It might help those making the decision if each objection is accompanied by an example e.g. the sewage from the Appleton joins that from Bilborough and Colton and is pumped to Bolton Percy pump station where all the sewage from Bolton Percy, Ryther and Ulleskelf is also pumped and then we follow it with examples of the problems that this creates".

1.5 Publicity

Following completion of the officer report a further comment has been received from one original objector (Mr Tuohy) raising concerns pertaining to drainage and the ability of the village infrastructure to cope, photos were provided by the objector taken on the weekend of the 22/23 August 2015, as below.



Comments have also been received from one new objector raising objectors relating to highways impacts, surface water run off bin collections, views of the development as approaching the village potential archaeological impacts, school capacity footpath links to the village, relationship to the village plan and emphasis of SDC on meeting housing needs.

2.8.4

Correction - The application seeks outline consent with means of access for approval.

Recommendation

These matters noted above have already been addressed in the Officers Report and the Neighbourhood Plan does not have any weight at present in terms of the determination of the application. As such there is no change to the Officers Recommendation as noted at Section 2.21.

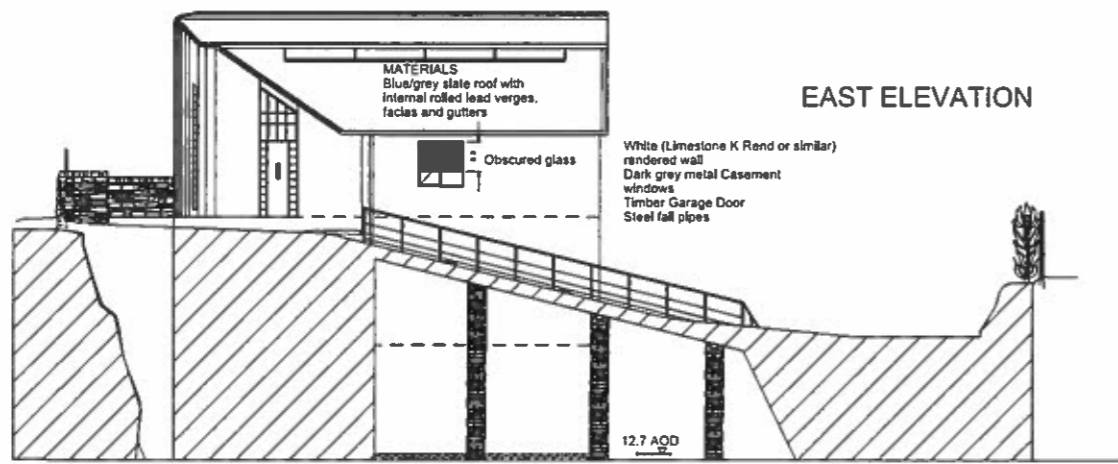


APPLICATION SITE

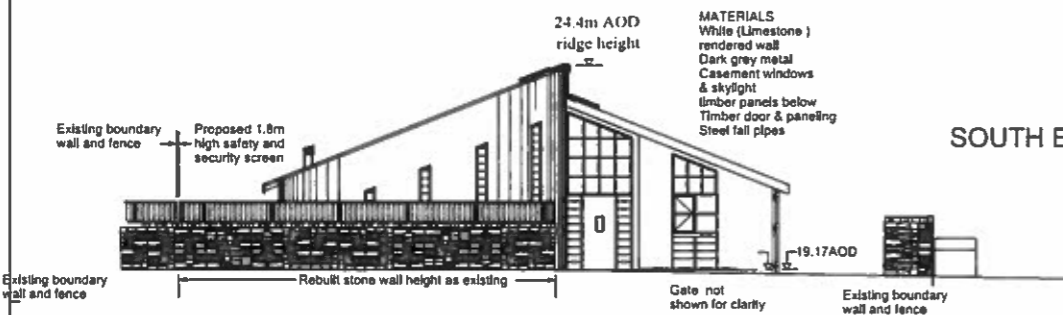
Item No: 2016/0850/FUL

Address: Quarry Drop, Westfield Lane, South Milford

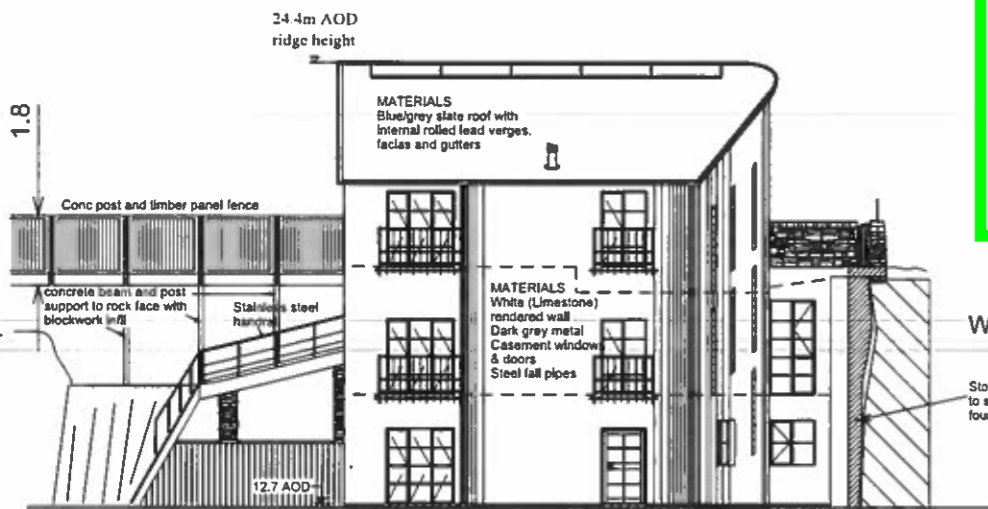
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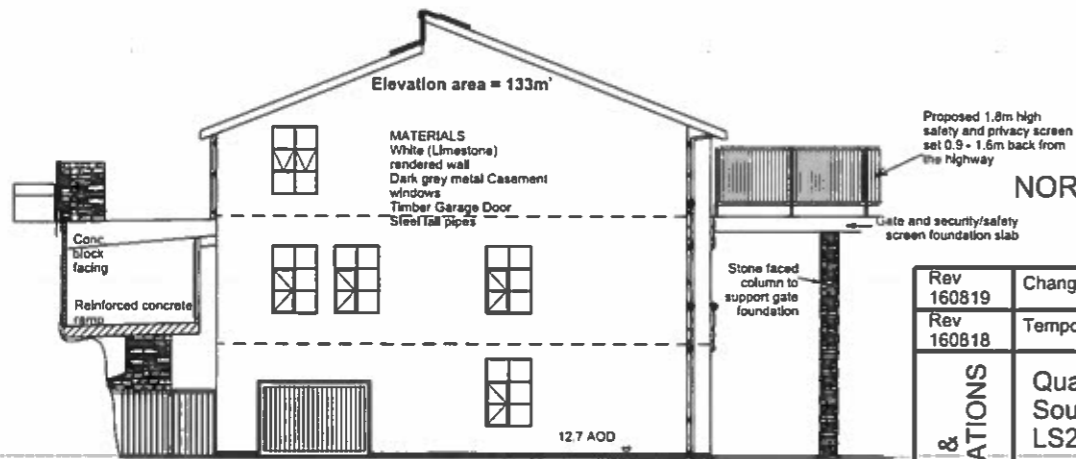
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

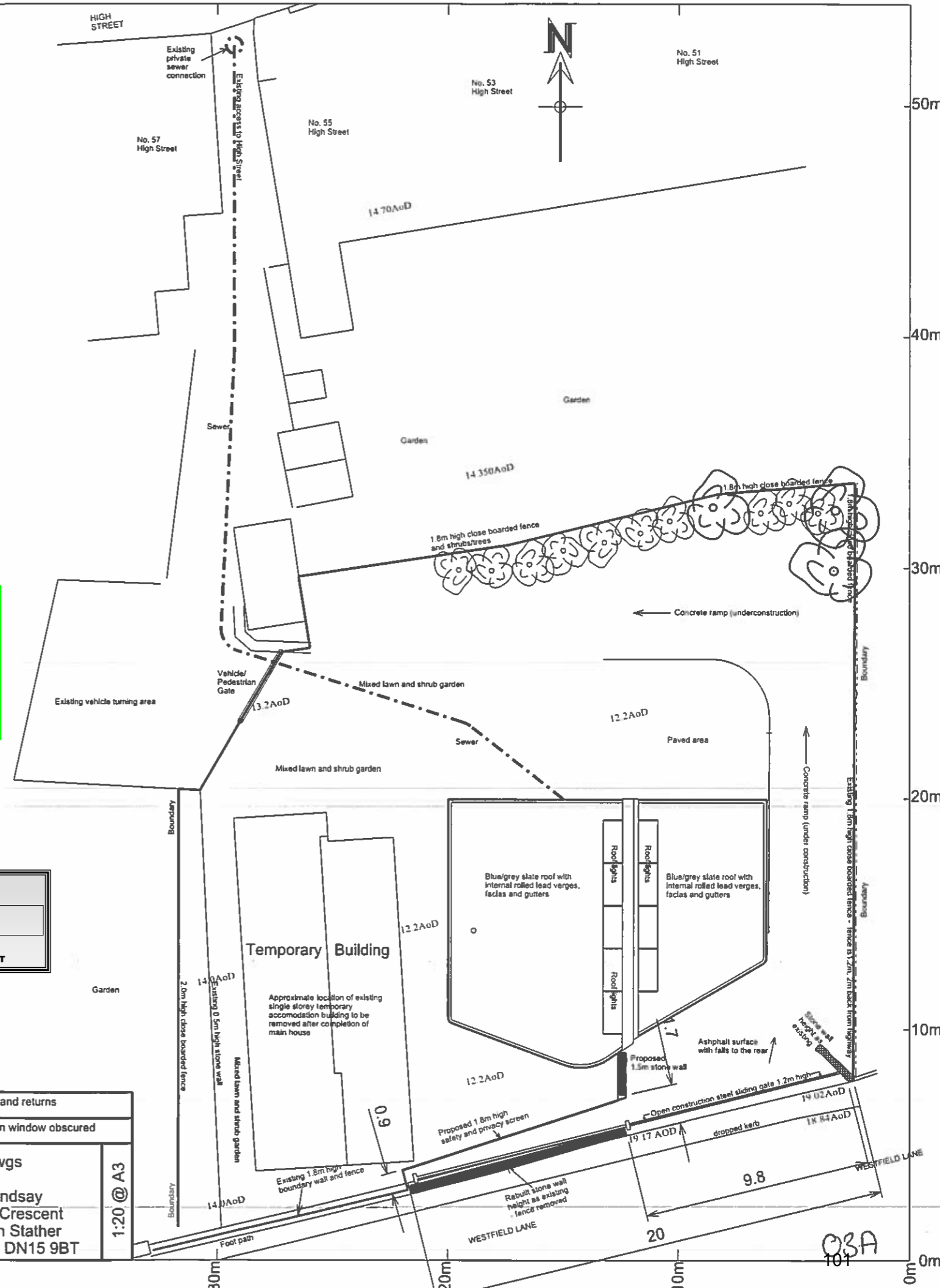


NORTH ELEVATION

AMENDED
DRAWING

RECEIVED
19.08.2016
BUSINESS SUPPORT

<p>Rev 160819</p> <p>Rev 160818</p> <p>PLAN & ELEVATIONS</p>	<p>Changes to boundary treatments to Westfield Lane and returns</p> <p>Temporary building added. 800mm of east elevation window obscured</p>	<p>Quarry Drop South Milford LS24 5AP</p> <p>Planning dwgs July 2016 Mr & Mrs Lindsay 2 Vicarage Crescent Burton upon Stather Scunthorpe DN15 9BT</p> <p>Associated with 2010/0507/FULL 8/57/393F/PA</p>
	<p>1:20 @ A3</p>	



Q3A



Report Reference Number 2016/0850/FUL (8/57/393G/PA)

Agenda Item No: 6.3

To: Planning Committee
Date: 7th September 2016
Author: Jenny Tyreman (Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0850/FUL	PARISH:	South Milford Parish Council
APPLICANT:	Ian Lindsay	VALID DATE:	20th July 2016
		EXPIRY DATE:	14th September 2016
PROPOSAL:	Part retrospective application for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period		
LOCATION:	Quarry Drop Westfield Lane South Milford Leeds West Yorkshire LS25 5AP		

This matter has been brought to Planning Committee in the context of the recent Court of Appeal Judgement in relation to the Wet Berkshire Case. Prior to this judgement the Council was able to seek a contribution for Affordable Housing under Policy SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) for development under 10 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 have been more than 3 objections to the proposal and as such, the application cannot be taken to sub-committee.

Summary:

The application part retrospective and seeks planning permission for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period.

With respect to the erection of a detached three storey dwelling, the principle of the proposed development is considered 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.

Having assessed the proposal 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.

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.

With respect to the erection of temporary building for residential use during the construction period, the proposed development is considered acceptable, subject to an appropriate condition requiring the removal of the temporary building following the occupation of the dwelling.

Recommendation

This planning application is recommended to be APPROVED subject to no objections from the Council's Contaminated Land Consultant and the conditions detailed in Paragraph 2.13 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 South Milford and is located within Flood Zone 1.
- 1.1.2 The site comprises part of a former magnesium limestone quarry. The quarry face is to the south side of the application site adjacent to Westfield Lane, and as such there is an approximate 6.4 metre difference in the ground level between the application site and Westfield Lane.
- 1.1.3 The application site fronts Westfield Lane to the south and is bound by residential development to the north, south, east and west.

1.2 The Proposal

- 1.2.1 The application is part retrospective and seeks planning permission for the erection of a detached three storey dwelling and the erection of temporary living accommodation for use during construction of the dwelling.
- 1.2.2 On completion, the detached three storey dwelling will measure a maximum of 14.8 metres in width by 13.1 metres in depth and will have a pitched roof with eaves to a maximum height of 8.5 metres above ground floor level and ridge to a maximum height of 11.7 metres above ground floor level. From Westfield Lane the dwelling will appear as a bungalow, with eaves to a height of 2.4 metres and ridge to a height of 5.4 metres.
- 1.2.3 The dwelling will benefit from a vehicular access onto Westfield Lane to the south east corner of the site, with a concrete ramp, currently under construction, to the

east side of the dwelling leading to an area of hard standing to the north side of the dwelling. Further, the dwelling will benefit from a garden area to the west side of the dwelling.

- 1.2.4 The temporary living accommodation for use during construction of the dwelling is already on-site and located to the west side of the dwelling, where the garden area will be located on occupation of the dwelling. The temporary accommodation is constructed from a timber frame attached to concrete pads and measures a maximum of 14.8 metres by 6.4 metres and has a pitched roof to a maximum height of 3 metres above ground floor level.

1.3 Planning History

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application:
- 1.3.2 A reserved matters application (reference: 2005/0843/REM) for the erection of a detached dwelling was permitted on 02.09.2005.
- 1.3.3 An application (reference: 2007/1259/FUL) for the erection of a detached dwelling was refused on 01.02.2008.
- 1.3.4 An application (reference: 2008/1077/FUL) for the erection of a detached dwelling was permitted on 09.12.2008.
- 1.3.5 An application (reference: 2010/0507/FUL) for the construction of a five bedroom, three storey detached house was permitted on 02.08.2010.
- 1.3.6 An enforcement notice (reference: ENF/2016/0002/ENF) relating to the erection of a fence over one metre in height adjacent to the highway and the increase in the height of the means of enclosure adjacent to the highway without planning permission was served on 20.01.2016. Appeal decided on 17.08.2016 – Site notice found to be a nullity and no further action taken in connection with appeal.

1.4 Consultations

1.4.1 Parish Council

No response within statutory consultation period.

1.4.2 NYCC Highways

No objections, subject to the boundary treatments being in constructed in accordance with the approved plans and subject to four conditions relating to visibility splays, the construction requirements of private access/verge crossings, the provision of approved access, turning and parking areas and a construction management plan.

1.4.3 Yorkshire Water

No response within statutory consultation period.

1.4.4 Selby Area Internal Drainage Board

This application falls outside of the IDB districts managed by the Shire Group of IDB's, therefore we have no comments to make.

1.5 **Publicity**

1.5.1 All immediate neighbours were informed by letter and a site notice was erected.

1.5.2 Six letters of objection have been received as a result of this advertisement with concerns raised in respect of the level of the floor slab and the height of the dwelling, the potential for overlooking from windows resulting in loss of privacy, the time the development is taking to be completed, the temporary building on site, working hours, noise, deliveries causing obstructions, damages to the road surface on Westfield Lane, the fences erected without planning permission, parking of vehicles on road during the construction period, problems with drainage, health and safety issues and misrepresentations within the application.

1.5.3 The applicants have submitted a letter addressing concerns raised within the aforementioned letters of objection.

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
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

2.1.2 **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 the Highway Network

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:

- i) The Principle of the Development
- ii) Design and Impact on the Character and Appearance of the Area
- iii) Impact on Residential Amenity
- iv) Impact on Highway Safety
- v) Flood Risk, Drainage and Climate Change
- vi) Nature Conservation and Protected Species
- vii) Land Contamination
- viii) Affordable Housing
- ix) Temporary Building for Residential Use during the Construction Period
- x) Other Issues

2.3 The Principle of the 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 located within the defined development limits of South Milford which is a Designated Service Village as identified in the Core Strategy. Policy SP2A (a) of the Core Strategy states "Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby to complement growth in Selby. Proposals for development on non-allocated sites must meet the requirements of Policy SP4".
- 2.3.4 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".
- 2.3.5 In Selby, Sherburn In Elmet, Tadcaster and 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)."
- 2.3.6 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 (e.g. Village Design Statements), where available".

2.4 Design and Impact on the Character and Appearance of the Area

- 2.4.1 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.
- 2.4.2 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.
- 2.4.3 The application site is located within the defined development limits of South Milford and the proposal is part retrospective for the erection of a detached three storey dwelling.
- 2.4.4 It is noted that planning permission has previously been granted for a detached three storey dwelling of similar size, siting and design under planning permission reference 2010/0507/FUL. The main difference between the previously approved dwelling and the dwelling proposed under this application is the maximum height of the dwelling, which would be increased by 0.88 metres.

- 2.4.5 The application site comprises part of a former magnesium limestone quarry. The quarry face is to the south side of the application site adjacent to Westfield Lane, and as such there is an approximate 6.4 metre difference in the ground level between the application site and Westfield Lane.
- 2.4.6 The application site fronts Westfield Lane to the south and is bound by residential development to the north, south, east and west. Residential development within the vicinity of the application site is varied, with dwellings of differing size, scale and design. To the east of the application site is a bungalow, to the west of the application site is a detached two storey dwelling and to the north of the application site is a terrace of three two storey dwellings.
- 2.4.7 The proposal is part retrospective and on completion, the detached three storey dwelling will measure a maximum of 14.8 metres in width by 13.1 metres in depth and will have a pitched roof with eaves to a maximum height of 8.5 metres above ground floor level and ridge to a maximum height of 11.7 metres above ground floor level. From Westfield Lane the dwelling will appear as a bungalow, with eaves to a height of 2.4 metres and ridge to a height of 5.4 metres. The dwelling will benefit from a vehicular access onto Westfield Lane to the south east corner of the site, with a concrete ramp, currently under construction, to the east side of the dwelling leading to an area of hard standing to the north side of the dwelling. Further, the dwelling will benefit from a garden area to the west side of the dwelling.
- 2.4.8 The plot size, frontage and position of the dwelling within the plot would be in accordance with the prevailing character of the locality. The proposed dwelling would be a detached three storey dwelling, which would appear as a bungalow from Westfield Lane and would have a modern design. As noted above, dwellings within the vicinity of the application site are varied in terms of their size, scale and design, with no dominant style in the local area. It is considered that the size, scale, height and design of the proposed dwelling would respect the character of the locality, when viewed from all aspects. Furthermore, the submitted application form and plans states that the materials to be used in the external construction of the dwelling would be white silicon render for the walls and natural grey slate for the roof, which is considered acceptable and can be secured by way of condition.
- 2.4.9 In terms of boundary treatments, it is noted that some boundary treatments shown on the submitted plans are existing but do not benefit from planning permission. Therefore, retrospective planning permission is sought under this application for the retention of some of the existing boundary treatments.
- 2.4.10 The submitted plans show a 2 metre high close boarded fence to the east boundary of the site and a 1.8 metre high close boarded fence to the north boundary of the site, which are considered acceptable in terms of the character and appearance of the area. To the east boundary of the site, a 1.8 metre high close boarded fence is proposed, which will be reduced in height to 1.2 metres for the first 2 metres back from the highway, which is considered acceptable in terms of the character and appearance of the area. To the front (south) boundary of the site, adjacent to Westfield Lane, there would be a 1.2 metre high steel sliding gate for the first 9.8 metres of the frontage from the boundary with 24 Westfield Lane, followed by the reinstatement of the stone wall to its existing height (including the removal of the existing fence) for the remainder of the first 20 metres of the site frontage. A 1.8 metre high safety and privacy screen would be erected behind the reinstated wall,

set back from the highway. The remainder of the site frontage would comprise an existing 1.8 metre high wall and fence. The boundary treatments to the front (south) boundary of the site are considered to be acceptable in terms of the character and appearance of the area. The boundary treatments, as shown on the submitted plans, can be secured by way of condition.

2.4.11 Subject to the aforementioned conditions, it is therefore considered that the dwelling is acceptable in terms of its scale, siting, height and design and would not have a significant or detrimental impact on the character and form of the locality. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF.

2.5 Impact on Residential Amenity

2.5.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.

2.5.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.

2.5.3 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

2.5.4 Given the topography of the site, the proposed dwelling would appear as a three storey dwelling when viewed from the neighbouring properties to the north, fronting High Street, but would appear as a bungalow when viewed from the neighbouring properties to the east, west and south fronting Westfield Lane.

2.5.5 The proposed dwelling would be sited a minimum of 24 metres from the rear elevations of the neighbouring properties to the north, fronting High Street. Given the separation distance, it is considered that the proposed dwelling would not have an oppressive appearance when viewed from these properties, or result in any adverse overshadowing or overlooking.

2.5.6 The proposed dwelling would be sited a minimum distance of 31 metres from the flank elevation of the neighbouring property to the west fronting Westfield Lane, Westmere. The proposed dwelling would appear as a bungalow when viewed from Westmere. Given the scale of the dwelling when viewed from Westmere in combination with the separation distance, it is considered that the proposed dwelling would not have an oppressive appearance when viewed from this property, or result in any adverse overshadowing or overlooking.

2.5.7 The proposed dwelling would be sited a minimum distance of 11 metres from the front elevation of the neighbouring property to the east, No. 24 Westfield Lane, which faces the application site and has its side elevation facing Westfield Lane. The proposed dwelling would appear as a bungalow when viewed from No. 24 Westfield Lane. Given the scale of the dwelling when viewed from No. 24 Westfield Lane in combination with the separation distance and boundary treatment

comprising a 1.8 metre high fence, it is considered that the proposed dwelling would not have an oppressive appearance when viewed from this property, or result in any adverse overshadowing or overlooking.

2.5.8 Having regard to the above, it is therefore considered that the proposed dwelling is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Local Plan and the advice contained within the NPPF.

2.6 Impact on Highway Safety

2.6.1 Relevant policies in respect of highway safety include Policies ENV1 (2) and T1 of the Selby District Local Plan.

2.6.2 Significant weight should be attached to Local Plan Policies ENV1 and T1 as they are broadly consistent with the aims of the NPPF.

2.6.3 The application proposes a vehicular access onto Westfield Lane to the south east corner of the application site, with a concrete ramp, currently under construction, to the east side of the dwelling leading to an area of hard standing to the north side of the dwelling. North Yorkshire County Council Highways raise no objections to the proposal, subject to four conditions relating to the construction requirements of private access/verge crossings, the provision of the approved access, turning and parking areas, visibility splays and a construction management plan. However, given the nature and scale of the proposed development, for one dwelling, it is considered that a condition requiring a construction management plan would be unreasonable and unnecessary.

2.6.4 Subject to the aforementioned conditions, it is therefore considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2) and T1 of the Local Plan and the advice contained within the NPPF.

2.7 Flood Risk, Drainage and Climate Change

2.7.1 Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy.

2.7.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

2.7.3 Relevant paragraphs within the NPPF, which relate to drainage, flood risk and climate change include paragraphs 94 and 95.

2.7.4 The application site is located within Flood Zone 1, which has a low probability of flooding.

2.7.5 The application form states that foul sewage would be disposed of via main sewer surface water would be disposed of soakaway. Yorkshire Water and the Selby Area IDB have not raised any objections to the proposal. Officers consider that a condition in relation to drainage for foul and surface water should be attached to any permission granted.

- 2.7.6 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. In this respect 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.
- 2.7.7 Given the above, it is therefore considered that the proposal is acceptable in terms of risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

2.8 Nature Conservation and Protected Species

- 2.8.1 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 “Protecting and Enhancing the Environment” of the Core Strategy.
- 2.8.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.8.3 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 2.8.4 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 2.8.5 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.9 Land Contamination

- 2.9.1 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.
- 2.9.2 The application is supported by a Contaminated Land Screening Assessment Form. The report is in the process of being assessed by the Council’s Contaminated Land Consultant and Officers will provide an update in respect of land contamination at Planning Committee.

2.10 Affordable Housing

- 2.10.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 2.10.2 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.

2.10.3 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.

2.11 Temporary Building for Residential Use during the Construction Period

2.11.1 The temporary building was originally built on site approximately 5 years ago for use as a site office and to provide accommodation for the applicants on weekends, while working on the development. The temporary building was built on site from materials bought by the applicants to their own design, and comprises a timber frame on concrete pads.

2.11.2 In recent months, the temporary building has been extended and now measures a maximum of 14.8 metres by 6.4 metres and has a pitched roof to a maximum height of 3 metres above ground floor level. The applicants have stated that the reason for the extension of the temporary building is that they intend to use the temporary building for residential use on a more permanent basis for the remainder of the construction period so the development can be project managed from site, and therefore the applicants need more space for living, storage and office space.

2.11.4 The Town and Country Planning (General Permitted Development) (England) Order 2015, in Schedule 2, Part 4, Class A, permits 'the provision on land of buildings, moveable structures, works or plant machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land'. Therefore, a temporary building is classed as permitted development and planning permission is not required. However, in this instance, the use of the temporary building for residential purposes would require planning permission.

2.11.5 The temporary building is located to the west side of the dwelling, where the garden area will be located on occupation of the dwelling. The building is single storey in nature and given its size and scale, it is considered it does not have an oppressive appearance when viewed from any neighbouring properties, or result in overshadowing of neighbouring properties. Furthermore, the building does not contain any windows which result in adverse overlooking of neighbouring properties. Given the above, the use of the temporary building for residential purposes during the construction period is considered acceptable, subject to a condition requiring the removal of the temporary building following the occupation of the dwelling.

2.12 Other Issues

2.12.1 Issues raised within the objection letters relating to the time the development is taking to be completed, working hours, noise, deliveries causing obstructions and damages to the road surface on Westfield Lane, parking of vehicles on the road

during the construction period and health and safety are not material planning considerations.

2.13 Recommendation

This application is recommended to be GRANTED subject to the following conditions:

01. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on drawing no. 03A, received by the Local Planning Authority on 19 August 2016. 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.

02. The boundary treatments, as shown on drawing no. 03A shall be implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter shall be retained as such.

Reason:

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

03. The temporary building hereby permitted, as shown on drawing no. 05, shall be permanently removed from site within 2 months of the occupation of the dwelling hereby permitted.

Reason:

In the interests of visual amenity and to ensure a separate independent dwelling is not established on site.

04. The access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

05. Prior to the occupation of the dwelling, the approved vehicle access, parking, manoeuvring and turning areas shall have been constructed in accordance with the submitted drawing (Reference: 03A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.

06. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 12m measured along both channel lines of the major road Westfield Lane from a point measured 2m down the centre line of the access road. The object height shall be 1.2m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

INFORMATIVE:

An explanation of the terms used above is available from the Highway Authority.

Reason:

In accordance with Policy T1 of the Selby District Local Plan and in the interests of road safety.

07. 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.

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

Site Location Plan, Drawing No. LOC01, received 18 July 2016

Block Plan, Drawing No. LAY01, received 18 July 2016

Sections, Drawing No. 04, received 18 July 2016.

Plans and Elevations, Drawing No. 03A, received 19 August 2016

Temporary Building Plans, Drawing No. 05 received 22 August 2016

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

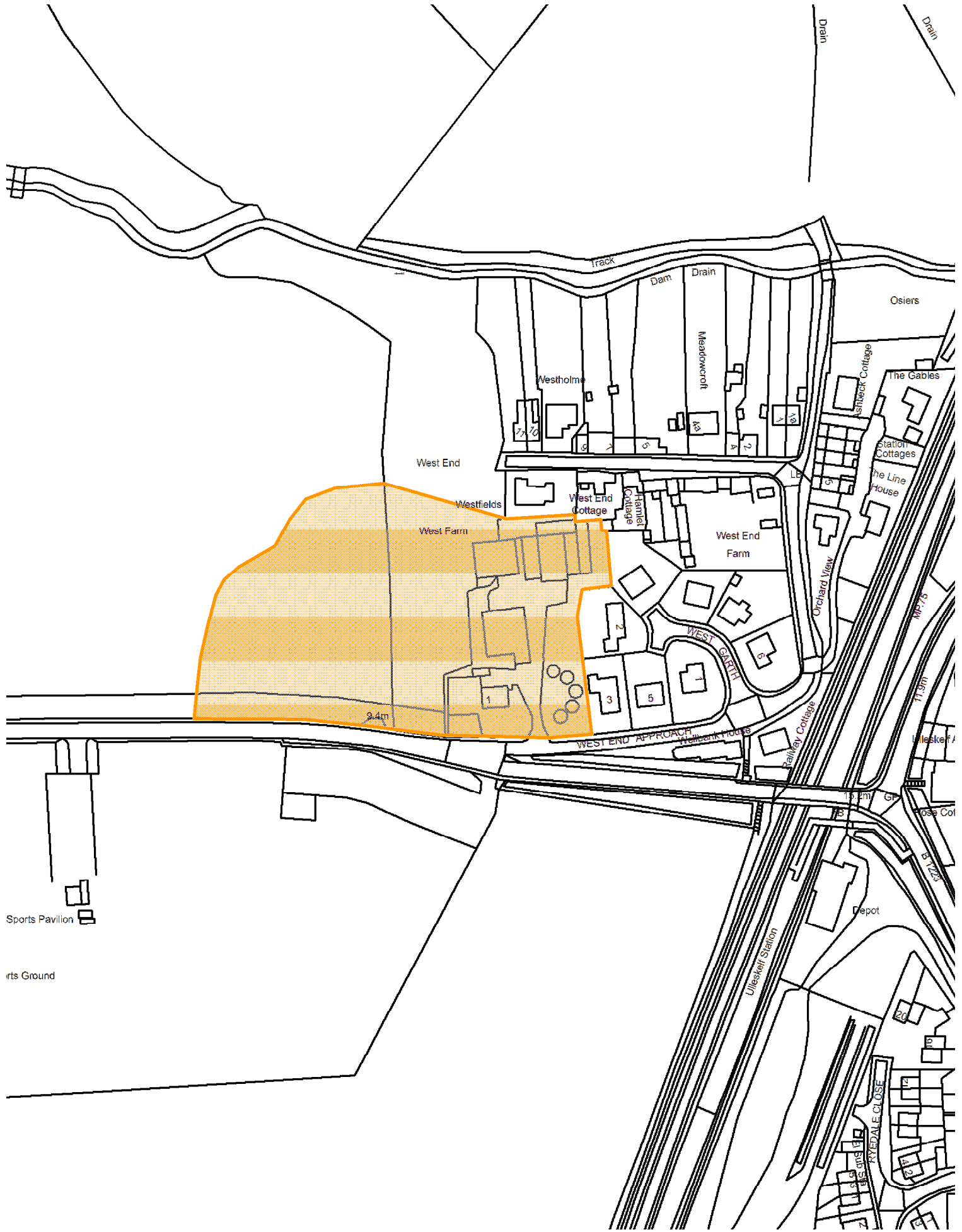
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0850/FUL and associated documents.

Contact Officer: Jenny Tyreman (Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/0403/OUT

Address: West Farm, West End, Ulleskelf

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Indicative Block Typology



Carter Jonas



BUSINESS SUPPORT
18 APR 2016
RECEIVED

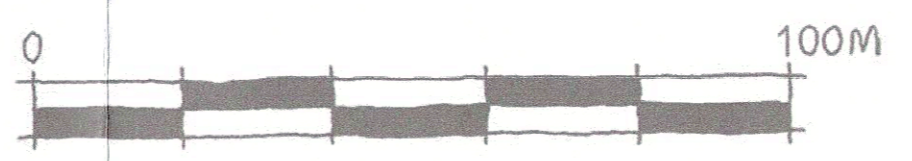
Rev	By	Note	Date
B	GF	Updated Layout	15.04.16
A	GF	Boundary Hedgerow added	12.04.16

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PROJECT: West Farm, Ulleskelf
TITLE: Indicative Block Typology
CLIENT: Grimston Park Estate
DATE: 04.04.16 SCALE: 1:1000@A2
DWG. NO: Y81:910.03 REVISION: B
DRAWN: GF CHECKED: PJR

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Proposed Residential Development at West Farm, Ulleskelf



To: Planning Committee
Date: 7th September 2016
Author: Tom Webster (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	8/64/192A/PA 2016/0403/OUT	PARISH:	Ulleskelf Parish
APPLICANT:	Grimston Park Estate	VALID DATE:	28 th April 2016
		EXPIRY DATE:	28 th July 2016
PROPOSAL:	Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale		
LOCATION:	West Farm, West End, Ulleskelf		

This application has been brought before Planning Committee due the proposals being a Departure from the Development Plan and ten representations being received raising material planning considerations and there are more than 10 letters of objection to the proposals.

Summary:

The proposed scheme is made in outline to include access, landscaping and scale for the erection of up to 25 dwellings with layout and appearance reserved for future consideration.

The application site is located partly within partly outside the defined development limits of Ulleskelf. 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.

From the emerging PLAN Selby evidence on the sensitivity of the landscape to development it is considered that the overall landscape assessment parcel for the area to which the application relates is of medium sensitivity to development, with the settlement fringe considered of low quality.

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, archaeology, 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 no objections being received from the NYCC Flood Risk Officer and NYCC Highways and the inclusion of suggested conditions and delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision and a waste and recycling contribution and subject to the conditions detailed in paragraph 2.21 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The application site is located partly within and partly outside of the defined development limits of Ulleskelf.

1.1.2 The application site comprises approximately 1.7 hectares of agricultural land.

1.1.3 The application site comprises the farmstead and buildings of West Farm along with parts of two adjoining paddocks to the west. The paddocks are currently grassed and used for grazing in association with the agricultural tenant's livestock business.

1.1.4 To the east of the application site is the village with residential properties off West End, West End Approach and Willow Garth. To the south, the boundary is formed by West End Approach and the B1223 New Road/Raw Lane. There are playing fields and a play area immediately to the south of the site on land within the Estate's ownership.

1.2. The Proposal

1.2.1 The applicant is seeking outline planning permission for up to 25 dwellings with "scale, landscaping and access" to be considered. All other matters are reserved including "appearance" and "layout" for future consideration.

1.2.2 It is proposed to provide the main vehicular access off New Road. Presently the site frontage has three access points, comprising the access for the farmstead and house served off West End Approach (which is proposed to be closed off) and two field access points, one of which (the easternmost) will form the new access point. A secondary access exists off West End. Pedestrian access would also be served off New Road.

1.2.3 An indicative scheme layout has been submitted showing a mix of two to five bedroom properties of terraces, semi and detached two storey properties. House types may be substituted to include single-storey bungalows if this is required. A mixture of tenures is proposed to meet the Council's affordable housing policy requirement.

1.2.4 Parking for each property would be provided in line with North Yorkshire County Council guidelines (2 spaces for 2 and 3 bed properties and 3 spaces for 4+ bedroom properties).

1.2.5 The application site is located predominantly within Flood Zone 1 which is at the lowest risk of flooding with a section of the application site to the northern boundary and north-western edge located within Flood Zone 2 and 3. No dwellings are proposed in this part of the application site.

1.3 Planning History

- 1.3.1 A request for a screening opinion for the demolition of existing buildings and erection of a residential development of up to 30 No. dwellings and associated infrastructure Planning Reference: SCR/2014/0011 determined that the proposals would not comprise EIA development on the 9th September 2014.
- 1.3.2 An outline application (Planning Reference: 2015/0907/OUT) for erection of up to 30 dwellings following demolition of existing dwelling and farm buildings to include access, landscaping and scale was withdrawn on 29th April 2016.

1.4 Consultations

1.4.1 Ulleskelf Parish Council

The Parish Council consider that this development is too large, with too many houses on it and the existing infrastructure will not support it as proven by the recent floods in December 2015. The Council is concerned that the additional drainage requirements and surface water created by this development will further increase the flood risk for the existing properties at West End. This view is shared by industry experts as demonstrated in the recent debate on the Housing and Planning Bill in the House of Lords where a coalition of architects, civil engineers, environmental scientists and water experts argued that connecting new homes to already overloaded existing drainage systems makes flooding more likely (see article from "building.co.uk" copied below). The entrance to the development is outside the current 30mph zone. Reference is made in regards to an article on how homes should be protected from flooding.

1.4.2 Yorkshire Water

No comments received.

1.4.3 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 4089/FRA01B, dated April 2016, submitted with this application are implemented and secured by way of a planning condition on any planning permission.

1.4.4 Selby Internal Drainage Board

Dorts Dyke is a problematic watercourse and represents the critical drainage infrastructure for the village of Ulleskelf and the agricultural land and settlements situated to the south. Dorts Dyke conveys large volumes of surface water and is notorious for breaking its banks and flooding the general area to the extent that the main highway has to be closed and residential properties are threatened with inundation. At peak flow rates this watercourse is inhibited by the river levels in the River Wharfe which restrict Dorts Dyke's ability to discharge freely. It is evident that this watercourse is currently operating at its capacity and could therefore not accept any additional surface water without increasing the already tangible risk of flooding and, in all probability, resulting in the inundation of residential properties.

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 proposal to culvert, bridge, fill-in or make a discharge to the watercourse will also require the Board's prior consent.

The Board would suggest that if there are other flood defence features for the area, on the site or elsewhere, then the Planning Authority should satisfy its self that these elements will be retained and that arrangements have been made for their continued maintenance and that any necessary access routes are protected.

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 application is for housing which will create a significant impermeable area on what is currently a Greenfield site. This will in turn generate a substantial increase in the rate of surface water run-off.

The Board notes that the applicant's revised Flood Risk Assessment and Surface Water Management Strategy (Reference 4089/FRA01B dated April 2016) for the site advises that the surface water discharge will be constrained to 2.14l/s, based on the Board's Greenfield rate of 1.4l/s/ha for a 1.53ha site. The Board also notes the intention to ensure that there is adequate on-site storage of surface water to contain a 1:100 year storm event with an allowance for climate change and urban creep. The Board welcomes this position.

The Board would have no objection to the principal of the development but would want to see details of the final drainage scheme prior to development commencing and would also want certainty that all other outfalls and drainage routes are stopped up limiting the water discharging from the red line boundary to one outfall into Dorts Dyke, unless otherwise agreed with the Board, at the agreed Greenfield rate. This would mean that the whole site drains through the proposed system.

1.4.5 North Yorkshire County Council – Flood Risk Management

Awaiting comments and Members will be updated at Planning Committee.

1.4.6 Lead Officer – Environmental Health

The proposed development is of a fairly large scale and as such will entail an extended construction phase. This phase of the development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration. The Environmental Protection 1990 allows for the abatement of statutory nuisance in relation to noise, dust and vibration. It is however stressed that whilst a development may detrimentally impact upon existing residential amenity, it may not be deemed to constitute a statutory nuisance.

It is therefore recommended that a condition should planning consent be granted.

1.4.7 NYCC Highways

Awaiting comments and Members will be updated at Planning Committee.

1.4.8 Natural England

The application site is in close proximity to Kirkby Wharfe SSSI. Natural England previously advised in response to application 2015/0907/OUT that a suitably worded condition should be applied to ensure that discharge does not exceed 1.4l/s/ha, and that an appropriate mechanism is put in place to secure ongoing management of the hydrobrake, in order to ensure that the development does not increase the risk of inundation and consequent damage to habitats within Kirkby Wharfe SSSI. Having reviewed the Flood Risk Assessment and Drainage Strategy, this advice is reiterated for the current application.

1.4.9 North Yorkshire County Council (CPO)

No comments received.

1.4.10 Education Directorate North Yorkshire County Council

Based on the proposed 25 dwellings a developer contribution of £84,975 would be sought for primary education facilities as a result of this development. [Officers would advise members that the ability to seek contributions towards education has been superseded by the introduction of CIL].

1.4.11 North Yorkshire Fire & Rescue Service

The proposals/plans should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service.

1.4.12 Police Architectural Liaison Officer

It is fully appreciated that this outline application is only seeking to establish the principle of development and that the finer detail of design will be submitted at a reserved matters stage. However, it is asked that if this application is successful, that the applicant considers the following advice and recommendations when drawing up a more detailed proposal. Details of the advice and recommendations can be found in full on the consultation response.

1.4.13 North Yorkshire And York Primary Care Trust

No comments received.

1.4.14 Contaminated Land Consultant

With respect to the former tanks/silos, further information is required confirming or refuting whether tanks or silos were historically present. If tanks were present, the risk assessment needs to be amended to take into account the potential risk posed by their contents; and

The main requirement of the Phase 1 Report and other investigation reports is to demonstrate whether the requirements of the NPPF – that the site is safe, suitable for use and that following remediation the site cannot be determined as contaminated land – are met and if potentially unacceptable risks are present whether redevelopment is viable and practical.

The document provided indicates that contaminant linkages are present from 'soils', while only identifying asbestos in the fabric of the building. The CSM table does not detail whether these linkages are plausible or possible or what the level of risk (negligible, low, medium, high etc.) is. Additionally, where risk is referred to as low over all it is not described what low risk means in the context of the report. WPA would note that the information provided suggests to us that potentially unacceptable risks from tanks/silos, farming chemicals and materials that may have been stored in agricultural buildings, asbestos containing materials in the buildings fabric and made ground potentially underlying existing and former building areas are present. These sources and the risks they present need to be addressed with more detail.

Additionally, while gas risk is ruled out in the CSM table, site investigation that assesses this risk is recommended "Contamination testing of the soils and gas to determine the risk (if any) to receptors". This is contradictory. WPA would note that good practice is that were unacceptable risks are not identified site investigation is not undertaken. Consequently, further clarification and detail with respect to identified sources of contamination and the risk they present is required.

In summary it is not clear what potential contaminants JNP believe may be present, what the source of each potential contaminant is, what level (qualitatively) of risk each poses, and what level and scope of site investigation would be required to further assess these potential risks. Given the information available WPA recommend that if minded to permit

the development SDC utilise standard contaminated land conditions CL1-5. The Phase 1 as it currently stands requires clarification before being considered robust enough to address these conditions.

1.4.15 Yorkshire Wildlife Trust

No comments received.

1.4.16 Public Rights Of Way Officer

No comments received.

1.4.17 North Yorkshire Bat Group

It is considered that the ecological and bat surveys were conducted properly and in accordance with Bat Survey Guidelines. It is noted that some bats were found to be commuting and foraging at the site, but that no roosts were located. There are no objections to the proposals and agree with the ecologists who conducted the survey that native species planting should be incorporated into the development and that lighting should be minimized both during and after the development.

1.4.18 Lead Policy Officer

Have confirmed the previous comments stand which were made in relation to Planning Reference: 2015/0907/OUT which was an outline application for up to 30 dwellings. These comments are summarised below:

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. Ulleskelf 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 30 dwellings is on land that is partly within and partly outside of the defined Development Limits of Ulleskelf 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 first 5 years of the plan period.

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

CS 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. Ulleskelf has seen 34 dwellings built or approved in the settlement since the start of the Plan Period in April 2011. CS policy SP4 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Ulleskelf 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 7-24 dwellings for Ulleskelf. While the level of development in the settlement may have exceeded its potential growth options, the scale of this individual proposal, at 30 dwellings, is not considered to be inappropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.

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 partly within and partly outside the development limit, from emerging PLAN Selby evidence on the sensitivity of the landscape to development it is considered that the overall landscape assessment parcel for the area to which the application relates is of medium sensitivity to development, with the settlement fringe considered of low quality. 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.

1.4.19 NYCC Historic Environment Officer

The applicant has submitted the results of an archaeological field evaluation in the form of a geophysical survey. The survey has identified several anomalies of archaeological interest. The main features are a curvilinear trend in the centre of the site (U1) and a series of pit like anomalies (U3) to the north-east. Further linear features (U2) are present in the north-west of the survey area, although these may be natural in origin. The geomagnetic survey and our previous knowledge of the general area has identified that the site has archaeological potential. In order to fully assess the significance of this potential it is recommended further field evaluation in the form of archaeological trial trenching of the anomalies to establish their exact age, function and state of preservation. This trial trenching would be designed to be a rapid exercise and proportionate to the expected potential of the remains. In this case it is recommended three trial trenches to investigate the anomalies described above, with a two further trenches to test blank areas of the survey where discrete archaeological features might be masked by agricultural responses in the survey.

1.4 **Publicity**

- 1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting in 27 objections being received within the statutory consultation period. The issues raised can be summarised as follows:

Principle of Development

- This development is too big for the village which has already had a large development approved on Church Fenton Lane.
- Replacement of the existing farm buildings (modern replacements for existing buildings do qualify for Flood Re protection) with maybe a third the number of houses would be more palatable but the revised plans seem to ride roughshod over the green belt with a large paddock/field being absorbed.
- This development would expand the village envelope which would be a fundamental change that should, at the least, have the full backing of the Parish Council.
- It is not in accordance with Ulleskelf Parish Council's Village Plan and after discussion with the Parish Council our understanding is that the buildings proposed are not as recommended by the PC.
- Conflicts with Green Belt policy.

Flood Risk and Drainage

- The proposals would result in further flooding in the area.
- Drainage (both domestic and surface water) for the whole area is already overstretched beyond capacity.
- Allowing the erection of 25 dwellings on a notorious flood plain is folly in the least. Just months ago many properties were severely damaged by flood water and adding to the burden of the surrounding infrastructure and flood defences by building on this land will create further problems.
- Properties will be severely exposed to the risk of flooding as evidenced on Boxing Day 2015 when 14 of 16 neighbouring properties on West End were severely flooded. New properties will not be able to access the government backed Flood-Re insurance programme and property owners could find themselves uninsurable. Further building in the area will only increase the speed of surface water run off making a bad situation worse in the event of future flooding.

- The village has drainage that is unable to cope in times of heavy rain is confusing, in times when the risk of flooding is increased the existing residents should not have the worry of further properties surcharging an already failing system.
- West End which runs adjacent to the proposed dwellings has flooded severely 3 times in 15 years: 2000, 2012 & 2015 leaving many homeowners losing their homes for 6-8 months.
- Yorkshire Water and the Environment Agency know that it is not just high river levels that contribute to the floods but also the poor infrastructure of our sewerage system.
- The River Wharfe being in flood and breaching the flood defences to the rear of the properties on West End

Highways

- Access to the proposed development is likely to be at the entrance to the village playing field which is already difficult to get in and out of with traffic approaching from both directions.
- There is the issue of increased traffic gaining access and egress off Raw Lane into the proposed development in a dangerous location and putting lives at risk.
- Proposal would result in an increase in local traffic where local children play making it unsafe.
- A development of 25 houses is likely to bring around 50 extra cars to the area which will create even greater delays and issues.
- Concerns relating to the proposed access.
- Due to the fast speeds and volume of traffic on New Road, the proposed access/exit road into the development poses a real safety risk

Impact on Local Character

- The proposals would spoil the look of the village.

Services and Local Infrastructure

- Local schools are already overburdened with some families not receiving their first choice of school. There appears to be no strategy to manage the schooling situation to take the strain of permitted developments in Ulleskelf and Church Fenton.
- The infrastructure in that area just cannot cope with any more houses.

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
SP5:	Scale and Distribution of Housing
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
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
 Ulleskelf Village Design Statement, February 2012
 North Yorkshire County Council SuDs Design Guidance, 2015

2.6 Key Issues

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

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. Identifying the impacts arising from the development:

1. Layout, scale, landscaping and design
2. Flood Risk, drainage and climate change
3. Impact on highway
4. Residential Amenity
5. Impact on nature conservation and protected species
6. Affordable housing
7. Community Infrastructure Levy
8. Recreational open space
9. Education, Healthcare, Waste and Recycling
10. Contaminated land and ground conditions
11. Other Issues

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 Ulleskelf as being a Designated Service Village which has some scope for additional residential development to support rural sustainability. The application site is partly located outside the defined development limits of Ulleskelf at the western boundary of the settlement. The eastern part of the application site where the current farm buildings are located lies within the defined development limits with the remainder of the site located outside the defined development limits of Ulleskelf and therefore is predominantly located within 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 for residential development 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 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. The submitted Planning Statement states that "in terms of the five year supply we would suggest that subject to receiving planning approval (December 2015) we anticipate a start on site by January 2017; it would be reasonable to assume that the scheme would complete within 18 months (June 2018)".

- 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.

Sustainability of the Development

- 2.7.7 In respect of sustainability, the application site lies partly within and partly outside of the defined development limits of the village of Ulleskelf which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village contains a post office/general store, a public house, a Methodist chapel, village hall and sport and recreation facilities. It also benefits from a railway station and is on the bus route between Tadcaster and Pontefract with a bus stop located on Church Fenton Lane. It is therefore considered that the settlement is reasonably well served by local services which weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, that despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.

Previous Levels of Growth and the Scale of the Proposal

- 2.7.8 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 Ulleskelf has seen 34 dwellings built and/or approved in the settlement since the start of the Plan Period in April 2011.
- 2.7.9 Core Strategy Policy SP4 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Ulleskelf has exceeded its dwelling target. As a guide, Policy Officers have confirmed that the Council consulted on various growth options for the Designated Service Villages as part of the development of PLAN Selby in July/August 2015 and at this point the research indicated minimum growth options of between 7-24 dwellings for Ulleskelf. While the level of development in the settlement may be broadly on track to achieve its potential growth options, the scale of this individual proposal, at an indicative 25 dwellings, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.

Relationship of the Proposal to the Development Limit

- 2.7.10 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 partly within and partly outside the development limit, from emerging PLAN Selby evidence on the sensitivity of the landscape to development it is considered that the overall landscape assessment parcel for the area to which the application relates is of moderate sensitivity to development, with the settlement fringe considered of low quality.
- 2.7.11 The proposal extends into the countryside, however when looking at the development limit boundary this site would effectively create a defensible landscaped boundary which would ensure that the development would be neither visually prominent, nor discordant within the landscape. The Longbridge Drain also lies to the north of the application site and the site is also constrained from any future growth as it is bound by Flood Zones 2 and 3 to the north and east. The retention of existing mature trees and hedgerows and the planting and

maintenance of new hedgerows and trees of similar species mix along the northern and eastern boundary would mitigate and create a defensible boundary alongside the layout of proposed dwellings along these boundaries. It is therefore considered that for these reasons the proposals in this context would set a new clearly defensible boundary with the open countryside around it. Development within the site would be seen within the context of the existing settlement of Ulleskelf and is afforded a degree of separation from the wider landscape by the tree lined B1223 New Road.

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

- 2.7.12 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 ULES004. It was noted that the site falls (in part) within the flood plain and it was considered that there was poor access. Although part of the site lies inside the defined development limits, it was felt that the housing numbers had been accommodated on another site therefore there was no need to consider the site for housing. 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.
- 2.7.13 Having had regard to the above it is considered, on balance, that the proposals are acceptable in principle. However, proposals that are acceptable in principle are still subject to the detailed policy tests both within the Development Plan and the NPPF. 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 NPPF makes it clear that sustainable development is not merely about the spatial relationship of development to existing settlements, but also has a social, economic and environmental dimension. 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. The following sections look at the impacts of the proposal on these dimensions.

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.
- 2.9.4 The application is outline with layout and appearance 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 25 dwellings. The character and appearance of the local area is varied comprising a wide range of house types, development forms and materials. Materials are generally clay pantiles, natural slates and concrete interlocking roof-tiles. The Design and Access Statement stipulates that the proposed dwellings would be predominately two storeys in scale with the possibility of some rooms in the roof served by in-line roof-lights to the larger dwellings. It is proposed that the dwellings would be walled in 'clamp style' facing brick with a small proportion of

rendered elevations. It is considered that the proposals could incorporate appropriate materials and detailed design finishes at reserved matters stage which would respect and be in keeping with the character of the local area. However, having had regard to the indicative layout provided and the surrounding context of the site there is nothing to suggest that an appropriate appearance could not be achieved at reserved matters stage.

- 2.9.5 The supporting statement submitted also confirms that the site would achieve a density of 17-18 dwellings per hectare which would appear to be a reasonable density having had regard to the surrounding context. Local residents have expressed concerns that the scale of the proposed development would not be in keeping with the character of the local area, however having taken into account the context of the site it is considered that an appropriate layout could be achieved at reserved matters stage.
- 2.9.6 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 two to five bedroomed properties of terraces, semi and detached two storey properties. It is stated by the applicant that some house types may be substituted to include single storey bungalows. However 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 the majority of trees are located in the southern half of the application site, in particular along the southern boundary and in close proximity to the existing farm house. There are a number of TPOs trees (TPO/9/1981) located along the site frontage on the southern boundary. An Arboricultural Survey has been undertaken by Smeeden Foreman to assess the health of trees upon the application site. These trees have been surveyed and it has been considered that some of the trees are not healthy and have been impacted by current land management practices. The Survey has proposed maintenance measures where necessary and consideration has been given to the root protection areas (RPA) of the trees and it is stated in the supporting Planning Statement that a design exercise with the layout shows that the proposed quantum of development can be achieved without impinging on the RPAs. It is also stated by the applicant that one tree would need to be felled as a result of the formation of the proposed new junction. A Landscaping Strategy Plan and Planting Schedule has been submitted as part of the application which would provide compensatory trees and planting to the northern and western boundaries of the application site.
- 2.9.8 Given this it is considered that the proposals demonstrate that the site could incorporate appropriate landscaping in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF subject to the detailed landscaping scheme being conditioned in order to that the development is carried out in line with the recommendations as set out in the submitted Tree Report.
- 2.9.9 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.' It should be acknowledged that the above paragraphs uses language such as 'aim to' and not direct language such as 'shall' so there is an element of flexibility in the consideration of such aspects. The proposed indicative layout has ensured that all roads, footpaths, and open spaces are overlooked by dwelling frontages to maximise the natural surveillance of the public realm in the interests of creating safe places.

- 2.9.10 The Police Architectural Liaison Officer has stated that it is fully appreciated that the application is outline and only seeking to establish the principle of development and the finer level of detail would be submitted at reserved matters stage. However advice is provided by the Police Architectural Liaison Officer so that this can be taken into account before the reserved matters application is submitted. Therefore it is considered that it would be beneficial for the developer to consult with a Police Designing out Crime Officer, so that a better understanding of the design and layout is achieved and that any areas of conflict are discussed and agreed upon prior to the submission of the reserved matters submission.
- 2.9.11 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 and Climate Change

- 2.10.1 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan, and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy.
- 2.10.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.
- 2.10.4 The application site is located predominately within Flood Zone 1 which is at the lowest risk of flooding with a section of the application site to the northern boundary and north-western edge located within Flood Zone 2 and 3. However officers can confirm that the actual dwellings would be located wholly within flood zone 1 and therefore on this basis the proposal would not require a sequential test.
- 2.10.5 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.
- 2.10.6 The Flood Risk Assessment (FRA) submitted by the applicant states that it has been established that, with the exception of an existing hedgerow which will remain in public open space, the site is located within fluvial Flood Zone 1 and there are no other significant sources of flood risk at the site. The assessment has identified the current site drainage characteristics and also established the current level of risk from flooding.
- 2.10.7 The Environment Agency has been consulted on the proposals and has stated that they have no objections to the proposals subject to the attachment of planning conditions to any permission granted in relation to the measures as detailed in the FRA.
- 2.10.8 North Yorkshire County Council's Sustainable Urban Drainage Officer has been consulted on the proposals and has requested further information. Members will be updated at Planning Committee.
- 2.10.9 Yorkshire Water has been consulted on the proposals and have not provided any comments on the proposals.

- 2.10.10 The Internal Drainage Board (IDB) has been consulted on the proposals and has raised no objections subject to the inclusion of a condition and informative are attached to any permission granted.
- 2.10.11 Natural England has been consulted and has not raised any concerns subject to the inclusion of a condition to ensure that discharge does not exceed 1.4l/s/ha, and that an appropriate mechanism is put in place to secure the on-going management of the hydrobrake.
- 2.10.12 The Parish Council and local residents have raised concerns in regards to flood risk and drainage issues in the local area and the impact that the proposed development would have. It is considered that all of these concerns can be overcome through the inclusion of planning conditions to ensure that the proposal is built in accordance with the submitted Flood Risk Assessment and through the development of a drainage strategy before any development commences.
- 2.10.12 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. In order to comply with the specific requirements of Policy SP16 which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources a condition should be imposed in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy.
- 2.10.13 Therefore the proposal would not have significant impact on flood risk, drainage and the sewerage system. Having had regard to the above, subject to the inclusion of conditions 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. These policies should be afforded significant weight.
- 2.11.2 Although the application is for outline approval, access is to be considered at this stage. It is proposed that the access would be taken from the B1223 New Road. NYCC Highways have been consulted on the proposals, comments are awaited and Members will be updated at Committee. Officer's note that NYCC Highways raised no objections for the previous proposals and recommended conditions to attached if permission was granted. These current proposals provide the same access arrangements as the previous proposals.
- 2.11.4 The application is accompanied by a Transport Assessment which examines the existing highway provision, traffic flows, accident levels and sets out the trip generation and traffic flows anticipated as a result of the proposed scheme and the impacts on the existing highway. The report concludes that the proposed development could be accommodated on the adjacent highway network without any significant negative impact and there are therefore no highway capacity reasons why the development should not be granted planning permission.
- 2.11.5 The report states that the application site is located with 500m of the local amenities provided with Ulleskelf and a footpath is provided on the southern side of the B1223 New Road which allows for pedestrian access via Main Street to the village centre. It is also stated in the Transport Assessment that public transport provision in the form of a bus stop on Main Street and Ulleskelf Rail Station are located within 250m of the application site, which provides opportunities for travel by sustainable modes.

- 2.11.6 Local residents have raised concerns in regards to the proposed access. Other objectors have stated that the proposed development should provide traffic calming measures and NYCC Highways have confirmed that the County Council is in favour of the 30mph being moved if the development gets approval.
- 2.11.7 It is therefore considered that 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 ENV1(1) of the Local Plan and Paragraph 200 of the NPPF.
- 2.12.2 As the application is for outline consent with scale, access and landscaping for consideration, the impact on the existing adjoining properties has been considered in the context of the matters to be determined and informed by the approaches as set out in the submitted Design and Access Statement. 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 The application site is not in a location which would be subject to significant noise impacts from roads or other sources within close proximity to the site. The Lead Officer for Environmental Health has stated that the proposed development is of a fairly large scale and as such would entail an extended construction phase. This phase of the development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration. Therefore it is considered appropriate to attach a planning condition to any permission granted for a scheme for mitigating noise and dust.
- 2.12.4 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 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 a Phase 1 Ecology Study (including a walkover assessment of the application site, buildings, hedgerows and trees). The Study has confirmed that the application site contains no statutory designated nature conservation sites, but there are two within 2km from it; Kirby Wharfe Site of Special Scientific Interest (SSSI) which comprises lowland neutral grassland, and broadleaf mixed and yew woodland is located 225m north west at its closest point; Bolton Percy Ings SSSI which comprises lowland neutral grassland and is approximately 1.45km east. The application site is within an Impact Risk Zone (IRZ) of Kirby Wharfe SSSI; the relevant Natural England GIS dataset indicates that consideration should be given to potential impacts on the SSSI if the proposed development comprises of 100 units or more.
- 2.13.3 It is concluded in the Ecology Study that the hedgerows and trees at the application site are of local value, providing habitat for breeding birds and connectivity across the site, shelter and foraging opportunities for wildlife in general. The Study goes on to state that it is not anticipated that any hedgerows would be classed as important under the Hedgerow Regulations 1997 assessment, but H3 and H4 are considered as UKBAP priority habitat. It is also stipulated that the pond within the site provides some habitat diversity but is considered to be of low conservation value; it was assessed as being of poor suitability for breeding GCN, water quality was poor, it contains aquatic or emergent vegetation, and is only approximately 10m².
- 2.13.4 In order to protect habitats of ecological value present the following recommendations are highlighted in the Phase 1 Ecology Study:
- The retention of the hedgerows and trees at the site where feasible, or replacement planting using native species;
 - Use of temporary protective demarcation fencing to protect retained areas/features including those immediately adjacent to the site. The fencing must be in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction', extend outside the canopy of the retained trees, and remain in position until construction is complete;
 - Use of directional lighting during construction, which will not shine upon the site boundaries, hedgerows or trees within the site; Implementation of a lighting scheme within proposals that minimise illumination of the site boundaries or trees within the site; and,
 - Retention of pond and enhancement with planting of native aquatic species to improve water quality.
- 2.13.5 To ensure that the proposed development provides enhancement to wildlife, in accordance with the stated aims of the National Planning Policy Framework (NPPF), the Ecology Study recommends:
- Native hedgerow planting and native tree and shrub planting should be undertaken where feasible;

- Incorporation of native species of trees and shrubs known to be of value to wildlife within landscape planting; and
- Consideration of seeding of areas associated with hedgerow/tree planting with a suitable wildflower mix.

2.13.6 It would therefore be recommended that the detailed landscaping scheme submitted, which takes into account the above comments and recommendations for enhancements, is secured via condition.

2.13.7 The applicant has also undertaken further surveys for bats. This report concluded that there were no bat roosts that were detected at the site during the emergence and transect surveys which were carried out in 2015. The further bat surveys stipulate that in general the site is used by foraging bats and receives low to moderate bat activity from common bat species; at any one time between 1 and 7 bats were detected foraging or commuting at the site; common pipistrelle, soprano pipistrelle, Myotis and noctule bat species were detected at the site, all of which are considered to be common in North Yorkshire. The most frequently detected bats at the site were common pipistrelle, with soprano pipistrelle and Myotis bats being detected occasionally during each survey, and noctule bats very occasionally and only confirmed during the transect surveys. It is confirmed in the surveys that features within or adjacent to the site found to be used by bats for commuting purposes comprised hedgerows H3, H4, H5, the hedgerow outside the site located approximately 90m west of the site, and the field edge to the east of the site next to the existing buildings. This report states that it is understood that hedgerow H5 would be removed along with the majority of hedgerow H4. It is considered connectivity across the site and between it and the wider area would not be affected as the hedgerow outside the site located approximately 90m west of it, which is used by commuting bats, will not be affected by proposals.

2.13.8 Natural England has been consulted on the proposals and has not raised any objections. North Yorkshire Bat Group and have not raised any objections subject to mitigation measures outlined in the bat survey report being implemented. Yorkshire Wildlife Trust (YWT) has been consulted on the proposals but have not provided any comments.

2.13.9 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 and further bat surveys.

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 confirming that this is achievable and this provision would be secured via a Section 106 agreement. The Selby District Council Strategic Housing Market Assessment 2009 has identified a need for both 2 and 3 bedroom affordable homes with a required tenure split of 30-50% Intermediate and 70-50% Rented as a starting point for negotiation. The Section 106 agreement would secure up to the 40% provision on site and would ensure that a detailed Affordable Housing Plan is provided setting out the size and tenure mix.

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 Recreational Open Space

2.15.1 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.

2.15.2 Policy RT2(b) states that for schemes of more than 10 but less than 50 dwellings there are four options for the provision of recreational open space and that these are subject to negotiation.

2.15.3 Officers consider that a large proportion of this site is to be taken up by roadways, pedestrian footways and SUDs drainage infrastructure. It is also noted that there would be a residual area of on-site green space mainly comprising of land under existing trees and root protection areas. There are also site constraints such as areas of Flood Zone 2 and 3 to the north and north-eastern boundary of the site which restrict proposals for on-site Recreation Open Space. The applicants have confirmed that they would be willing to provide a commuted sum contribution towards Recreational Open Space works which would need to be identified by the Parish Council, however since the adoption of the Community Infrastructure Levy (CIL) this cannot be secured by way of contribution. However, the subsequent reserved matters 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 Ulleskelf.

2.15.4 Having had regard to the size, site constraints and location of the site it is considered acceptable in this instance for recreational open space not to be provided on-site and for payments towards recreational open space to be secured via the CIL charging system. It is therefore considered that the proposals are acceptable having had regard to Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.16 Education, Healthcare, Waste and Recycling

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

2.16.2 Having consulted North Yorkshire County Council Education they have confirmed that a contribution of £84,975 would be required towards education provision at Kirk Fenton Parochial CE Voluntary Controlled Primary School, however since the adoption of the Community Infrastructure Levy (CIL) this sum cannot be secured and the subsequent reserved matters application would secure a CIL payment which can be spent towards education provision in this area.

2.16.3 No response has been received from the Healthcare Service in relation to healthcare contributions, however no contribution would be required due to the adoption of CIL.

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

2.16.5 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 contribution.

2.18 Contamination

2.18.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is accompanied by a Phase 1 Contaminated Land Investigation prepared by John Newton & Partners Consulting Engineers.

2.18.2 The Council's Contaminated Land Consultant has reviewed the Phase 1 Contaminated Land Report and confirmed that given the information available it is recommended that planning conditions are attached to any permission granted. The proposals are therefore acceptable in regards to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.19 Archaeology

2.19.1 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.

2.19.2 The applicant has submitted an Archaeological Geophysical Survey. This Survey has concluded that there are a number of possible archaeological curvilinear features and trends. The most significant of these is a curvilinear feature in the centre of the site. A more tentative curvilinear has been recorded in the north west of the survey area but is as likely to be the result of geological response as archaeological, and is much more uncertain in origin. Across the area a number of pit-like anomalies have been identified but the origin of these could be related to modern agricultural practices than archaeological responses. It is concluded that throughout the site a number of visible ridge and furrow ploughing trends have been identified running in a north south direction related to former modern ploughing regimes. The survey area has identified a number of above ground modern metallic objects which, although avoided, still had a significant impact on the results comprising areas of increased and decreased magnetic values.

2.19.3 The County Archaeologist has stated that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. However it is considered by officers that given the information provided within the geophysical 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.

2.12.4 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.

2.20 Other Issues

2.20.1 Objections have been received on the grounds that the site is Green Belt. Officers can

confirm that the site is not Green Belt

2.21 Conclusion

- 2.21.1 The proposed scheme is made in outline to include access, landscaping and scale for the erection of up to 25 dwellings with layout and appearance reserved for future consideration.
- 2.21.2 The application site is located partly within partly outside the defined development limits of Ulleskelf. 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.
- 2.21.3 From the emerging PLAN Selby evidence on the sensitivity of the landscape to development it is considered that the overall landscape assessment parcel for the area to which the application relates is of medium sensitivity to development, with the settlement fringe considered of low quality.
- 2.21.4 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, archaeology, protected species, contaminated land and affordable housing.
- 2.21.5 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.

2.22 Recommendation

This planning application is recommended to be APPROVED subject to no objections being received from the NYCC Flood Risk Officer and NYCC Highways and the inclusion of suggested conditions and delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision and a waste and recycling contribution and subject to the conditions detailed below:

01. Approval of the details of the (a) appearance and c) layout and 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 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.

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. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) 4089/FRA01B, dated April 2016, and the following mitigation measures detailed within the FRA:

1. There should be no development on land that is currently below 9.13m above Ordnance Datum (AOD); the flood level recorded from the Winter 2015 flood event.

2. Finished floor levels are set no lower than 9.73m AOD.

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 ensure that the development does not displace flood waters or otherwise increase the flood risk to others and to reduce the probability of internal flooding to the new properties.

06. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority. The development of the site shall be carried out in accordance with the approved scheme.

Reason:

To protect the residential amenity of the locality and in order to comply with Selby District Council's Policy's SP19 and ENV2.

07. No development approved by this permission shall be commenced until the Local Planning Authority has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented before the development is brought into use.

The following criteria shall be considered:

- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume shall accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change shall be included in all calculations.
- A range of durations shall be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, shall be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

08. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Board. Ground levels must not be raised within this area. Access arrangements shall be agreed with the Internal Drainage Board.

Reason:

To maintain access to the watercourse for maintenance or improvements.

09. A permanent 4 metre wide undeveloped strip shall be made available across the Site. Access arrangements shall be agreed with the Internal Drainage Board.

Reason:

To allow access to the watercourse for maintenance purposes.

10. 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.

11. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Preliminary Ecological Site Appraisal by Smeeden Foreman dated April 2016 and the Further Bat Surveys by Smeeden Foreman dated April 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).

12. The development shall be carried out in complete accordance with the recommendations set out in the Arboricultural Survey by Smeeden Foreman, dated April 2016.

Reason:

In the interests of amenity having regard to Policy ENV1 of the Selby District Local Plan.

13. The landscaping scheme, as shown in drawing number LM01 B, shall be completed within the 12 months of the dwelling being occupied.

Reason:

In the interests of protecting the character of the area in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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:

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.

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the 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

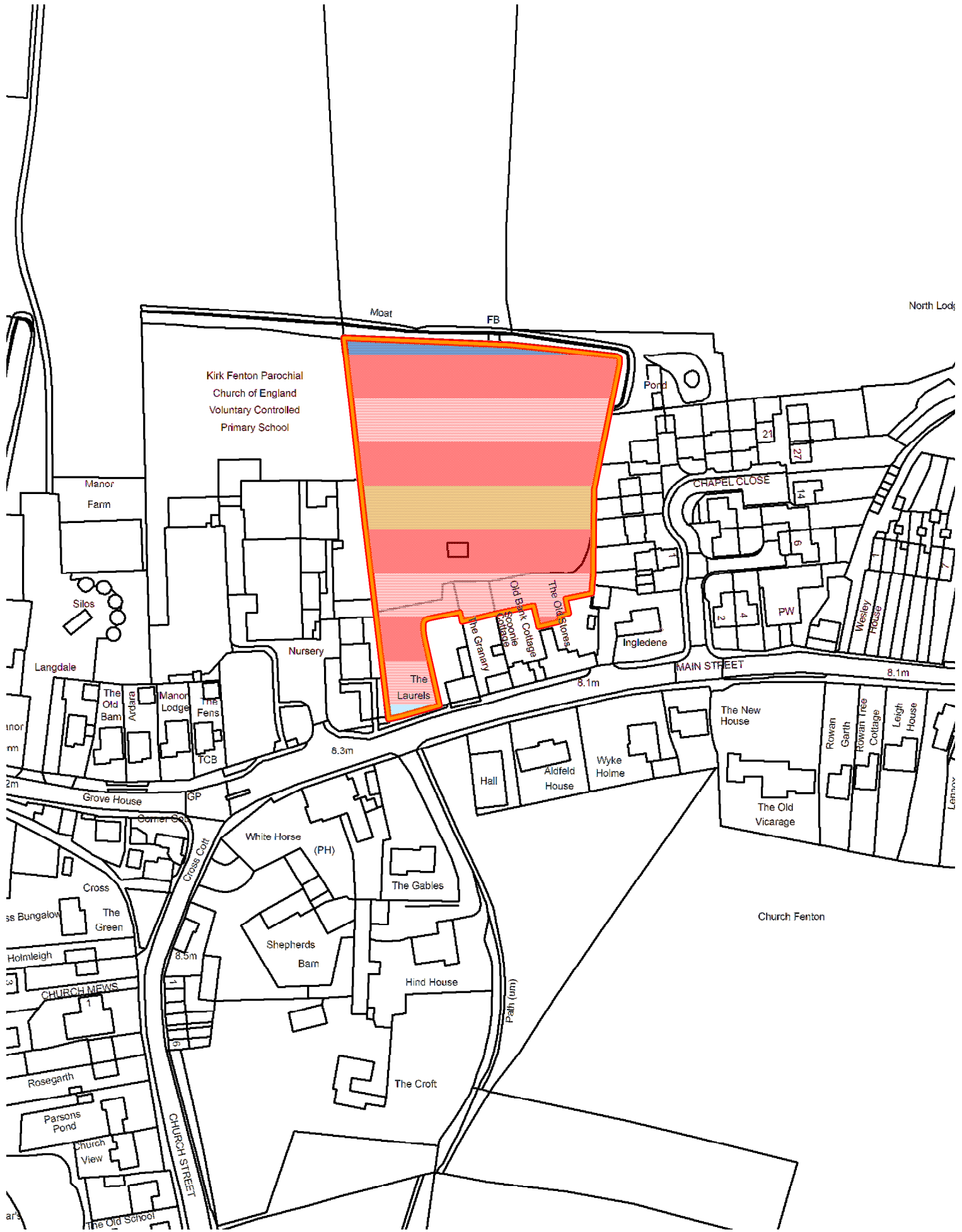
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0403/OUT and associated documents.

Contact Officer: Tom Webster (Principal Planning Officer)

Appendices: None



North Lock

Kirk Fenton Parochial
Church of England
Voluntary Controlled
Primary School

The Laurels

Church Fenton

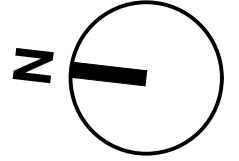
APPLICATION SITE

Item No: 2016/0484/REM

Address: The Laurels, Main Street, Church Fenton

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**AMENDED
DRAWING**



Key

- Solar panels
- ① 1.8m close boarded fence
Refer to drawing number 1435 - 150
- ② 1.8m close boarded fence with hedge
Refer to drawing number 1435 - 150
- ③ 1.2m post and rail fence
Refer to drawing number 1435 - 151
- ④ Brick piers and brick wall with timber panels
Refer to drawing number 1435 - 151
- ⑤ Brick piers and brick wall
Refer to drawing number 1435 - 151
- ⑥ 2m high close boarded fence, with concrete gravel board to base.
- 1.5m close boarded fence with 300mm trellis top
- 1.8m close boarded boundary fence/gate
- Iron Railings
- Permeable paving
- Adopted footpath
- Adopted highway
- Refuse presentation point

revision	date	description
P15	10.08.16	Pavement reduced to 2m @ site entrance
P14	02.08.16	Dwg. coordinated with Rosetta 2541/2C, pavement increased
P13	29.07.16	Plots 5 - 14 repositioned, Tree canopies updated
P12	11.07.16	Refuse presentation points added
P11	14.06.16	Site fencing revised. Plots 1-4 Repositioned
P10	27.04.16	Landscaping revised.
P09	25.04.16	Key added.
P08	12.04.16	Site fencing revised.
P07	05.04.16	Site boundary revised.
P06	23.03.16	Plots 6, 7, 8, 9, 15 and 16 revised.
P05	16.03.16	Area revised after the design of house types
P04	11.03.16	Area revised after the design of house types
P03	03.02.16	Plot 13 revised. Plots 22-25 changed size. Planting added
P02	02.02.16	plot 10, 11, 12 and 13 revised. Area revised on plot 5
P01	29.01.16	plot 8 and 9 revised

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project
Residential development
 The Laurels, Main Street, Church Fenton, Selby

drawing
Proposed site plan

scale
1:500 @ A3

job number	date	status	drawing number	revision
1435	28.01.16	Planning	105	P15

RECEIVED
10.08.2016
 BUSINESS SUPPORT

To: Planning Committee
Date: 7th September 2016
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/0484/REM 8/62/177D/PA	PARISH:	Church Fenton Parish Council
APPLICANT:	London Ebor Developments PLC	VALID DATE:	6 th May 2016
		EXPIRY DATE:	5 th August 2016
PROPOSAL:	Reserved matters application relating to access, appearance, landscaping, layout and scale of approval 2015/0760/OUT outline application (all matters reserved) for the erection of 25 dwellings, garages, adopted road and landscaped areas		
LOCATION:	The Laurels, Main Street, Church Fenton		

This application has been brought before Planning Committee at the discretion of the Interim Lead Officer for Planning.

Summary:

The proposal seeks to reserved matters consent for the development of the site, which was granted outline planning permission (with all matters reserved) under Reference 2015/0760/OUT on the 21st December 2015.

The principle of development for residential development at this site was therefore firmly established under the outline planning permission. In making the submission for reserved matters the applicants have also sought to address all “prior to commencement development” / conditions precedent on the Outline Consent so as to seek the ability to commence of site with minimal delay.

Having considered the proposed design of the scheme and all technical considerations the proposal is acceptable in respect to its design and impact on residential amenity and the character of the area.

Having had regard to all of the above it is considered that there would be no adverse impacts of granting reserved matters consent that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The proposal is therefore considered acceptable when assessed against the policies in the NPPF.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 3.0 of the Report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site is part within and part outside the defined development limits of Church Fenton. The site is 0.87 hectares and overgrown and is land associated with The Laurels which is located adjacent to the application site and fronts onto Main Street.
- 1.1.2 The application site is to be accessed from Main Street.
- 1.1.3 The application site is surrounded by existing residential development and their associated gardens. The surrounding residential development is of mixed age and design.
- 1.1.4 There is a Listed Building to the south east of the application site, known as “Ingledene”, to the east is a relatively new development known as Chapel Close and the Primary School is located to the west.

1.2 The Proposal

- 1.2.1 The proposal seeks reserved matters consent for the development of the site for 25 dwellings and the application is also accompanied by drainage calculations and plans, boundary treatment details, additional information on archaeology, additional ecological surveys and methodology statements, road sections and a landscaping scheme which also confirms root protection areas / trees to be retained and removed and new planting all of which were required as conditions on the outline consent.
- 1.2.2 The scheme shows the provision of 25 units (on 0.87 hectares) utilising a mix of house types including terraced configurations, semi-detached and detached units. All the proposed house types are two storey and provide a mix of accommodation ranging from 2 bed to 4 bed with a mix of parking space provision, single and double garage provision depending on the plot / house design. 10 of the units are to be provided as affordable provision.
- 1.2.3 In terms of the detailing of the units then they include brick course detailing and utilise a mix of materials for the plots.
- 1.2.4 In making the submission for reserved matters the applicants have also sought to address all prior to commencement development conditions on the Outline Consent.

1.3 Planning History

- 1.3.1 Application 2015/0760/OUT for Outline application (all matters reserved) for the erection of 25 No dwellings, garages, adopted road and landscaped areas was determined on the 21st December 2015 subject to conditions and a S106 Agreement relating to 40% affordable housing unit provision, a contribution on Recreational Open Space, an education contribution and a waste and recycling contribution.

1.4 Consultations

1.4.1 Church Fenton Parish Council

Object to the application on the basis that “The proposed layout makes poor provision for vehicles and parking which will result in traffic and parking problems, and an excessive amount of hard surfacing. In the view of the Parish Council the detailed plan demonstrates that the scheme represents an overdevelopment of the site as it is not possible to achieve an appropriate urban form that is sympathetic to the village”.

1.4.2 North Yorkshire County Council Highways

No objection subject to conditions.

1.4.3 Yorkshire Water

No objections to the application.

1.4.4 North Yorkshire County Council – Heritage / Archaeology

Comments of the 31st May 2016 note

“The application area is within a moat at Church Fenton which previously enclosed a medieval manorial site comprising a Hall or Manor House and probably other associated buildings. I have read the Geophysical Survey Report prepared by GSB Prospection Ltd and submitted with the application. Three ditch-like anomalies and an area of magnetic disturbance were detected and tentatively interpreted as being associated with the medieval hall, although these anomalies could be of recent origin. The magnetic responses across the site could also potentially mask anomalies from weaker underlying sub-surface features.

Due to the potential for the site to contain the remains of a medieval manorial complex, the uncertain anomalies detected by the geophysical survey and the potential masking of anomalies by the stronger magnetic responses, there is still the potential for archaeological remains to exist within the proposed development area.

At present there is insufficient archaeological information to determine the significance of any archaeological remains which may be present within the development area, and the impact upon such remains.

I would advise, therefore, that a scheme of archaeological evaluation by trial trenching should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance.

In accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, 2012 (paragraph 128), this evaluation should be undertaken prior to determination of the planning application. This will enable an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form (paragraph 135). If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains (paragraph 141).

The Historic Environment Team does not undertake archaeological work of this nature. The applicant/developer is advised to commission a professional archaeological contractor to prepare a written scheme of investigation (WSI) for, and to carry out, the archaeological work. The WSI should follow the Institute for Archaeologists' professional standards and guidance.

I would request that a copy of any resulting reports from the archaeological fieldwork be forwarded to the Historic Environment Record Officer at North Yorkshire County Council for inclusion in the North Yorkshire Historic Environment Record”.

The Agent was advised of the position of the Heritage Officer and further investigation work was undertaken in June / July 2016, which was then submitted to the Authority on the 8th July 2016 alongside a Written Scheme of Investigation (WSI) prepared by York Archaeological Trust (document number 2016/51).

Subsequently, the Heritage Officer advised that on this basis he was satisfied that all archaeological matters have been addressed and a Condition should be utilised on any consent noting

“The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of the results and site archive.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.”

1.4.5 Selby Area Internal Drainage Board

Note that the “The increase in surface water run-off proposes to discharge into an attenuation system incorporating 2 hydro brakes to restrict flow, which will be connected to the existing system”. They then comment as follows:

1. If the surface water were to be disposed of via a soakaway system, the Board would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
2. If surface water is to be directed to a mains sewer system the Board would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.
3. If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the Board would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

4. No obstructions within 7 metres of the edge of a watercourse are permitted without Consent from the Board.
5. Advise that consent would be required from the IDB is made a condition on any planning decision
6. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

1.4.6 Environmental Health

No objections to the application and agree Condition 9 can be discharged.

1.4.7 North Yorkshire Fire and Rescue Service

In commenting on the application notes that the proposals “should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service” and that “the proposal should comply with the National guidance document on the provision of water for fire fighting, Appendix 5, Guidelines on flow requirements for firefighting”.

1.4.8 North Yorkshire County Council – Sustainable Urban Drainage Officer

No comments to make with regard to access, appearance, landscaping, layout and scale.

1.4.9 Police Architectural Liaison Officer

Comments of the 16th May 2016 noted the following points:

“As you are aware, I responded to the outline application for housing development on this site in July 2015. I now note that the number of dwellings has increased from 24 to 25. In my response [on the outline consent], I highlighted a number of design issues that needed to be taken into consideration by the applicants when submitting a more detailed proposal.

Having examined the drawings, it is extremely disappointing to see that many of the recommendations that I made have not been considered by the applicants, particularly in respect of remote parking, boundary treatment and the incorporation of a rear parking court.

I wish to respond as follows:

1. The site plan drawing indicates that communal parking spaces allocated to Plots 17,18, 19, 20 and 21 are totally remote from the residents that they are designed to serve. They are only overlooked by the blank gables of Plots 1 and 21 (see annotated drawing extract below). This was identified in my response to the outline application.
2. The blank gable of Plot 4 will prevent the residents of this plot from being able to directly overlook their vehicles. Ideally, a window should have been incorporated into the gable. This was identified and recommended in my response to the outline application.
3. I note that a rear parking court is being incorporated to serve the residents of Plots 22 to 25. Building for Life 12 and Secured by Design advises that rear parking courts should be avoided. I also note that within this parking court, spaces have been allocated to Plots 1, 2 and 4. These particular parking spaces are therefore remote from the residents that they are designed to serve. The opportunity for direct overlooking from these particular Plots, will be obstructed by the

proposed 1.5m high brick wall and fencing treatment around the parking court. I would also suggest that as this development is set in a rural location, that residents, particularly of the affordable housing element, will have a requirement for the use of more than one vehicle. There is therefore a likelihood that indiscriminate parking will take place on this site which could result in conflict.

5. In my response to the outline application, I noted that existing 1.2m high wooden post and rail perimeter fencing would be retained. I stated that this was not sufficient to provide secure rear gardens. However, taking into consideration the rural location, I recommended that this fencing should be re-enforced by the planting of native hedging. It is disappointing that the applicants have not considered this advice for the northern boundary of the site.

6. I recommended that sub divisional fencing should be to a height of 1.5m with ideally a 300mm trellis top. This measure would allow for interaction between neighbours and deter the criminal or wrong doer from accessing rear gardens by simply traversing boundary fences (garden hopping). It would also help to provide suitable protection for children to play safely in their gardens and prevent pets/dogs from straying, all of which have the potential to generate neighbour friction. It is disappointing to note that secure rear gardens are not being provided on this development. You could easily traverse across every rear garden (1.2m high post and rail), this creates a potential crime risk. Expensive patio furniture, heaters, barbecues, children's play equipment, ornaments and plants etc. all provide opportunities for the thief.

6. I also recommended that there should be effective secure division between the front and rear gardens of dwellings (secure rear gardens) and that fencing and/or gates to the same height as boundary fencing (1.8m) should be considered for this purpose. I note that my recommendations would appear to have not been considered.

In conclusion he notes that "This development does not, in my opinion, comply with National Planning Policy Framework guidance (paragraphs 58 & 69) in respect of a development creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Nor does it comply with Selby District Core Strategy Local Plan, Policy SP19, which states that both residential and non-residential development should meet key requirements which include having public and private spaces that are clearly distinguished, safe and secure and that new development must minimise the risk of crime through active frontages and natural surveillance."

The Agent reviewed this matter with the PALO changing the internal fencing arrangements, and the PALO has advised that he accepts the changes made as appropriate.

1.4.10 North Yorkshire and York Primary Care Trust
No response received on the application.

1.4.11 Public Rights of Way Officer
No response received on the application.

1.4.12 Waste and Recycling Officer

Initial comments on the scheme raised concerns in terms of the available presentation points for waste collection purposes. The Agent was asked to review the approach and an update was made to the layout resulting in confirmation from the Contracts that the proposed bin presentation points are acceptable.

1.4.13 North Yorkshire County Council – Planning

No response received on the application.

1.4.14 Arborculturalist Consultant – City of York Council

Initial comments on the application noted that

- It was decided at outline that it would be possible to provide a quantity of housing on this site with the single access point off Main Street. Although an indicative plan as presented for consideration at outline, it was recognised that this might need to change in order to meet the requirements of policies ENV1(1) and ENV1(4) of the Local Plan and policies SP19 and SP4 of the Core Strategy and the NPPF.
- A number of trees are located around the perimeter of the application site. The 'Tree Survey' provides a summary of the tree cover throughout the application site. The main part of the site is an open field that appears to have been laid fallow for many years, the edges of which are becoming colonised with Ash, Poplar and Birch seedlings. The site is visible from Main Street, but the majority of the interior of the site is largely screened from public view due to the existing properties along Main Street, Chapel Close, and Kirk Fenton school. The site is also visible from the public right of way (PROW) that follows a track continuing off Northfield Lane leading up to the airfield. From this view point the interior of the site is partially screened in the summer months by the existing trees along the northern boundary.
- The trees along the northern boundary play an important part in the setting of the village, which is rural in nature, set amongst a flat landscape of relatively large swathes of arable fields with distant views of gently increasing topography and intermittent copses and shelter belts. The site trees are an important feature of the landscape character and provide a suitable edge to the village where there is a cross over from the built edge to the open landscape. This is in stark contrast to the edge of the village represented by the development on Chapel Close which is exposed and juxtaposed with the adjacent fields; and e. g. Fieldside Court located at the western end of the village. These exemplify the landscape edge that results from short gardens abutting field margins; the built form is exposed to the fields with very few trees to soften the edge, provide context and sit the cul-de-sac developments comfortably in the wider landscape. A few trees exist to the north west of Chapel Close, some of which are in poor condition.
- A comprehensive tree survey in accordance with BS5837:2012 has been submitted with the application. Unfortunately the architect's Site Layout does not appear to have paid full attention to the content of the report and the

recommended tree protection areas (RPA's) or the physical effect of some of the trees on the amenity of individual properties. An Arboricultural Impact assessment (AIA) has also been provided in response to a given proposed site layout. Section 3.4 of the AIA provides a summary of the trees to be retained and removed.

- Having made an assessment on site and having reviewed the tree survey, the following trees are the most important in relation to their public amenity value, the setting of the village; and the setting of the development: Willow T1, Beech T8, Apple, Plum and Horse chestnut T18-T21, Field Maple T26, Willow T27 and T30, Ash T37 and T39, Oak T40.
- The Detailed Landscape Proposals (dwg.no. 2541/2 Rev.A) suggests a number of new trees in the southwest corner of the site around the entrance. These will assist in providing an attractive variety of tree cover that will maintain the setting of The Laurels, and Main Street, along with the retention of some of the existing trees in this area.
- The following trees are worthy of a tree preservation order for the following reason:
 - It is expedient to protect the trees because of the public amenity they afford in relation to the setting of the village within views from the public a right of way along Northfield and as an incidental backdrop to adjacent properties as viewed from the surrounding streets – (Field Maple T26?), Willow T27, Willow T30, Ash T39, Oak T40.
 - Units 5, 9, 10, 11, and 14 are too close to existing trees and should therefore be moved away from the trees. This is likely to result in a new site layout.
 - Proposed details for treatment along northern boundary to be confirmed.
 - Revisions are required to protect the setting of existing properties on Main Street.
 - Treatment along the western boundary and retention or replacement of trees is to be resolved.
 - Details of construction of access road to be agreed with Highway authority and any precautionary works to Willow agreed.
 - Locations of protective fencing and site compound to be shown on final plan.

In August 2016, a revised layout for the site relocating development away from sensitive trees (and also moving units further from adjoining existing residents) and moving the units away from canopies and tree protection fencing areas alongside revised landscaping details were provided following discussions with the Tree Advisor. These revised details have been considered by the by the Tree Advisor who has commented as follows:

“An Arboricultural Impact assessment (AIA) has been provided in response to the revised proposed site plan (rev.P13).

The revised plan is slightly improved. I note the changes on the plan as described in the email from DC architecture. I feel that the development is still a bit tight practically speaking, evidenced by the proposed tree surgery. The overall development could also have done with a more spacious setting in respect of the setting of the village along the northern boundary and the

setting and context of the old properties on Main Street along the southern boundary. Nonetheless, the revised plan pulls the proposed properties outside of the root protection area (RPA) of the existing trees. This is still tight for units 14, 10, and 9, so some construction operations will inevitably be within the RPA of the Ash, Willow and Field Maple, as well as the Willow at the site entrance. However, given a suitably detailed Arboricultural Method Statement (AMS) – still to be provided, the development could proceed without an unreasonable risk of harm to the trees.

There is still likely to be pressure placed upon the trees by subsequent occupants to have the trees reduced, thinned or felled due to their proximity to property and the shade they would cast on summer evenings; but it would not be unreasonable to refuse such works if the remaining trees were to be served with a tree preservation order (TPO).

It is likely that the vast majority of existing vegetation – namely Hawthorn, between the development and the school grounds would be lost during construction. However a new close-boarded fence would provide privacy at ground floor level, as well as a sound barrier.

The proposed works to the trees in the Arboricultural Impact Assessment (AIA) are reasonable, but I would question the need to thin out the Ash tree (T39); since Ash has a fairly thin canopy anyway – 20% seems excessive and unnecessary, although a crown clean is required and this would result in some natural thinning.

In respect of the Willow T1 at the site entrance, an Arboricultural Method Statement (AMS) will take measures to minimise harm to the willow as far as possible, however significant root damage is unavoidable.”

1.4.15 Rural Housing Enabling Officer

The Rural Housing Enabling Officer has discussed the offered units with the intended RSL (Yorkshire Housing). The mix offered (Plots 4 x 2 beds and 6 x 3 beds) with 50% intermediate housing and 50% rented is acceptable. There will be a need for a Deed of Variation on the S106 associated with the Outline consent (2015/0760/OUT) to allow for provision of the intermediate element of the affordable housing as intermediate rented. This Deed of Variation can be done without any need for any decision on this application to be delayed.

1.4.16 Natural England

Natural England has no comments to make on this application. Also note that “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. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.”

1.4.17 Yorkshire Wildlife Trust

Have confirmed that they have briefly checked the great Crested Newt Survey by Wold ecology and recommend that the method statement on pages 21-23 should be conditioned”.

1.5 **Publicity**

1.5.1 The application was advertised by site notice, neighbour notification letters and press notice resulting in 3 letters of objection / comment. The comments made can be summarised as follows:

Highways

- The entrance is immediately next door to the school and nursery, Main Street is already incredibly busy at drop off and collection times and to add a junction next to the school is madness and there will be accidents
- There is already parking by staff of the school and nursery on Main Street which will be displaced by the new entrance to other parts of the village exacerbating traffic problems elsewhere
- The mini roundabout forces traffic back up in all directions and this added to parked cars on both sides of the road making for a dangerous scenario and near impossible for emergency vehicle access.
- Agricultural vehicles drive through the village and they already struggle to do so safely.
- The proposal is not acceptable and will be dangerous and will put strain on the local road network.
- The scheme includes poor parking arrangements.

Design

- The size of the properties is unacceptable so close to the boundaries and adjoining properties.
- There are too many dwellings that are too close to each other.

Residential Amenity

- The scheme will result in overlooking and overshadowing of existing occupiers on Chapel Close (11 Chapel Close).
- Strongly disagree with the location of the semi-detached properties (plots 6, 7 & 8) which will reduce my light, diminish my enjoyment of my own property and garden, impede on my privacy and will lead to an increase in noise and disturbance due to their proximity (9 Chapel Close).
- Why can't the plots facing Chapel Close be built side on rather than looking right down into our living space. Our homes were built back to front, with all the living space at the rear and so facing the new development - lounge, dining room and main bedroom are all at the rear. We will not have any privacy in our home based upon a glass to glass space of 18 / 19 metres. This will cause us distress and discomfort. We will also be unable to escape this situation by selling and moving elsewhere, at least not until the building works are finished. (7 Chapel Close).
- The units are too close to the properties on Chapel Close.

Other Matters

- The school already has capacity issues.

- The residents will have poor access to healthcare services.
- The sewerage infrastructure (including that on Chapel Close) cannot cope already and there is significant development's already proposed in the settlement which will have further impact.
- It seems almost pointless to make further comment seeing as you have so far demonstrated gross irresponsibility in approving this site application so far.
- Who would buy a house facing a building site unless the asking price was greatly reduced? We can't afford to do that so effectively we will be trapped here.

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:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP4 Management of Residential Development in Settlements
- SP8 Housing Mix
- SP9 Affordable Housing
- SP12 Access to Services, Community Facilities and Infrastructure
- 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
- ENV28: Other Archaeological Remains
- T1: Development in Relation to Highway
- T2: Access to Roads
- RT2: Recreational Open Space

Other

- Church Fenton Village Design Statement

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 Key Issues

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

1. Principle of Development
2. Layout, Scale, Design and Impact on Character and Form
3. Trees and Landscaping
4. Relationship to Listed Building
5. Flood Risk and Drainage
6. Residential Amenity
7. Highways
8. Nature Conservation and Protected Species
9. Affordable Housing
10. Contamination
11. Archaeology
12. Noise
13. Climate Change
14. S106 Matters
15. Other matters arising from Consultations

2.6 Principle of Development

- 2.6.1 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.
- 2.6.2 Policy SP2 identifies Church Fenton as being a Designated Service Village (DSV) which has some scope for additional residential development to support rural sustainability. Policy SP2A (bullet point 3) states that some scope for additional residential development in DSVs provided that the development meets the requirements of SP4.
- 2.6.3 In terms of the principle of development and appropriateness of the location for residential development then Policy SP4(a) states that in DSV's 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".
- 2.6.4 At the outline application stage in assessing the acceptability of the scheme Officers considered the scheme as being within the Development Limits, however in validating the REM submission it came to light that the site is part within and part outside the settlement development limits. This meant that the application was considered as wholly acceptable given it was within the development limits, and as such the application as consented via Delegated Powers and was not considered by Planning Committee.
- 2.6.5 Prior to the publication of the 5 year housing land supply in late December 2015 the Council (including Committee) had supported development outside the development limits of Church Fenton, which has included Application 2015/0615/OUT for land to the south of Main Street (considered at November 2015 Committee).
- 2.6.6 Officers would advise that had the application being placed before Members, in the context of the site being part within and part outside the Development Limits, Officers would have recommended support of the application, in the context of the position of 5 Year Housing Land Supply at the time of the applications consideration.
- 2.6.7 The decision made under 2015/0760/OUT was not subject of challenge within the Judicial Review period and as such despite the approach used for the determination of the application the consent is valid and unchallenged and as such the principle of development is confirmed by the decision notice and the associated S106.

2.7 Layout, Scale and Design and Impact on Character and Form

- 2.7.1 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.

- 2.7.2 Policy SP4(c) also notes that “in all case proposals will be expected to protect local amenity, to preserve and enhance the character of local area, and to comply with the normal planning considerations with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements) where available. SP4(d) notes also that “appropriate scale will be assessed in relation to density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy.”
- 2.7.3 Core Strategy Policy SP8 states that "All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality".
- 2.7.4 Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- Make the best, most efficient use of land without compromising local distinctiveness, character and form.
 - Positively contribute to an area’s identity and heritage in terms of scale, density and layout.
- 2.7.5 Significant weight should be attached to the Local Plan policy ENV1 and Core Strategy Policy SP19 and SP4 as they are broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200. 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.
- 2.7.6 The Church Fenton Village Design Statement (February 2012) (VDS) covers the settlement but the application site lies outside the areas assessed in the Statement. It is however considered that given the mixed character of the area, which includes new build development to the east of the application site, and older buildings to the south and the school to the east and it is considered that a scheme for the site could be provided that fully takes account of the approaches within the VDS.
- 2.7.7 Objectors have raised concerns in terms of the design of the scheme noting that they consider the design of the properties to be “unacceptable so close to the boundaries and adjoining properties” and that there are “too many dwellings that are too close to each other”.
- 2.7.8 The proposed layout plan provides for a mixture of two storey detached, semi-detached, and terraced properties with the access road entering the site from Main Street. The development will secure provision of 25 units on 0.87 hectares resulting in a density of development of 28.7 dwellings per hectare. This is considered to be acceptable in the context of the surrounding development, the character of the village and will ensure efficient use of land without compromising local distinctiveness, character and form.

2.7.9 The proposed elevations and external design of the units includes sills, porches, various brick details and chimneys on some units. The area has a mix of architectural features given the mix of the age of the built form. The submitted scheme seeks to reflect this mix design and utilises a range of features on the fenestration of the proposed dwellings to ensure that account is taken of the context and the surrounding area.

2.7.10 As part of the submission the applicants have included details of the proposed materials for the development in accordance with Condition 2(c) on the Outline Consent 2015/0760/OUT. The proposed materials are as follows

- Brickwork - "Crest Old Hambleton" for plots 3, 4, 6,7, 10, 12, 14 and 17 – 21 and "Crest Old Saxon Blend" for plots 1, 2, 5, 8, 9, 11, 13, 15, 16 and 22 – 25.
- Rooftiles – Crest S9 Clay Tile Natural Red for plots 3, 4, 6,7, 10, 12, 14 and 17 – 21 and "Crest Montana Slate in Blue Black" for plots 1, 2, 5, 8, 9, 11, 13, 15, 16 and 22 – 25.
- External windows – dark grey Upvc casement
- External doors – Composite dorrs with vision panels

Given the mix of materials in the area this proposed mix across the development is considered to be acceptable.

2.7.10 The area is of a mixed character and form, including new build, historic buildings, a school and older terrace cottages. The form of the proposed development utilising a mix of detached, semi and terraced units is considered to be appropriate for the area.

2.7.11 Having had regard to all of the above elements and the varied character and form of the settlement and area it is considered that an appropriate design, layout, siting and materials has been demonstrated so as to ensure that no significant detrimental impacts are caused to the character of the area in accordance with policy ENV 1 of the Local Plan, Policies SP4, SP8 and SP19 of the Core Strategy and the NPPF.

2.8 Trees and Landscaping

2.8.1 Policy SP19 requires that new residential developments "Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate" These policies are broadly consistent with the thrust of the NPPF to foster good design.

2.8.2 The site is not within the Green Belt, it is not within a "Locally Important Landscape Area" nor is it within or close to any area covered by a landscape designation. The existing Willow tree at the access on Main Street is subject of a Tree Preservation Order (TPO) (Ref 1/2001) and there are a series of established trees on the site.

- 2.8.3 The outline consent was accompanied by a Tree Survey and condition 9 on the consent noted that The development permitted by this planning permission shall be carried out in complete accordance with the mitigation measures set out in the Tree Survey as prepared by Rosetta Landscape Design in order to ensure that potential impacts on protected species are considered in accordance with Policies ENV1 of the Selby District Local Plan.
- 2.8.4 The initial layout and Arboricultural Impact Assessment (AIA) for the site was considered on behalf of the Council by a Tree Officer from York City Council, as planning officers raised concerns in terms of the proposed layouts relationship to trees on the site and the scheme design in the context of the Tree Survey provided at the Outline stage and subject of Condition 9.
- 2.8.5 Subsequent comments from the acting Tree Officer resulted in revisions to the scheme being made by the applicants to improve the resultant relationships to the trees, the ability to ensure tree protection fencing is retained and to confirm the area of “no-dig” construction for the access road in the vicinity of the Willow tree on the Main Street frontage.
- 2.8.6 Comments from the acting Tree Officer note some remaining concerns in terms of the revisions, however they have noted that the changes “do pull development out from the root protection area (RPA) of the existing trees”, that the works noted in the AIA are largely acceptable and that there could be some scope for TPO use on some of the retained trees as some shading will occur in garden areas. Overall, however the scheme is noted as acceptable subject to a suitably detailed Arboricultural Method Statement (AMS), and the development could proceed without an unreasonable risk of harm to the trees.
- 2.8.7 The submitted revision to the layout, landscaping plan and the updated Arboricultural Impact Assessment (dated August 2016) are considered to now be acceptable by Planning Officers, a position considered in the context of the advice from the acting Tree Officer. It is also considered that there is merit in the removal of Permitted Development Rights for extensions on Plots 8, 9, 10, 11, 13 and 14 given the trees on the boundary that are to be retained and the need to ensure they are not impacted.
- 2.8.8 As such subject to conditions restricting permitted development rights on the noted plots, a condition requiring implementation of the scheme in accordance with these details and the submission of an Arboricultural Method Statement (AMS) then the approach on both trees and landscaping is considered acceptable and the proposals are acceptable in respect of Policy SP19 of the Core Strategy.

2.9 Relationship to Listed Building

- 2.9.1 The site is located within to the north west of a listed building, known as “Ingledene” which lies on Main Street on the corner of Chapel Close. Whilst considering proposals which affect the setting of Listed Buildings regard is to be made to S72 (1) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990 which states that with respect to any buildings or other land in a Conservation Area,

of any powers, under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and also requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

- 2.9.2 Relevant policies in respect of the impact on the significance on the setting of surrounding listed buildings and visual amenity include Policies ENV1 (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 2.9.3 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. However, only limited weight should be afforded to Policy ENV25 as it conflicts with the approach taken within the NPPF. Relevant policies within the NPPF, which relate to development within the setting of nearby Listed Buildings, include paragraphs 128, 129, 131, 132, 133 and 134.
- 2.9.4 The scheme is considered to be of an appropriate design and would preserve the setting of the noted listed building given the proposed layout and the context of the building which is already juxtaposition to new build development on Chapel Close. As such, the proposals are in compliance with Policies ENV1 and ENV25 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

2.10 Flood Risk and Drainage

- 2.10.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.
- 2.10.2 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; and which actively support energy efficiency improvements to existing buildings.
- 2.10.3 Objectors have raised concerns in relation to the ability of drainage systems in the area to cope with additional development.
- 2.10.4 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of drainage at the outline stage conditions were noted on the consent relating to confirmation of the drainage approach via Conditions 3, 4 and 5 alongside an informative from Yorkshire Water.
- 2.10.5 The application is accompanied by drainage calculations and a detailed drainage plan for the scheme (ref SE22/GA/1b) which provides details of the proposed connections for the plots and the development including any routing for surface water and foul water.

2.10.6 The approach on the drainage has been considered by Yorkshire Water, the County Council Sustainable Drainage Officer and Internal Drainage Board. No objections have been raised in relation to this matter and the scheme is considered acceptable and sufficient to discharge the Conditions on the outline consent.

2.11 Residential Amenity

2.11.1 Policies ENV1(1) of the Local Plan requires development to take account of the effect upon the amenity of adjoining occupiers and should be given significant weight. Significant weight should be attached to these policies as they are broadly consistent with the aims of the NPPF to protect residential amenity.

2.11.2 Policy "SP19 - Design Quality" of the Core Strategy outlines that proposals "for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside".

2.11.3 In considering residential amenity then the key considerations are overlooking, overshadowing overbearing impacts and separation distance.

2.11.4 Although the comments of objectors are noted the proposed dwellings are considered to have an appropriate relationship to surrounding development with appropriate separation distances and all internal site relationships are also considered appropriate with the units siting ensuring that overlooking and overshadowing is minimised and that appropriate separation distances are achieved.

2.11.5 Therefore having looked at the issues of overlooking, overshadowing and impact on outlook it is concluded that the proposed development would not result in a significant detrimental impact on the residential amenities of the occupiers of neighbouring properties and would result in a good standard of residential amenity in accordance with Policy ENV1(1) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.12 Highways

2.12.1 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 or parking arrangements.

2.12.2 Policy "SP19 - Design Quality" states "that both residential and non-residential development should meet a series of noted criteria. These include the criteria relating specifically to highways and access namely

- Be accessible to all users and easy to get to and move through;
- Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts.

2.12.3 Objectors have raised concerns in relation to the capacity of the highways, nature of traffic on the roads and the safety of the proposed access point onto Main Street.

- 2.12.4 Access was a reserved matter at the outline stage, as such this submission seeks to agree the access into the site and the internal layout. Details have been submitted as part of this application on the internal layout and access into the development. The Highways Officer has raised no objections to the proposal subject to conditions relating submission of detailed plans, implementation of works prior to occupations, details of surface water discharge for the highways water, routing of construction traffic and submission of a construction management plan.
- 2.12.5 It is considered that the proposals are acceptable and would not be prejudicial to highway safety in accordance with Policies ENV1(2), T1, T2 of Selby District Local Plan, Policy SP19 of the Core Strategy, the NPPF with respect of transport, subject to the noted conditions.

2.13 Nature Conservation and Protected Species

- 2.13.1 Policy SP18 of the Core Strategy seeks to ensure that developments safeguard and, where possible, enhance the historic and natural environment including the landscape character and the setting of areas of acknowledged importance and also promoting the stewardship of the District's wildlife. As well as seeking to ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features it also seeks to ensure that states that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. SP18 also outlines that encouragement should be given to encouraging the incorporation of positive biodiversity actions, as defined in the Selby Local Biodiversity Action Plan, at the design stage of new developments or land uses.
- 2.13.2 In addition Policy ENV1(5) of the Local Plan requires proposals not to harm acknowledged nature conservation interests.
- 2.13.3 At the national level legislation, planning policy and guidance is provided by the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the NPPF, the Bat and Great Crested Newt Mitigation Guidelines (Natural England)
- 2.13.4 The presence of a protected species is a material planning consideration. The application site is not covered by any international, national or local nature conservation designation.
- 2.13.5 The outline application was accompanied by a Phase 1 Habitat Survey (January 2015) prepared by Wold Ecology, a Great Crested Newt Survey dated March – June 2015 and a Bat Survey dated July 2015. Having considered the submitted information Officers supported the approach of these accordingly with Condition 08 on the consent requiring implementation of the scheme in accordance with the submitted information.
- 2.13.6 As such, Condition 8 requires implementation of the development in accordance with the submitted surveys and having had regard to all the ecological issues associated and the condition the scheme in accordance with the recommendations

and mitigation and method statements within these reports it is concluded that the proposal is acceptable and that the proposal is in accordance with Policy SP18 of the Core Strategy and ENV1(5) of the Local Plan and the NPPF.

2.14 Affordable Housing

2.14.1 Policy SP9 (A & B) – Affordable Housing states: “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 (or sites of 0.3 ha) or more.”

2.14.2 The pre-amble to Policy SP9 states

“It is open to developers to discuss these requirements on a site by site basis having regard to the particular circumstances prevailing at the time of application for permission and to any particular abnormal and unforeseeable site related issues, which may impact on viability. Reductions will be negotiated when developers demonstrate these target requirements are not viable.”

2.14.3 At the outline stage following discussions with the District Valuer and a revision to the number of units to be delivered by the scheme it was agreed after that the scheme would deliver 40% of units as affordable provision. The signed S106 secured this accordingly.

2.14.4 As part of the Reserved Matters submission the applicants have confirmed that a total of 10 units will be provided as affordable provision (Plots 22 – 25 inclusive, Plots 17 – 21 inclusive and Plot 2) as shown on Plan 1435/205/P00 thus providing 4 x 2 beds and 6 x 3 beds .

2.14.5 The Council’s Rural Housing Enabling Officer has considered the submission and discussed the offered units with the intended RSL (Yorkshire Housing). The mix offered (4 x 2 beds and 6 x 3 beds) with 50% intermediate housing and 50% rented is acceptable. There will be a need for a Deed of Variation on the S106 associated with the Outline consent (2015/0760/OUT) to allow for provision of the intermediate element of the affordable housing as intermediate rented. This Deed of Variation can be done without any need for any decision on this application to be delayed.

2.14.6 In this context given that the scheme complies with the requirements of the S106, (subject to a minor Deed of Variation) and would provide 40% of the units as affordable housing, it is considered that the scheme is in accordance with Policy SP9 of the Core Strategy.

2.15 Contamination

2.15.1 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.

- 2.15.2 NPPF Paragraph 109 states proposals should prevent both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 2.15.3 Paragraphs 120 and 121 of the NPPF require proposals to ensure that new development is appropriate for its location and where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 2.15.4 NPPF Paragraph 123 requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 2.15.5 At the Outline stage the applicants submitted information on the historic use of the site which was considered by the Council's contamination consultants. The Consultants advised that the Landmark report with an Argyll Environmental Ltd assessment dated 26th March 2015 is a robust means of determining whether there are likely to be Part2A issues or contaminated land issues that present a problem to lenders. The site has passed this scrutiny. Based on their check of the historic mapping and the EA data for this location they have advised that there would not appear to be any factors that have been incorrectly assessed. The assessment from Argyll and that they have done there is no evidence of site reconnaissance and the authority may wish to place an informative on any decision such that the Environmental Health Officer for the district is contacted in the event that previously unknown issues with contamination come to light during the development.
- 2.15.6 As such the Outline Consent includes a condition requiring notification of any unexpected contamination at the construction stage the proposal is therefore considered to accord with Policy ENV2 of the Selby District Local Plan.

2.16 Archaeology

- 2.16.1 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.
- 2.16.2 At the Outline Application stage the County Archaeologist commented on the application and initially requested a geotechnical investigation, however given the nature of the site and its condition it has been accepted that this requirement can be covered by condition given the information provided by the Applicants.
- 2.16.3 As part of the Reserved Matters submission and pursuant to this Condition 7 on the outline consent the applicants submitted the following:

- Geophysical Survey by GSB Prospection Ltd dated April 2016

- Archaeological Evaluation prepared by ID Milstead dated July 2016
- York Archaeology Trust Report Ref 2016/44 detailing findings of Trail Trenching
- Watching Brief by York Archaeology Trust Report Ref 2016/51 dated 22/07/2016
- Written Scheme of Investigation (WSI) prepared by York Archaeological Trust (document number 2016/51)

2.16.4 As noted above the County Archaeologist considered all the submitted information pursuant to Condition 7 and has confirmed that the approaches submitted are acceptable subject to a condition on the REM consent noting that the shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation and provision made for analysis, publication and dissemination of the results and site archive.

2.16.5 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.

2.17 Noise

2.17.1 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.

2.17.2 NPPF Paragraph 109 states proposals should prevent both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

2.17.3 NPPF Paragraph 123 requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

2.17.4 Condition 11 on the consent noted that “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) and 45 dB LAmx (fast) 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." The noted reason for the condition was to "protect the amenity of the area, the environment and local residents from noise pollution".

2.17.5 As part of the submissions the Agent has noted that "the condition was applied due to the RAF airbase in Church Fenton", noting also that the air base has now closed and the condition is therefore no longer relevant.

2.17.6 Environmental Health has been consulted on this matter and they have confirmed that no further information is required from the developer in terms of Condition 11 and that the Condition can be discharged.

2.18 Climate Change

2.18.1 In order to comply with the specific requirements of Policy SP16 which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources Condition 6 on the Outline Consent required that 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 condition also noted that 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.

2.18.2 The Reserved Matters submission confirms that all units will be fitted with Solar Panels on the roofs, the locations of which are noted on the submitted layout plan. Although detailed calculations have not been provided by the applicants to demonstrate that at least 10% of the energy supply of the development has been secured given that all the units will have panels it is considered that appropriate provision has been made in this instance.

2.18.4 As such the information provided is considered to satisfy Condition 06, and that the scheme should be implemented in accordance with the submitted details and as such the scheme is in accordance with Policies SP16 of the Core Strategy and satisfies Condition 6.

2.19 S106 Matters on Outline Consent 2015/0760/OUT

2.19.1 The outline consent secured a recreational open space contribution for the Parish Council to fund provision of a new Trim Trail at the Main Street facility, an education contribution of £84,975 would be required towards provision at Kirk Fenton Parochial CE Voluntary Controlled Primary School and a Waste and Recycling a contribution of £65 per dwelling. As this is a reserved matters submission there is no scope to amend this approach or to seek any further contributions from the development.

2.20 Other matters arising from Consultations

2.20 Objectors to the application have raised concerns in terms of the impact of having the development adjacent to them on the value of their homes. This is not a material planning consideration and cannot be taken into account accordingly.

2.21 Objectors to the application have raised concerns in terms of access to healthcare provisions. The healthcare providers were consulted on the outline application and no contribution was sought in relation to the scheme. This submission is not able to seek any contribution given that it is a reserved matters submission.

2.22 Conclusion

2.22.1 The principle of development for residential development at this site was therefore firmly established under the outline planning permission. In making the submission for reserved matters the applicants have also sought to address all “prior to commencement development” / conditions precedent on the Outline Consent so as to seek the ability to commence of site with minimal delay.

2.22.2 Having considered the proposed design of the scheme and all technical considerations the proposal is acceptable in respect to its design and impact on residential amenity and the character of the area.

2.22.3 Having had regard to all of the above it is considered that there would be no adverse impacts of granting reserved matters consent that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The proposal is therefore considered acceptable when assessed against the policies in the NPPF.

3.0 Recommendation

Recommended to be APPROVED subject to the following conditions:

01. 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:

- 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 in consultation with the Highway Authority.

INFORMATIVE

In imposing condition 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.

Reason

In accordance with Policy ENV1 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.

02. 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 ENV1 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

03. 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 onto 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 ENV1 of the Selby District Local Plan and in the interests of highway safety

04. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

05. 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 in consultation with the Local Highway 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. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

06. The scheme shall be undertaken in accordance with the details of the submitted
- i) Trees in Relation to Development Ref 2541/3 Revision B,
 - ii) Tree Protection Fencing REF 2541/4;
 - iii) Detailed Landscape Proposals Ref 2541/2 Revision D; and
 - iv) Arboricultural Impact Assessment (revised August 2016)

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

07. The Landscaping Scheme as shown on “Detailed Landscape Proposals Ref 2541/2 Rev D” shall be completed prior to the occupation of each dwelling(s) or employment unit and shall be carried out in accordance with the approved details. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

08. If within a period of two years from the date of the planting of any tree should that tree, or any tree planted in replacement for it, be removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason:

In order to ensure tree planting is implemented and established on the site, having had regard to Policy ENV1

09. The boundary treatments as shown on Plan 1435/105/P15 shall be completed prior to the occupation of each dwelling(s) and shall be carried out in accordance with the approved details.

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.

10. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected, on Plots 8, 9, 10, 11, 13 and 14, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, having had regard to Policy ENV1.

11. Existing trees shown to be retained on Detailed Landscape Proposals Ref 2541/2 Revision D shall be protected in accordance with an Arboricultural Method Statement, which shall be submitted and approved in writing by the Local Planning Authority before commencement on site.

Reason:

To protect existing trees which are considered to make a significant contribution to the amenity and setting of the development

12. The development shall not be occupied until the Archaeological Site Investigation and Post Investigation Assessment have been completed in accordance with the programme set out in the submitted Written Scheme of Investigation and provision made for analysis, publication and dissemination of the results and site archive.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

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

- Site Location Plan Ref received 28th April 2016
- Existing Site Plan received 28th April 2016
- Proposed Site Layout Plan Ref 1435/105/P15
- Affordable Housing Plan Ref 1435/205/P00
- Plots 1 and 2 – Plans and Elevations Ref 1435/110/PO1 received 28th April 2016
- Plots 3 and 4 – Plans and Elevations Ref 1435/111/PO2 received 28th April 2016
- Plot 5 – Proposed Elevations Ref 1435/112.1/PO2 received 10th August 2016
- Plot 5 – Proposed Plans Ref 1435/112/PO2 received 10th August 2016
- Plot 6 – Plans and Elevations Ref 1435/113/PO3 received 28th April 2016
- Plot 7 – Plans and Elevations Ref 1435/114/PO1 received 28th April 2016
- Plot 8 – Proposed Elevations Ref 1435/115.1/PO0 received 10th August 2016
- Plot 8 – Proposed Plans Ref 1435/115/PO0 received 10th August 2016
- Plot 9 – Proposed Elevations Ref 1435/116.1/PO3 received 10th August 2016
- Plot 9 – Proposed Plans Ref 1435/116/PO2 received 10th August 2016
- Plots 10, 11 and 13 – Proposed Elevations Ref 1435/117.1/PO3 received 10th August 2016
- Plots 10, 11 and 13 – Proposed Plans Ref 1435/117/PO3 received 10th August 2016
- Plot 12 - Proposed Elevations Ref 1435/118.1/PO3 received 10th August 2016
- Plot 12 - Proposed Plans Ref 1435/118/PO2 received 10th August 2016
- Plot 14 – Plans – Ref 1435/120/PO1 received 28th April 2016
- Plot 14 – Elevation– Ref 1435/120.1/PO1 received 28th April 2016
- Plots 15 and 16 – Proposed Elevations – Ref 1435/121.1/PO0 received 10th August 2016
- Plots 15 and 16 – Proposed Plans – Ref 1435/121/PO4 received 10th August 2016
- Plots 17 – 21 – Plans and Elevations – Ref 1435/122/PO1 received 28th April 2016
- Plots 22 – 25 – Plans and Elevations – Ref 1435/123/PO1 received 28th April 2016
- Brick Wall and Pillar Details – Ref 1435/151/PO1 received 28th April 2016
- Fence Details A B – Ref 1435/150/PO1 received 28th April 2016
- Single and Double Garage – Ref 1435/124 received 28th April 2016
- Drainage Arrangement – Ref SE22/GA/1c
- Road Section – Ref SE22/RS1 received 28th April 2016

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 2016/0484/REM and associated documents.

Contact Officer: Jonathan Carr (Interim Lead Officer Planning)

Appendices: None



APPLICATION SITE

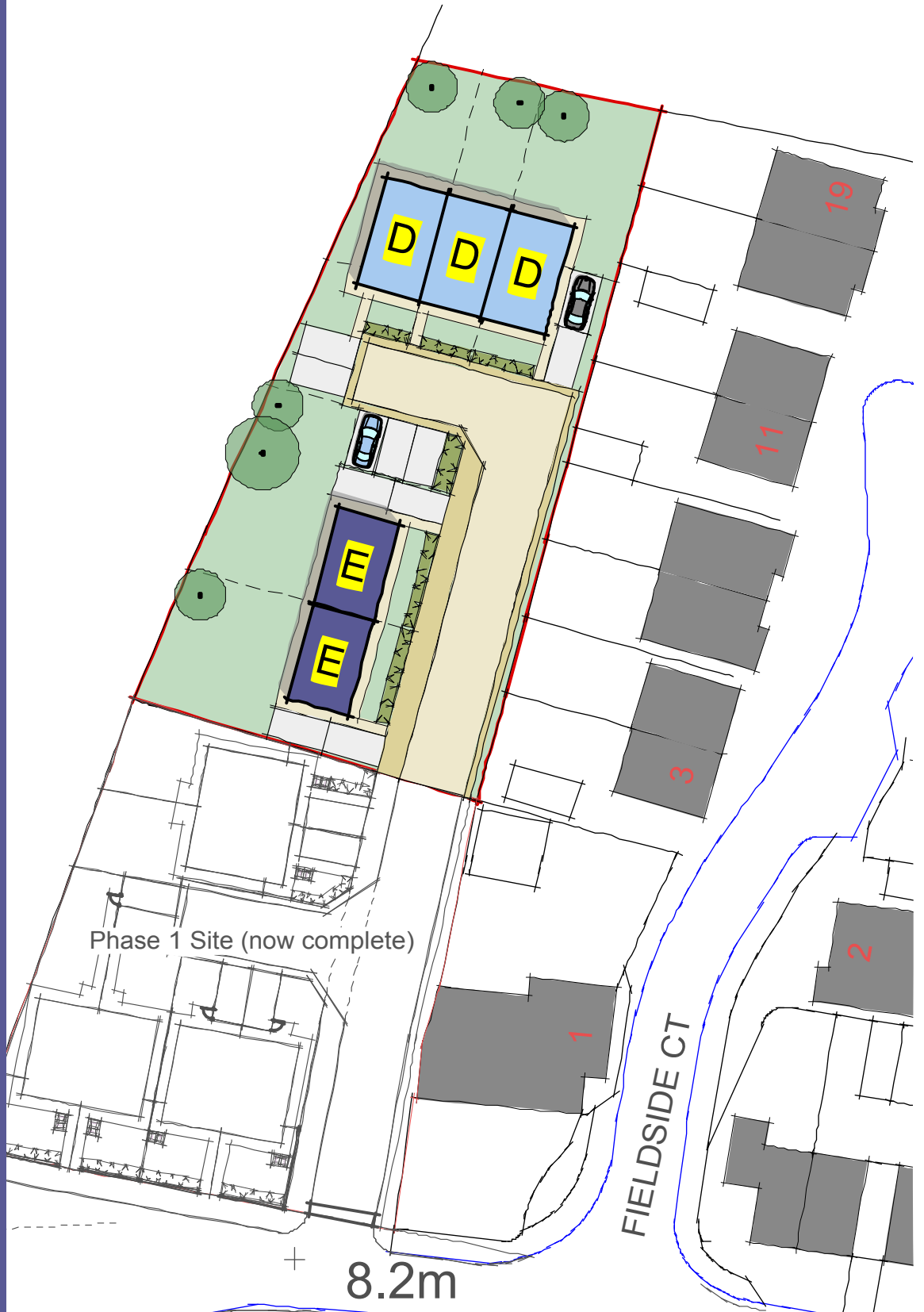
Item No: 2016/0505/OUT

Address: Station Mews, Church Fenton

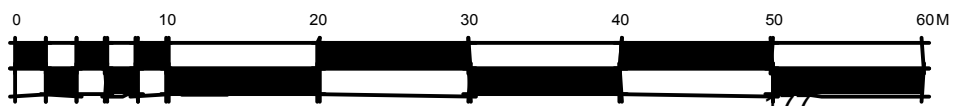
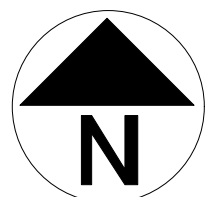
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Church Fenton

Phase 2 Site Layout 1:500 @ A4



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BUSINESS SUPPORT





Report Reference Number 2016/0505/OUT

Agenda Item No: 6.6

To: Planning Committee
Date: 7th September 2016
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0505/OUT	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr Kam Mogul	VALID DATE:	22nd June 2016
		EXPIRY DATE:	17th August 2016
PROPOSAL:	Outline application for the erection of 5 new dwellinghouses with access (all other matters reserved).		
LOCATION:	Land Adj To, Station Mews, Church Fenton, Selby, North Yorkshire		

This application has been brought before Planning Committee as it is being recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

Summary:

The proposal is submitted in Outline for the erection of five dwellings with means of access considered (all other matters reserved) with access taken off Station Road via Station Mews.

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, scale, appearance and landscaping 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 conditions detailed in Paragraph 3 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site comprises a rectangular shaped parcel of grassed field that lies adjacent to houses and is outside the development limits of Church Fenton. The eastern perimeter has a timber panel fence circa 1.7m high and a hedge, the northern and western perimeters have a post and rail fence some 1.2m high and the southern boundary has a timber panel fence 1.6m high.

1.1.2 Vehicular access to the site would be taken off Station Road via Station Mews.

1.2 The proposal

1.2.1 The application seeks outline planning permission for residential development for up to 5 dwellings with all matters reserved. The application is accompanied with an indicative site layout plan showing a total of 5 dwellings with access taken off Station Road.

1.3 Planning History

1.3.1 The application site does not have any relevant planning history.

1.4 Consultations

1.4.1 SDC Development Policy – No comments received during the statutory consultee period.

1.4.2 Ainsty Internal Drainage Board – No objections to the principle of the development subject to conditions to any permission granted.

1.4.3 NYCC Highways – No objections subject to conditions.

1.4.4 Yorkshire Water – No comments received during the statutory consultee period.

1.4.5 Selby Area Internal Drainage Board – Details of surface water drainage should be considered. This can be controlled by condition.

1.4.6 Parish Council – Objection on the following grounds:

1. The access is unsuitable for additional development as it is adjacent to the access to the Station Car Park and will lead to additional conflicting traffic movements.
2. The proposal will increase the parking problems in this area which has resulted from increased Station use. The proposed access is currently used by railway users, and would either be lost or result in issues with accessing properties at the rear. Development on this site should not be permitted until a solution is found to the Station parking issue.
3. 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 PLAN Selby and additional estate development should therefore be resisted.

1.4.7 Contaminated Land Consultants – The report is generally compliant with current technical guidance, however a date and further details of the site walkover survey should be provided. Conditions are suggested to ensure that development does not take place before an adequate site investigation has been carried out to further assess the risks at the site.

1.4.8 Animal and Plant Health Agency (APHA) – Unable to local any information pertaining to the existence of burial site in the Church Fenton area following the outbreaks in 1986 and 1971. If any animal remains are encountered on the site it is unlikely that virus will have survived. Any one encountering a buried carcass or bones should contact APHA immediately. Under the provisions of Article 16 of the Animals (Miscellaneous Provisions) Order 1927, it is an offence to exhume the carcass or any part of the carcass of any animal that has been buried, without a licence or the permission in writing of an Inspector employed by Animal and Plant Health Agency (APHA).

1.5 Publicity

1.5.1 The application has been advertised by site and press notice and neighbour letters with 8 objections received citing the following concerns and 1 representations:

Objections-

Amenity

Affect privacy of houses on Fieldside Court,
 Outlook would change from open fields to a housing development,
 Loss of light,
 The village doesn't have the facilities and amenities to cater for more residents,
 Concern with future street lighting and impact on bedrooms,

Highways

Could impact on our access passing the front of our house,
 Noise, dust and debris problems during construction phase,
 Highway impact such as traffic generation, access, visibility and turning provisions,

Drainage

There are sewerage issues in the village,
Potential flood risk,

Publicity

Haven't been consulted about the application,
There should have been wider consultation,

Ecology

Removal of hedge to the rear of nos. 3-9 Fieldside Court and can this be done,
Japanese knotweed is allegedly on the site,

Other Matters

It would be premature to grant permission until PLAN Selby has been approved,
Other brownfield sites in the village should be used first,
Housing numbers currently approved already exceed anything that was likely
through PLAN Selby,
No detail on when the build would commence or how long it would take.

Representation-

Reference to potential contamination of the site from previous pig burial following a
swine fever outbreak.

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

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
CS6: Developer Contributions to Infrastructure and Community Facilities

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.

2.1.4 Other Policies/Guidance

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007
- Church Fenton Village Design Statement SPD 2012

2.2 Key Issues

2.2.1 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.

2.2.2 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

2.3 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.

- 2.3.1 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.
- 2.3.2 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.
- 2.3.3 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.
- 2.3.4 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.
- 2.3.5 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.
- 2.3.6 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.

2.3.7 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 two 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.

2.3.8 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.

2.3.9 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: -

2.3.10 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.

2.3.11 Social

The proposal would deliver levels of 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.

2.3.12 Environmental

The proposals would not result in a detrimental impact on protected species and could provide ecological benefits. The proposals are adjacent 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.

2.3.13 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. Church Fenton has seen 112 dwellings (9 approved at the previous committee) built and/or approved in the settlement since the start of the Plan Period in April 2011.

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

2.3.15 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 106 dwellings, giving a total of 112. 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. 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.

2.3.16 Consideration of the site under the Strategic Housing Land Availability Assessment 2015

It is noted that that part of the site had been put forward for consideration under the SHLAA 2015 but this does not allocate land for development or determine whether a site will be allocated for housing. The decision to allocate will be made through the emerging Plan Selby Site and Policies Document. The application site is therefore assessed on its own merits having had regard to the current policy position as set out above.

2.3.17 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.

2.3.18 The application site is an area of grassed land which is surrounded by development on two sides with Fieldside Court located to the east, built some 15 years ago and consists of circa 23 dwellings and Station Mews to the south built in the last 5 years and includes 6 dwellings. Fieldside Court lies outside the development limits of the village and Station Mews lies within the development limits.

- 2.3.19 The site layout plan shows the western perimeter following the same line as the edge of Station Mews and the northern perimeter would follow the same perimeter line as the houses on Fieldside Court with both points meeting to 'square off' the existing built form.
- 2.3.20 The proposal would essentially 'square off' the built form of the neighbouring houses and subject to appropriate landscaping/boundary treatment could be made to appear as the current housing development appears i.e. timber fencing and hedging.
- 2.3.21 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 to Policies SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.
- 2.3.22 This report will now go on to look at these matters of detail by looking at other impacts of the proposal.

2.4 Identifying the Impacts of the Proposal

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

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

- 2.5.1 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.
- 2.5.2 Significant weight should be attached to Local Plan policies ENV1 and ENV3 as they are consistent with the aims of the NPPF.
- 2.5.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.5.4 The application proposes an access taken from the existing Station Mews which serves 6 dwellings. All other matters are reserved for later consideration. Nevertheless, an indicative site layout plan shows five dwellings with private gardens and parking to demonstrate how the site could accommodate the dwellings. It is noted that there are houses located to the east of the site on Fieldside Court and these comprise semi-detached two storey and three storey dwellings which were constructed early 2000s. These houses are finished in red brick and clay tile roofs and also several are cream colour rendered. The houses on Station Mews are all red brick finished. The indicative layout plans shows that adequate separation distances to surrounding houses can be achieved.
- 2.5.5 Therefore, having regard to the surrounding character and layout of dwellings and the materials used, a scheme can be developed that would be appropriate in this location and can be achieved at reserved matters stage.

- 2.5.6 In terms of landscaping, this is reserved for future consideration, however it is noted the grassed field is mainly open with hedging evident and fencing bordering the adjacent housing. The indicative layout plan shows some planting on the site but a detailed landscaping scheme would be able to be delivered including the boundaries to the site.
- 2.5.7 Having had regard to the impact on the character of the area, the existing site is a flat open field. 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.
- 2.5.8 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.
- 2.8.9 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.

2.9 **Flood Risk, Drainage, Climate Change and Energy Efficiency**

- 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). The application form states that sewerage dispersal is unknown. Yorkshire Water and the internal drainage board were consulted on the application with a response received from the IDB with no objections subject to suitable conditions. Despite comments from neighbours regarding sewage, a technical scheme can be developed and considered by condition. 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.

2.10 **Highways**

- 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 Objections received refer to the access to the development not being wide enough, traffic generation and visibility. The indicative layout plan shows the width of the access road to be the same as the current access road serving housing on Station Mews. NYCC Highways advised that they have no objections to the scheme but suggest conditions that would control road and footway layout, construction of roads

and footways prior to occupation of dwellings, use of the existing access, discharge of surface water and construction management plan. It is considered reasonable and necessary to attach these conditions to this application.

2.10.3 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.

2.11 Residential amenity

2.11.1 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.

2.11.2 Comments from objectors 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.

2.11.3 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.

2.12 Impact on Nature Conservation and Protected Species

2.12.1 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.

2.12.2 The application site comprises a grassed field with a hedge on the east perimeter and brambles in the southern area. There are no known protected species on the site, although it should be noted that any developer should take precautions during the site preparation phase. It would also be the responsibility of the developer to appropriately deal with Japanese Knotweed if any is experienced on the site.

2.12.3 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.

2.13 Affordable Housing

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

2.13.2 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.

2.13.3 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.

2.14 Recreational Open Space and Waste and Recycling

2.14.1 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

2.14.2 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.

2.14.3 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.

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

2.14.5 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.

2.15 Contamination

2.15.1 Objectors comments are noted with regards to previous uses of the site. The Council's Contaminated Land Consultants were consulted and advised that conditions be attached to any grant of approval to ensure that development does not take place before an adequate site investigation has been carried out to further assess the risks at the site.

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

2.16 Conclusion

- 2.16.1 The proposed scheme is for an outline application for the erection of 5 dwellings including access.
- 2.16.2 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 all locations 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.
- 2.16.3 It is considered that an acceptable proposal could be designed so that it would achieve an appropriate layout, scale, appearance and landscaping 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.
- 2.16.4 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.

3.0 Recommendation

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

01. Approval of the details of the (a) appearance, b) landscaping, c) layout and d) scale 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. 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
 - o 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.

04. 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.

05. 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.

06. 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.

07. 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.

08. 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).

09. 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:

- 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:

- o 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 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.
- 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.

10. 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.

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 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

12. 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 (Station Mews). 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 ENV 1 (2) and T2 of the Local Plan and the advice contained within the NPPF.

13. 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.

14. 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.

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

Location Plan	3304(1)SK00
Planning Layout	3304(1)SK01 (INDICATIVE)
Proposed Plans	3304(2)SK01 (INDICATIVE)
Topographical Survey	12282-389-3DT

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 2016/0505/OUT and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer).

Appendices: None

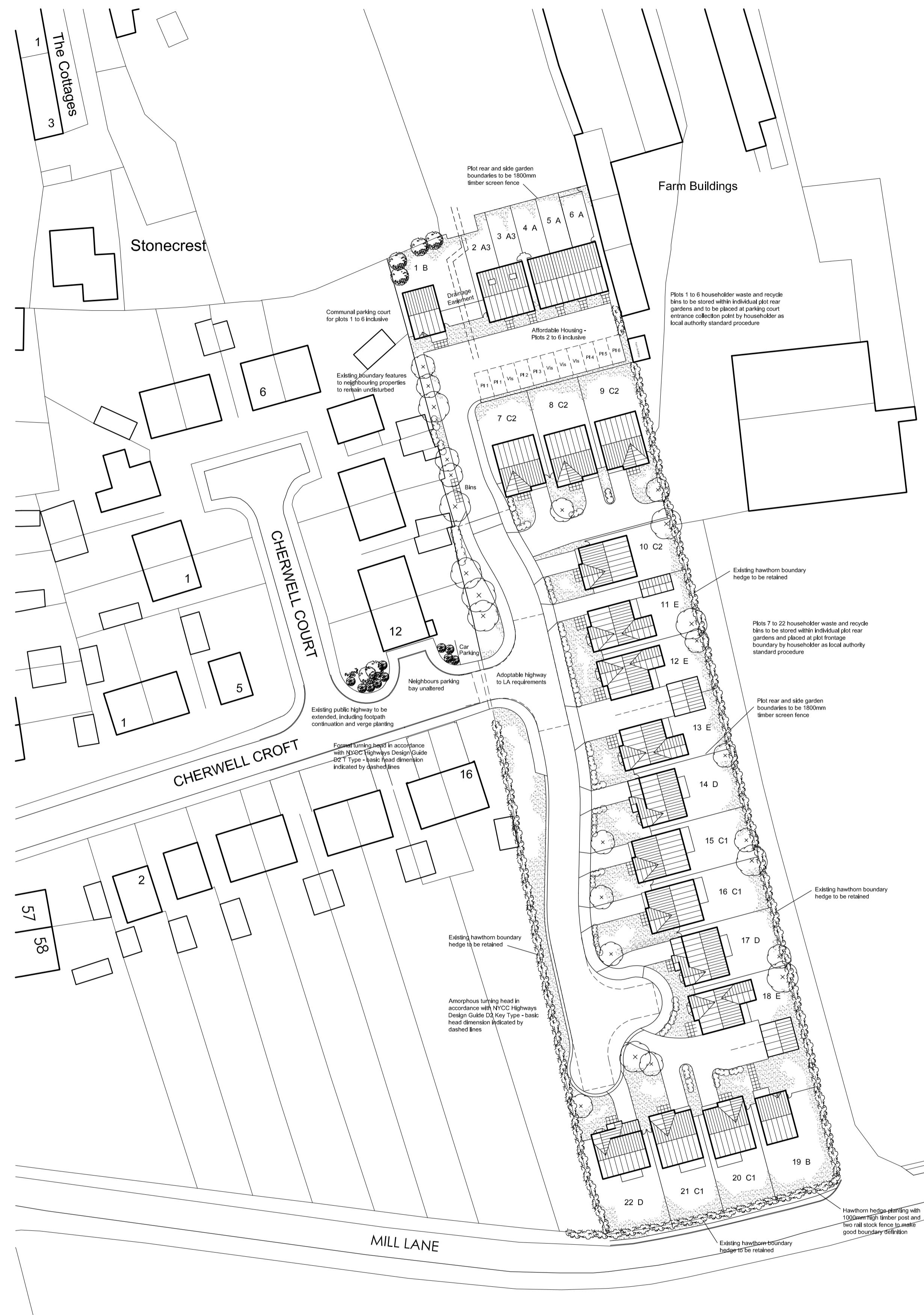


APPLICATION SITE

Item No: 2016/0693/FUL

Address: Cherwell Croft, Hambleton

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Housing Mix

A	Affordable	2 Bed Terraced	3
A3	Affordable	3 Bed Semi Det	2
B	Wellesley	3 Bed Detached	2
C1	Haymarket	4 Bed Detached	4
C2	Savoy	4 Bed Detached	4
D	Connaught	4 Bed Detached	3
E	Dorchester	4 Bed Detached	4
F	Lansborough	4 Bed Detached	0
			22



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Location Plan 1:1250

- Rev L/A - Location plan application boundary - 07/06/16 - sj
- Rev L - Plot 19 house type amended - 29/01/16 - sj
- Rev K - types C, D, E & F roof plans and house type names added to schedule - 08/01/16 - sj
- Rev J - housing mix updated - 29/03/15 - sj
- Rev H - drainage easement added, pls 1, 2 & 3 - 27/03/15 - sj
- Rev G - tree positioned fine tuned adjacent to adoptable highway - 26/01/15 - sj
- Rev F - trees reinstated as agreed with planning officer - 21/10/14 - sj
- Rev E - trees removed north of entrance and plots 7, 8 & 9 drive and turning enlarged - both as required by NYCC Highways - 21/10/14 - sj
- Rev D - affordable housing mix amended to local authority requirements, plots 1 to 9 and plot 14 redesigned, plots renumbered to suit redesigned layout - 09/09/14 - sj
- Rev G - trees removed at entrance as requested by NYCC Highways - 03/09/14 - sj
- Rev B - trees removed within junction vis splay area - as NYCC Highways consultation observations - 27/08/14 - sj
- Rev A - turning head spec clarified, private drive turning head extended adjacent plot 10, refuse bins collection notation clarified, proposed entrance trees removed, footpath extended opposite plot 14 - all to address NYCC Highways consultation observations - 21/08/14 - sj

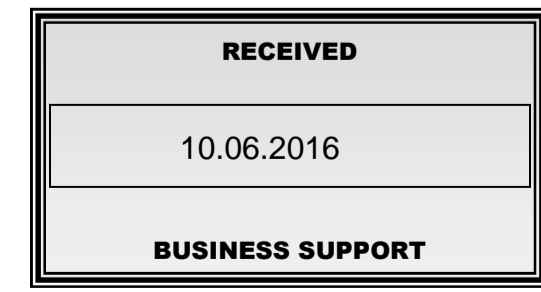
Issue Status
Planning

Drawing No.	Scale @ A1	Drawn
522/01L/A	1:500 & 1:1250	sj
Date	May 2014	Checked

Drawing Title
Proposed Site Layout

Client
Berkeley DeVeer

Project
**Residential Development
 land off
 Cherwell Croft
 Hambleton
 Selby**



J Jenneson Associates Ltd
 Chartered Architect
 May Cottage
 Mill Lane
 Seaton Ross
 York YO42 4NE
 Tel: 01759 318200 Fax: 01759 318210
 www.jennesonassociates.co.uk
 e-mail enquiries@jennesonassociates.co.uk

Proposed Site Layout 1:500

Layout is based upon Holden Surveys topographical survey dwg JA/038/Hambleton Revision A





Report Reference Number 2016/0693/FUL

Agenda Item No: 6.7

To: Planning Committee
Date: 7th September 2016
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0693/FUL	PARISH:	Hambleton Parish Council
APPLICANT:	Berkeley DeVeer	VALID DATE:	22nd June 2016
		EXPIRY DATE:	17th August 2016
PROPOSAL:	Proposed erection of one dwelling (amended house type)		
LOCATION:	Street Record, Cherwell Croft, Hambleton, Selby, North Yorkshire		

This application has been brought before Planning Committee as it is being recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

Summary:

The proposal is submitted in full to amend a house type on the Berkeley DeVeer housing development on land east of Cherwell Croft, Hambleton. The house type proposed is a two storey three bedroom detached dwelling rather than a four bedroom detached house.

The application site is part located outside the defined development limits of Hambleton with the estate road access partly within the development limits. Given the house would be constructed outside the development limits, the proposal is therefore contrary to Policy SP2A(c) of the Core Strategy. However, the previously approved planning applications are considered to be significant material considerations that would weigh in favour of supporting the application, in addition to maintaining housing supply and the sustainability of the site.

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 conditions detailed in Paragraph 3 of the Report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site on which this plot lies is situated outside the development limits of Hambleton and is therefore open countryside. Along the southern boundary of the site lies Mill Lane with a private access road on the east elevation leading to farm buildings. Land to the north and west is currently under development for housing by the applicant.

1.2 The proposal

The proposal is for the erection of a single detached dwellinghouse which would amend the previously approved four bedroom house type. The dwelling would be a smaller three bedroom detached house.

1.3 Planning History

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

An outline application (2011/1040/OUT) to include access for the erection of 14 dwelling houses was refused in 2012).

An outline application (2012/0988/OUT)) to include access for the erection of 15 dwelling houses was permitted in 2013.

A full application (2014/0500/FUL) for the erection of 22 No. dwellings with associated access and landscaping. Was allowed at appeal with conditions imposed by the Planning Inspectorate and a S106 Agreement on 27 July 2015.

A full application (2015/0333/FUL) for the erection of 22 No. dwellings with associated access and landscaping was permitted with conditions and a S106 agreement on 3 December 2015.

Other applications currently pending consideration or withdrawn include:

An application to discharge conditions (2015/1200/DOC) (Withdrawn - 06.04.2016) Discharge of conditions 04 (surface water drainage), 06 (disposal of foul drainage) and 07 (access, parking and turning) of appeal decision APP/N2739/W/15/3009006 regarding 2014/0500/FUL for the erection of 22 dwellings with associated access and landscaping

An application to vary or remove conditions (2015/1266/FUL) (Withdrawn - 19.04.2016) Section 73 application for the variation of condition 02 (plans) granted on appeal under reference APP/N2739/W/15/3009006 (2014/0500/FUL) for erection of 22 dwellings with associated access and landscaping

An application to discharge planning conditions (2015/1388/DOC) (Pending consideration) Discharge of conditions 06 (surface water drainage), 07 (disposal of foul drainage) and 08 (access, parking and turning areas) of approval

2015/0333/FUL (8/33/214E/PA) for the erection of 22 dwellings with associated access and landscaping

An application to vary or remove conditions (2015/1389/FUL) (Pending consideration) Section 73 application for the variation of condition 2 (drawings) of approval 2015/0333/FUL Erection of 22 No. dwellings with associated access and landscaping

1.4 Consultations

- 1.4.1 NYCC Highways – No objections subject to conditions to control turning and parking areas and garage conversion to habitable room. (The latter condition was not considered necessary by the Inspector previously as adequate parking provision is available).
- 1.4.2 Yorkshire Water – No comments received during the statutory consultation period.
- 1.4.3 Selby Area Internal Drainage Board – No objection with suggested recommendation should consent be required from them.
- 1.4.4 Parish Council - No comments received during the statutory consultation period.

1.5 Publicity

- 1.5.1 The application was publicised by site and press notice and neighbour letter with no representations received as a result.

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:

Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Management of Residential Development in Settlements
Policy SP5:	The Scale and Distribution of Housing
Policy SP8:	Housing Mix
Policy SP9:	Affordable Housing
Policy SP15:	Sustainable Development and Climate Change

Policy SP18: Protecting and Enhancing the Environment
Policy 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:

Policy ENV1: Control of Development
Policy HAM/1 Residential allocation land to the east of Cherwell Croft
Policy T1: Development in Relation to Highway
Policy T2: Access to Roads
Policy T5: Safeguarding of A63 Hambleton Bypass

Supplementary Planning Documents

Developer Contributions Supplementary Planning Document.
Affordable Housing Supplementary Planning Document, 2013

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

2.2.1 Principle of Development

2.2.2 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

2.3 Principle of Development.

- 2.3.1 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.
- 2.3.2 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.
- 2.3.3 Policy SP2 identifies Hambleton as being a Designated Service Village which has some scope for additional residential development to support rural sustainability. The application plot is located outside the defined development limits of Hambleton 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.
- 2.3.4 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 and should be refused unless material considerations indicate otherwise.
- 2.3.5 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 and given that houses are under construction on the wider site, it 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.
- 2.3.6 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.

- 2.3.7 It has been established through the consideration of the site for housing development previously, that such development is considered sustainable development on this site. There are no material considerations that would change this view.
- 2.3.8 Extant planning permissions exist that permits the construction of a dwelling on this plot, albeit for a larger detached house. Nevertheless, the permissions carries significant material planning weight in the determination of this application.
- 2.3.9 Taking the above factors into consideration with particular emphasis on the extant planning permission, the principle of development of this plot for a dwelling is considered to be acceptable.
- 2.3.10 The site falls within the route corridor of the Hambleton and Monk Fryston Bypass that is safeguarded by refusing proposals for development which would compromise implementation of the scheme under Policy T5 of Selby District Local Plan. The proposed development of the site would therefore also be contrary to Policy T5 in this respect. North Yorkshire County Council has confirmed in previous applications that the bypass is no longer within their capital scheme and therefore there is no realistic prospect of the scheme coming forward in the future. Therefore this policy is considered to be out of date.
- 2.3.11 It is also noted that the site has an extant planning permission to develop the site for housing which is currently under construction and this is considered to be significant fall back and material to support the application.

2.4 Identifying the Impacts of the Proposal

2.4.1 The following sections of this report identify the impacts of the proposal:

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

- 2.5.1 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.
- 2.5.2 Significant weight should be attached to Local Plan policies ENV1 and ENV3 as they are consistent with the aims of the NPPF.
- 2.5.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.5.4 The proposed amended house type would be similar in scale, design and appearance to that used on the current housing estate and thus would not raise adverse issues for the character of the area.
- 2.5.5 In terms of landscaping, the site layout plan indicates a hawthorn hedge planting with 1m high timber post and two rail stock fence along the corner of the site with

soft landscaping to the front of the dwelling. This mirrors the landscaping used elsewhere on the housing site.

- 2.5.6 Having had regard to all of the above elements it is considered that there would be no significant detrimental impacts 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.

2.6 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 2.6.1 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.

- 2.6.2 The application site is located in Flood Zone 1 (low probability of flooding). As noted in the previous application for 22 dwellings, Yorkshire Water advised that development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded in Cherwell Croft, at a point approximately 30 metres from the site. It is considered that the drainage conditions considered previously would suffice in this application, if not already discharged at the time of determining this application as currently discharge of drainage conditions are pending consideration at the time of writing this report.

- 2.6.3 The proposal 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.

2.7 Highways

- 2.7.1 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.

- 2.7.2 The submitted layout provides for vehicular access from Cherwell Croft in accordance with HAM/1 (1) of the Local Plan. However, it should be noted that the plot lies outside HAM/1 in the south eastern corner of the housing estate with an estate road taken from Cherwell Croft to the plot. There are no NYCC Highway objections to this proposal as the principle highway conditions have already been accepted previously.

- 2.7.3 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.

2.8 Residential amenity

- 2.8.1 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.

2.8.2 The proposed change in house type would not alter the impact on neighbouring dwellings with adequate separation distances achieved with a new house to the west and also one to the north both within the housing estate. There are no houses that lie to the east or south which comprises open fields.

2.8.3 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.

2.9 Impact on Nature Conservation and Protected Species

2.9.1 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.

2.9.2 The site is not a statutory or non-statutory designated site or designated nature conservation area and is not known to support any species protected under British or European law, or any other species or habitat of conservation concern and due to its private status is not considered to be an important space with amenity value to the local area.

2.9.3 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.

2.10 Affordable Housing

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

2.10.2 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.

2.10.3 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.

2.11 Conclusion

- 2.11.1 The proposal is for an amended house type on a site that has extant planning permission for housing. The house type would be a smaller three bedroom dwelling.
- 2.11.2 The application plot is located outside the defined development limits of Hambleton and is thereby contrary to the development plan. However, there are material planning considerations to support the application which includes significant weight is given to the extant planning permissions that permits development of the site for housing, the Council's continuation to deliver housing land and the sustainability of the site.
- 2.11.3 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.

3.0 Recommendation

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

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. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (drawing number 522/01L/A)

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with Policies T1 and T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

03. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed.

Reason:

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in accordance with Policy SP15 of Selby District Core Strategy.

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

522/03A
522/01L/A

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 2016/0693/FUL and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/0895/OUT

Address: Woodland House, School Road, Hemingbrough

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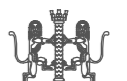
Notes
 Do not scale, use figured dimensions only.
 All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. All discrepancies to be reported to the Architect.
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DWA ARCHITECTS

RECEIVED
 28 July 2016
 BUSINESS SUPPORT



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Client
 Mr & Mrs Caulfield

Project
 Land Adjoining Woodland House
 School Road
 Hemingbrough YO8 6QS

Drawing Title
 Proposed Site Layout Plan

Scale 1:500@A2 Date July 2016
 Drawn by AW Checked by

Job No. R33385 Drawing No. AL(0)02 Rev. -



Report Reference Number 2016/0895/OUT

Agenda Item No: 6.8

To: Planning Committee
Date: 7th September 2016
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0895/OUT	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr And Mrs Caulfield	VALID DATE:	28th July 2016
		EXPIRY DATE:	22nd September 2016
PROPOSAL:	Outline application for residential development with all matters reserved at land adjacent		
LOCATION:	Woodland House, School Road, Hemingbrough, Selby, North Yorkshire YO8 6QS		

This application has been brought before Planning Committee as it is being recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

Summary:

The proposal is submitted in Outline for residential development for up to 9 dwellings with all matters reserved.

The application site is located outside the defined development limits of Hemingbrough. 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 can be designed so that it would achieve an appropriate access, layout, scale, appearance and landscaping 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 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 conditions detailed in Paragraph 3 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located adjacent to the defined development limits of Hemingbrough on land comprising an area of circa 0.45 hectares associated with Woodlands House and is used for personal recreation by the current occupiers of the dwelling for the past 20 years having previously being used as a paddock by previous occupiers.

1.1.2 The site has a mix of boundary treatments which includes hedgerows, trees and fencing and the site is generally flat. There are a number of established trees on the site boundaries and within the site itself.

1.1.3 The site has no existing vehicular access with access to the adjacent site Woodlands House taken off School Lane. The properties surrounding the site are mixed in design and materials.

1.1.4 The site is located within Flood Zone 1.

1.2 The proposal

1.2.1 The application seeks outline planning permission for residential development for up to 9 dwellings with all matters reserved. The application is accompanied with an indicative site layout plan showing a total of 9 dwellings with access taken off School Road.

1.3 Planning History

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

1.3.2 Application reference no. 2015/0103/OUT (Permitted - 16.03.2016) in Outline application with all matters reserved for residential development (up to 15 dwellings).

1.4 Consultations

1.4.1 Parish Council - No response received within the statutory consultation period.

- 1.4.2 NYCC Highways - The indicative access arrangements and layout for plots 1 - 9 have not changed since planning application 2015/0103/OUT. The only change is the removal of Plots 10 - 15.

Therefore my comments and recommendations made on the previous application still stand and raise no objections subject to conditions to control road and footway layout and construction, private access/verge crossings, visibility splays, details of works to the highway, provision of access, turning and parking areas, retaining garages for parking, on-site parking, storage and construction traffic during development and mud on the highway.

- 1.4.3 Yorkshire Water – No response received within the statutory consultation period.
- 1.4.4 The Ouse & Derwent Internal Drainage Board – No objection subject to conditions to control surface water and soakaways.
- 1.4.5 HER Officer – No objection.
- 1.4.6 North Yorkshire Bat Group - No response received within the statutory consultation period.
- 1.4.7 Public Rights Of Way Officer - No response received within the statutory consultation period.
- 1.4.8 Contamination Consultants – Comments are awaited and any received will be reported to the meeting by an update note.

1.5 Publicity

- 1.5.1 The application was advertised by site and press notice and neighbour letters with no representations received as a result.

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

SP5: Scale and Distribution of Housing
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

2.1.2 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
CS6: Developer Contributions to Infrastructure and Community Facilities

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.

2.1.4 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 SPD – Hemingbrough 2009

2.2 Key Issues

2.2.1 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.

2.2.2 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

2.3 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.

2.3.1 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.

2.3.2 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.

2.3.3 Policy SP2 identifies Hemingbrough 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 Hemingbrough 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.

2.3.4 In light of the above policy context the proposal to develop this area of open countryside for residential purposes are contrary to policy SP2A(c) of the Core Strategy.

2.3.5 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.

2.3.6 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.

2.3.7 Sustainability of the Location of the Development

In respect of sustainability, the application site lies just outside of the defined development limits but abuts the village of Hemingbrough which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. Hemingbrough contains a church, a shop (with post office), two public houses, bakers, doctors surgery, primary school and preschool, motor repairs, country store, fish and chip shop, Chinese takeaway. In respect of sustainability, even though the proposed scheme is located within the open countryside it is located immediately adjacent to the defined development limits of Hemingbrough which is a Designated Service Village with a range of services. The development is therefore located within a highly sustainable location with a choice of sustainable modes of transport and located within walking distance of the village centre and its services including a range of recreational facilities and public transport in terms of the bus route. The above points weigh in favour of a conclusion that in terms of access to local facilities, the site can be considered as being in a sustainable location.

2.3.8 In addition to the above it is noted that the village of Hemingbrough has been designated as a village with a defined Development Limit, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location for some quantum of development. The village is also considered to have an overall ranking of 1 "Most Sustainable" for sustainability in Background Paper 5 of the Core Strategy.

2.3.9 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: -

2.3.10 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.

2.3.11 Social

The proposal would deliver levels of 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.

2.3.12 Environmental

The proposals would not result in a detrimental impact on protected species and could provide ecological benefits. The proposals are adjacent 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.

2.3.13 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. Hemingbrough has seen 17 dwellings built or approved in the settlement since the start of the Plan Period in April 2011; CS policy SP4 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Hemingbrough has exceeded its dwelling target.

2.3.14 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 25-49 dwellings for Hemingbrough. While the level of development in the settlement may be under its potential growth options, the scale of this individual proposal, at up to 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.

2.3.15 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. The site is located in the countryside outside defined development limits.

2.3.16 From emerging PLAN Selby evidence in particular Core Strategy Background Paper No. 10 (Landscape Appraisals) it is considered that the overall landscape assessment parcel for the area to which the application relates is of medium sensitivity to development, with the settlement fringe considered of medium quality. However, given that this Landscape Appraisal has not received adoption, little weight is given to it.

2.3.17 The site lies on the edge of the settlement immediately adjoining the development limits of the settlement as defined in the Selby District Local Plan.

- 2.3.18 The northern boundary of the Development Limits for Hemingbrough includes development to the north of the A63 which is a range of single property plots and then otherwise follows the A63 alignment.
- 2.3.19 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 to Policies SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.
- 2.3.20 The A63 forms a defined boundary to the site to the north, with School Lane defining the southern boundary of the site. There is also sporadic development to the south of School Lane immediately to the south of the application site and further along the A63 towards Howden. The site would also have a clear relationship with the settlement being located in close proximity to facilities such as the playing fields to the west. The development of the site would not result in the significant erosion of the countryside given that the boundaries are defined, and are likely to be permanent.
- 2.3.21 Development of the application site would have similar robust boundary defined by the A63 and School Lane and the scale of development proposed at up to 9 dwellings would be of an appropriate scale and size given the role of the settlement as a Designated Service Village.
- 2.3.22 The site is within an area of "moderate sensitivity" in landscape terms and would have defined boundaries from existing planting but also from the A63 and School Lane. It is therefore considered that the site could be developed without detrimentally impacting on the surrounding countryside or on the landscape context, particularly if further landscaping can be secured as part of the development at the Reserved Matters stage to the boundaries.
- 2.3.23 It is also noted that the site has an extant planning permission to develop the site for housing under planning reference 2015/0103/OUT and this is considered to be significant fall back and material to support the application.
- 2.3.24 This report will now go on to look at these matters of detail by looking at other impacts of the proposal.

2.4 Identifying the Impacts of the Proposal

2.4.1 The following sections of this report identify the impacts of the proposal:

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

2.5.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policies SP18 "Protecting and Enhancing the Environment" and SP19 "Design Quality" of the Core Strategy.

2.5.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

- 2.5.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.5.4 The proposed scheme seeks outline consent for the erection of residential development with all matters reserved. Whilst the application is outline the applicants have confirmed in that the site could accommodate 9 units in a detached and terrace layout with access from School Road and no direct overlooking of Woodland House.
- 2.5.5 The materials on the surrounding properties are a mixture and as such proposals could incorporate appropriate materials and detailed design finishes at reserved matters stage which would respect the character of the surroundings.
- 2.5.6 In terms of landscaping, there have been no landscaping plans submitted as this element is reserved for future consideration, however it is considered that an appropriate landscaping scheme and boundary treatments could be achieved at reserved matters stage and consideration should be given in any design solution to the retention of the established trees on the boundaries and within the site if practicable.
- 2.5.7 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.
- 2.5.8 Having taken all of the above into account it is considered that the site could provide an appropriate layout, appearance, scale and landscaping at reserved matters stage. Furthermore it is considered that an appropriate design, could be achieved that would be in accordance with the provisions of Policies ENV1(1) and (4) of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.6 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 2.6.1 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan, and Policies SP15 "Sustainable Development and Climate Change", SP16 "Improving Resource Efficiency" and SP19 "Design Quality" of the Core Strategy.
- 2.6.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.6.3 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.
- 2.6.4 The whole of the application site is located within Flood Zone 1 and therefore the scheme is acceptable in principle.
- 2.6.5 In terms of drainage the application states that foul sewage would be connected to the mains sewer with surface water will also be directed to soakaways or to the drainage ditch that runs alongside the A63.

2.6.6 Consultations have been undertaken with Yorkshire Water, the Internal Drainage Board and their comments are noted earlier in the report. A series of conditions in relation to drainage is considered acceptable and are considered reasonable and necessary.

2.7 Highways

2.7.1 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.

2.7.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

2.7.3 Although the application is outline with all matters reserved, including access, the application is accompanied by an indicative layout plan which demonstrates that an access leading from School Road with an internal layout also shown with the access road running parallel to the boundary with Woodlands House and a hammer head arrangement within the site.

2.7.4 North Yorkshire County Council Highways have confirmed that they have no objections to the application in terms of the impact on the existing highway network and are satisfied that a suitable access could be created. Full details of the proposed access and parking arrangements would be submitted and considered in further detail at reserved matters stage and as such cannot be conditioned at this stage.

2.7.5 Having had regard to the above it is considered that the scheme is acceptable in principle and in accordance with policies ENV1(2), T1 and T2 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

2.8 Residential amenity

2.8.1 Relevant policies in respect to impacts on residential amenity include Policy ENV1(1) of the Local Plan. This Local Plan policy should be afforded significant weight given that it does not conflict with the NPPF.

2.8.2 In respect to the NPPF it is noted that one of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 200 of the NPPF relates to the removal of national permitted development rights which should be limited to situations where this is necessary to protect local amenity.

2.8.3 The key considerations in respects of residential amenity are considered to be the potential of the proposal to result in overlooking, overshadowing and overbearing.

2.8.4 With respect to other residential properties surrounding the application site the only potential significant impact would be on Woodlands House. This dwelling is sited more than 21m from indicative housing on the site and thus a scheme can be developed to ensure no adverse harm to residential amenity. It is therefore

concluded that an appropriate scheme could be designed at reserved matters stage which would ensure that no significant detrimental impact is caused to existing residents through overlooking, overshadowing or creating an oppressive outlook in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

2.8.5 It is therefore considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area and that a good standard of residential amenity would be achieved in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

2.9 Impact on Nature Conservation and Protected Species

2.9.1 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.

2.9.2 The site is not a 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 or habitat of particular conservation interest.

2.9.3 As such it is considered that the proposed development would not harm any acknowledged nature conservation interests and therefore would not be contrary Policy ENV1 (5) of the Selby District Local Plan (2005), Policy SP18 of the Selby District Core Strategy Local Plan (2013) and the advice contained within the NPPF.

2.10 Affordable Housing

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

2.10.2 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.

2.10.3 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.

2.10.4 Given that the proposal is for residential development with an indicative plan for 9 dwellings, it would be reasonable and necessary to control the maximum combined gross floor space to not exceed 1,000sq/m, as more would be deemed to trigger affordable housing contributions under the guidance in the PPG.

2.11 Recreational Open Space and Waste and Recycling

- 2.11.1 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
- 2.11.2 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.
- 2.11.3 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. However, this would now be sought through CIL.
- 2.11.4 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via a condition.
- 2.11.5 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.

2.12 Contamination

- 2.12.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.
- 2.12.2 The submitted contamination report states that the site was previously used as arable farmland and as a pad dock, and it is currently being used as grassed recreational land. No past industrial uses or waste disposal activities have been identified within the vicinity, so the report concludes that the potential for contamination is considered to be low. However, it's recommended that a condition be attached to the planning consent, in case any unexpected contamination is encountered during the development works.
- 2.12.3 The proposal is therefore considered to be acceptable in regards to contamination on the site subject to an appropriate conditions and is therefore in accordance with Policy ENV2 of the Local Plan.

2.13 Conclusion

- 2.13.1 The proposed scheme is for an outline application for the erection of 5 dwellings including access.
- 2.13.2 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 al locations 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.

2.13.3 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.

2.13.4 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.

3.0 Recommendation

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

01. Approval of the details of the (a) appearance, b) landscaping, c) layout of the site, d) scale and e) access (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. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP15 of the Core Strategy.

04. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local 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). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding in accordance with Policy SP15 of the Core Strategy.

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. 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, in accordance with Policy SP15 of the Core Strategy.

07. 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:

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

(a) the proposed highway layout including the highway boundary

- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.

(2) 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:

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

(3) Full highway construction details including:

- (a) 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
- (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) kerb and edging construction details
- (d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

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

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

(8) 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 in consultation with the Highway Authority. 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

Reason

In accordance with Policies ENV1, 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.

08. 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 Policies ENV1, T1 and T2 of Selby Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

09. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres for the first 20m, and the access road into the site shall be constructed in accordance with Standard Detail number A1.

(ii) Individual vehicle crossings to dwellings shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(i) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative:

You are advised that a separate licence must be obtained from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45m measured along both channel lines of the major road School Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Informative:

An explanation of the terms used above is available from the Highway Authority.

Reason

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and in the interests of road safety.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Informative:

An explanation of the terms used above is available from the Highway Authority.

Reason

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

12. 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:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:

a. A footway approximately 60m in length linking the site with the existing footway on School Road.

b. A dropped crossing located on School Road to aid pedestrians crossing to the school.

Reason

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

13. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 12:

a. A footway approximately 60m in length linking the site with the existing footway on School Road.

b. A dropped crossing located on School Road to aid pedestrians crossing to the school.

Reason

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and in the interests of the safety and convenience of highway users.

Informative:

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

14. 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements

Informative:

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Reason

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 14:

(iii) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

16. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan 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.

Informative:

You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

17. 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).

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

Location Plan	AL(0)01
Layout Plan	AL(0)02 (Indicative)

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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

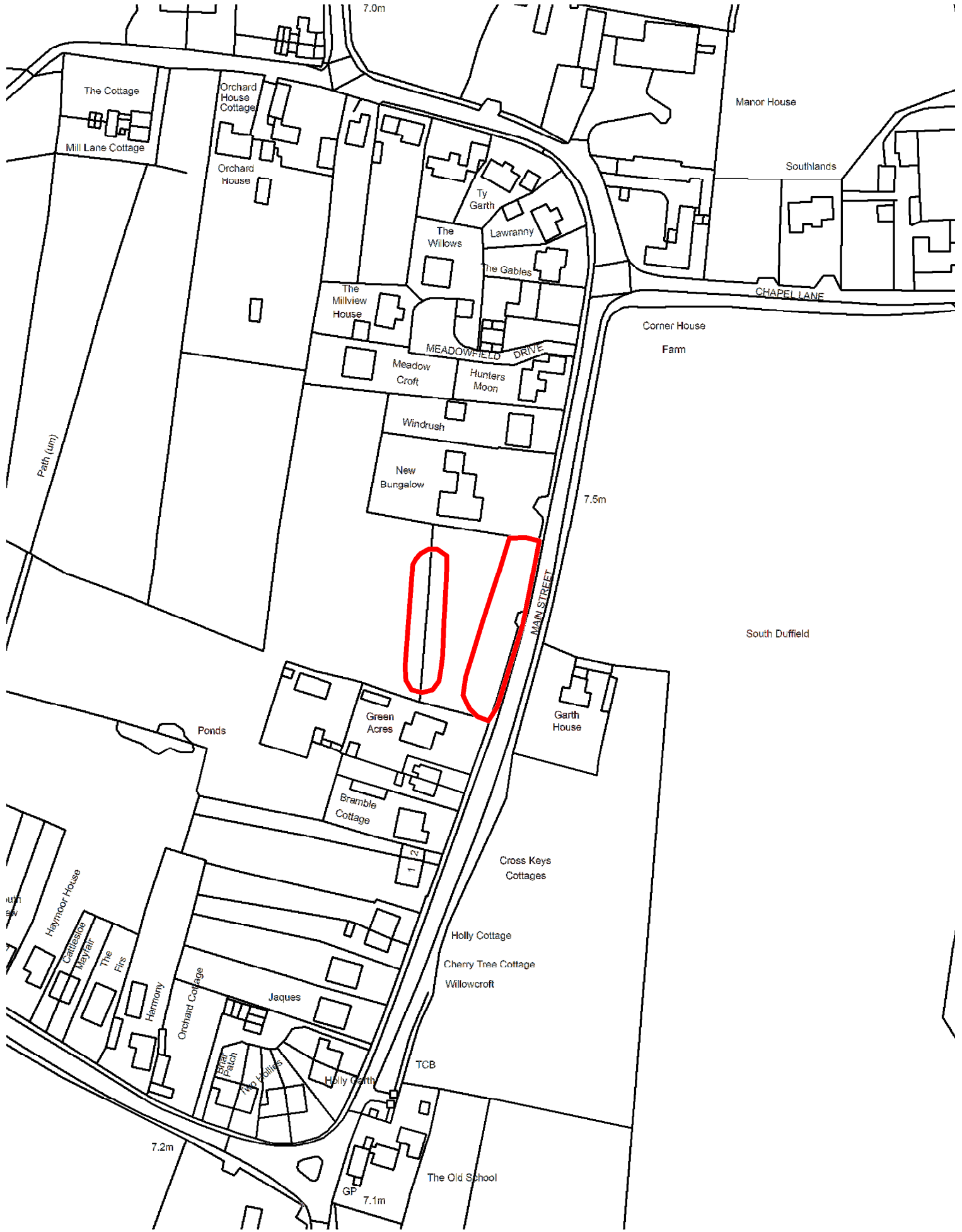
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0895/OUT and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer)

Appendices: None

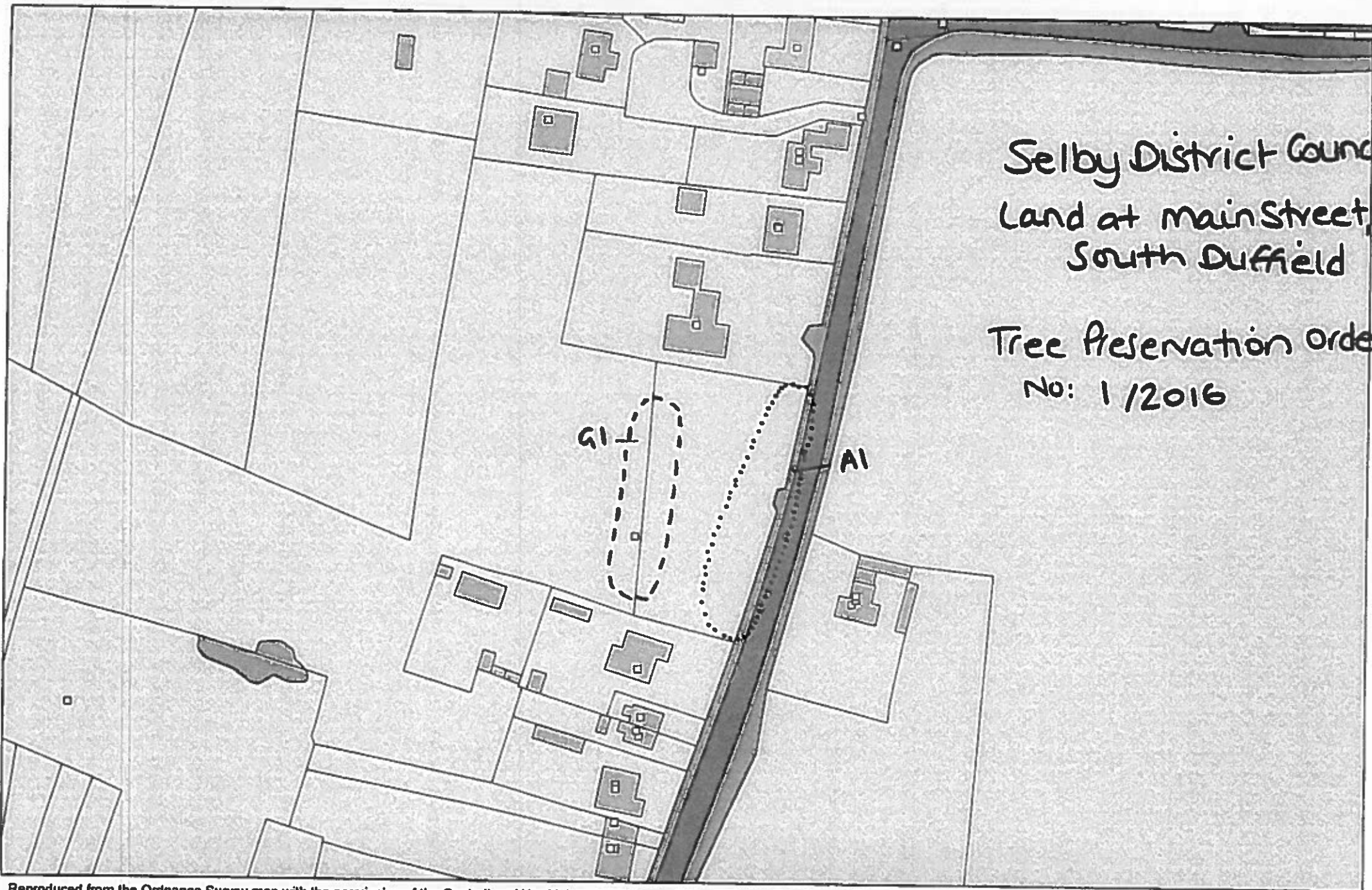


APPLICATION SITE

Item No: TPO 1/2016

Address: Main Street, South Duffield

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Selby District Council
Land at main Street,
South Duffield

Tree Preservation order
No: 1/2016

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Report Reference Number: Tree Preservation Order No. 1/2016 **Agenda Item No: 6.9**

To: Planning Committee
Date: 7th September 2016
Author: Sophie King (Assistant Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	N/A	PARISH:	Cliffe Parish Council
TPO SERVED:	11 th March 2016	EXPIRY DATE:	11th September 2016
LOCATION:	Land adjacent to New Bungalow Main Street South Duffield Selby North Yorkshire		

Summary:

In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report will seek the permission of the Planning Committee to Confirm, with modification, Tree Preservation Order No. 1/2016 to which letters of objection and support have been received.

In accordance with the scheme of delegation, the report to verify the Tree Preservation Order cannot be issued under delegated powers due to the objections received.

1. Introduction and background

1.1 The Site

The site comprises of an area of unused land to the west side of Main Street, South Duffield, immediately to the south of the property known as New Bungalow. The site contains a double row of trees (Group 1) along its eastern boundary running along Main Street and an informal line of mature trees (Group 2) across the middle of the site with another area of open land to the west.

1.2 Group 1

- The trees range from semi-mature to mature.
- Consists of Beech, Ash, Field Maple and Norway Maple.

- Most of the trees are in fair or good condition with several suppressed specimens which would be recommended for removal in order to benefit the remainder of the trees.

Group 2

- The trees in this group are a mix of conditions.
- Consists of mature Poplar trees.
- Tree G2 (a) looks superficially sounds but has a hollow stem at the base and therefore this would prejudice the long term health of the tree.
- Trees G2 (b-d) appear healthy at the moment, however they are all over mature and are expected to begin losing limbs in the near future.
- Tree G2 (e) has a distorted and suppressed crown that leans to the south.

1.3 Planning History

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

- Outline application reference CO/1979/05005 for residential development which was granted approval on 5th December 1979.
- Reserved matters application reference CO/1983/05006 for the approval of reserved matters for the erection of 7 houses and garages which was granted approval on 5th January 1983.
- Full application reference CO/1988/0528 for the proposed erection of a detached bungalow and garage on land to the west side of Main Street which was granted approval on 23rd May 1988.
- Full application CO/2003/1051 for the proposed erection of a conservatory on the rear elevation which was granted approval on 14th October 2003.

2.0 Representations

2.1 On 11th March 2016 a TPO notice was served on:-

- The Land owner
- Interested party – Branches Out Tree Surgeon and;
- Displayed on the land.

2.2 The TPO notice detailed the deadline of 20th April 2016 for comments or objections and stated that comments must meet regulation 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, and a copy of regulation 6 was also displayed.

2.3 Four letters were received in regard to the Tree Preservation Order.

The main reasons for objection to the Tree Preservation Order are:-

- Loss of sunlight
- Falling leaves and debris on the footpath causing footpath to become slippery.
- Some tree roots are lifting the footpath in parts.

- Fear of falling debris from the trees during stormy weather
- Large vehicles catching on overhanging trees.
- Leaves blocking drains and guttering.
- The site has an extant planning permission for residential development under outline application reference CO/1979/05005, reserved matters application reference CO/1983/05006, and full application reference CO/1988/0528.

The main reasons in support of the Tree Preservation Order are:-

- Protecting wildlife habitats.
- Previous land owners spent a long time maintaining the land for a mix of wildlife.
- Trees already removed have had an impact on wildlife and the amenity of the area.
- The trees add high visual amenity to the area.
- The skyline of the village would completely change if the trees were removed along with the trees already removed.
- South Duffield is a quiet village surrounded by nature and the loss of the trees would impact on this.
- South Duffield is not a designated village for development.

3.0 Report

3.1 The Council was made aware that works to remove trees from land located west of Main Street, South Duffield was occurring on 10th March 2016. Following an enforcement visit on 10th March 2016, it was confirmed that trees had been removed and it was considered that the remaining trees have high amenity value and were prominent features within South Duffield.

3.2 A Tree Preservation Order was made on 11th March 2016, and the Council commissioned Tree Consultant, Rosetta Landscape Design to carry out a full tree survey of the trees in order to establish whether the trees warranted protection.

3.3 The Council's tree Consultant, Rosetta Landscape Design, was directly involved in placing the Tree Preservation Order, providing an initial survey on 10th March 2016 which was undertaken from the public road. The same consultant produced two detailed reports – both of which are appended to this committee report - following a site visit on 26th May 2016 where a thorough inspection of all the trees was carried out and the following was provided:-

- A response to the land owners objection; and
- A detailed tree survey

3.4 The site contains a double row of trees along the eastern boundary with Main Street, consisting of Ash, Beech, Norway Maple and Field Maple (Group 1) and an informal line of mature trees that run north – south around midway across the site, consisting of four mature Poplar trees (Group 2).

3.5 Both groups of trees are clearly visible from public viewpoints, with G1 providing an important landscape element along Main Street. The trees in G2 are significantly higher than those in G1, however this group is less prominent in terms of public view as the group is partially screened by G1.

3.6 **Group 1**

- The trees range from semi-mature to mature.
- Consists of Beech, Ash, Field Maple and Norway Maple.
- Most of the trees are in fair or good condition with several suppressed specimens which would be recommended for removal in order to benefit the remainder of the trees.

Group 2

- The trees in this group are a mix of conditions.
- Consists of mature Poplar trees.
- Tree G2 (a) looks superficially sounds but has a hollow stem at the base and therefore this would prejudice the long term health of the tree.
- Trees G2 (b-d) appear healthy at the moment, however they are all over mature and are expected to begin losing limbs in the near future.
- Tree G2 (e) has a distorted and suppressed crown that leans to the south.

3.7 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where the trees removal would have a significant negative impact on the local environment and its enjoyment by the public. The Order comes into effect immediately on the day the Council makes it and this provisional effect lasts for six months, unless the authority first either confirms the Order to provide long-term protection or decides not to confirm it. This report seeks to confirm the original order with some amendments to the specific trees included.

3.8 The Council is of the opinion that the previous planning permission for residential development has lapsed (Reserved matters application reference CO/1983/05006). There are no records of any pre-commencement conditions being discharged or any evidence that development has commenced. The fact that a separate application for a bungalow (Full application reference CO/1988/0528) that overlaps the site has been implemented does not mean that this previous planning permission has been implemented. As such the site does not have the benefit of planning permission and the confirmation of the TPO does not contradict any extant planning permission.

3.9 It was considered that the trees on site added considerable amenity value to the site and area, taking into account the visibility of the trees and the character of the area.

4.0 Conclusion

4.1 Group G1 should be confirmed within the Tree Preservation Order omitting individual trees identified on Plan No. 2644/2 as G1 (d) Beech tree, G1 (g) Beech tree and G1 (h) Beech tree, which are considered to be poor quality specimens and are recommended for removal.

4.2 All the trees within group G2 should be removed from the Tree Preservation Order on the basis of their limited future safe life.

5.0 Recommendation

5.1 To confirm the Tree Preservation Order No.1/2016 subject to the following with modifications:

- Group G1- the trees identified on Plan No. 2644/2 as G1 (d) Beech tree, G1 (g) Beech tree and G1 (h) Beech tree be removed from the Order
- Group G2 - be removed from the Order

6.0 Background Documents

6.1 Planning Application references CO/1979/05005, CO/1983/05006 and CO/1988/0528 and associated documents.

6.2 Letters of objection and support

Contact Officer: Sophie King, Assistant Planning Officer

Appendices:

- Tree survey and reports prepared by Rosetta Landscape Design
- Plan No. 2644/2 prepared by Rosetta Landscape Design

**MAIN STREET, SOUTH DUFFIELD
for Selby District Council**

RESPONSE TO TPO OBJECTION



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1.0 INTRODUCTION

2.0 TREE ISSUES

3.0 PLANNING ISSUES

4.0 RECOMMENDATIONS

DRAWINGS 2644/3 (Trees in Relation to Development)
 2644/4 (Possible Development Option)

1.0 INTRODUCTION

- 1.1 This report has been prepared at the request of Selby District Council to provide additional information on the relationship of two tree groups to proposed development on site in order to inform a decision on whether either or both groups are suitable for inclusion within a Tree Preservation Order.
- 1.2 The site comprises an area of unused land on the west side of Main Street immediately to the south of the property known as 'New Bungalow'. It contains a double row of trees along its eastern boundary with Main Street and an informal line of mature trees midway across the site with another area of open land to the West.
- 1.3 a detailed tree inspection was carried out on 26 May 2016 by Martin Popplewell (Chartered Landscape Architect) and Charles Cocking (arboricultural consultant) on the results of which is contained within a separate tree report.
- 1.4 This document takes the results of the survey and reviews them in the context of possible development on site. Reference is made to both a tree report prepared on behalf of the landowner by Arcus Consultancy Services and a detailed letter of objection from Rachel Bartlett, Chartered Town Planner.

2.0 TREES ISSUES

- 2.1 The location and extent of trees existing on site at the time of survey are shown on drawing 2644/2 and fall into two groups. The first group (G1 on plan) runs along the full length of the eastern boundary abutting Main Street and contains an informal double row (roughly 3m apart) of Ash, Beech, Norway Maple and Field Maple. Most trees are single-stemmed specimens although there are a few multi-stemmed trees in the group. Crowns are relatively narrow and read as one (as would be expected from their close proximity). The second group (G2 on plan) runs in a North South direction midway across the site four mature Poplar and an early mature Poplar.
- 2.2 Whilst our initial survey (in March 2016) was undertaken from the public road, the latest document has been prepared following a thorough examination of all trees present. Each specimen has been surveyed separately and given an appropriate retention category in line with BS 5837:2012. Full details are included within the tree report but can be summarised as follows:
 - 2.2.1 Apart from three suppressed specimens (which are recommended for removal on arboricultural grounds) all trees within group G1 in good condition at the present time with many years future potential. Whilst many specimens have narrow, relatively high crowns this would be expected from their close proximity and in no way detracts from their value as a landscape feature. Furthermore their relationship to the public road means that they have a strong landscape influence on the character of this part of South Duffield.
 - 2.2.2 Apart from the suppressed specimens, negative factors noted within this group include the presence of Ivy on most stems and throughout some crowns together with minor Deadwood. Both of these could be relatively easily addressed as part of a woodland management plan for the group. Such a plan could also include recommendations for planting understory species – either

as a block or the hedge along the road frontage – and limited tree planting to provide a wider age range and offset the loss of recently felled specimens.

- 2.2.3 As noted in the tree report, there are health and safety issues relating to all the trees within group G2. Whilst the northernmost specimen (G2 a) superficially appears sound, the presence of a hollow stem at the base would suggest it has a limited safe future life. Trees within the central group (G2b-d) are now over mature and similarly have limited future potential. The southernmost tree (G2 E) is a suppressed specimen with leaning stem. For all these reasons it is recommended that group G2 is excluded from any confirmation of the existing Tree Preservation Order.

3.0 PLANNING ISSUES

- 3.1 It is noted in the objection letter that the site has the benefit of an extant planning permission. This was granted in outline form in December 1979 and reserved matters consent was granted in 1983 on the basis of a site plan prepared by HJ Granville and Partner. The plans attached to the objection letter and a copy has been provided by the local planning authority.
- 3.2 Looking through the planning approval attached the objection letter it is noted that two conditions therein relate to trees on site namely Condition 2 (which requires the provision of 'a scheme of landscape and tree planting for the site') and Condition 3 (which requires that 'no trees should be lopped or felled without the written consent of the local planning authority'). It would appear that the applicant has failed to comply with both of these conditions.
- 3.3 The location of proposed dwellings as shown on this plan have been superimposed onto the tree survey and attached this document as drawing 2644/3 (Trees in Relation to Development). From this the following can be seen:
- 3.3.1 Since the granting of reserved matters approval one new dwelling – New Bungalow – has been erected on the application site towards the northern end. Drawing 2644/3 shows that the erection of this building prevents the layout as originally proposed from being implemented since it occupies roughly the area of the northernmost three dwellings.
- 3.3.2 Whilst the remaining dwellings as shown would not significantly interfere with the trees in group G1, all trees within group G2 would need to be removed to enable the remainder of this scheme to be implemented. Notwithstanding this comment, if provision of individual driveway access were required from each of the four remaining plots onto Main Street this would require the removal of a number of trees within group G1.
- 3.4 In view of the fact that the original proposal for seven dwellings cannot now be implemented as originally shown on the reserved matters application an alternative approach to development is now suggested which could achieve the dual result of site development and retention of valuable trees. One possible option is shown in drawing 2644/4 attached. This indicates the following:
- 3.4.1 Four detached dwellings within the remaining area of land to the South of New Bungalow.
- 3.4.2 The dwelling are moved back to the building line currently set on site by adjacent dwellings, namely New Bungalow to the north and Green Acres to the south. This would appear to be a more

appropriate building line given the depth of rear gardens possible for any new dwellings on this plot of land.

- 3.4.3 A single access onto Main Street located close to the position of the existing gateway into the site; it is suggested that the exact location should bisect the distance between adjacent trees thereby minimising any impact on their rooting zones. Nevertheless it would be necessary to construct this section of driveway using a no-dig form of construction in line with Arboricultural Advisory and Information Service Practice Note APN 12:2007.
- 3.4.4 A shared drive running parallel to Main Street to the west of tree group G1. The location shown would have no impact on the rooting zones of trees and would still allow a 6m deep front garden to all four plots which should be sufficient to accommodate car parking.
- 3.4.5 Notwithstanding the above comments the housing and driveway layout shown should be regarded as diagrammatic and is intended for discussion purposes only. A fully developed technical scheme would be required before any final decision is made on site capacity and layout.

4.0 RECOMMENDATIONS

- 4.1 All trees within group G1 should be retained within the Tree Preservation Order apart from G1d, G1g and G1h which are poor quality specimens recommended for removal.
- 4.2 All trees within group G2 should be removed from the TPO on the basis of their limited future safe life.
- 4.3 Discussions should be held between the landowner, their agent and the local planning authority to determine a suitable form of residential development on site that would protect the existing trees.
- 4.4 Any future planning approval should include provision for future maintenance of the tree belt in order to provide amenity for local residents, ensure continued health of trees on site and minimise any nuisance from these on the public road from leaf fall and falling branches.

mp/ROSETTA LANDSCAPE DESIGN
27 May 2016

**MAIN STREET, SOUTH DUFFIELD
for Selby District Council**

TREE SURVEY



Chartered Landscape Architects

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APPENDIX: PHOTOGRAPHS

DRAWING: 2644/2 (EXISTING TREES ON SITE- 2ND SURVEY)

1.0 GENERAL

- 1.1 This tree survey was undertaken by Martin Popplewell (Landscape Architect) and Charles Cocking (Arboricultural Consultant) on 26 May 2016 on behalf of Selby District Council to provide evidence to support a decision to confirm (or otherwise) a Tree Preservation Order on site.
- 1.2 The survey should be read in conjunction with drawing 2644/2 (Existing Trees on Site – 2nd Survey).
- 1.3 The site comprises an area of land subject to a proposal for residential development that lies on the west side of Main Street immediately to the south of the property known as 'New Bungalow'. It contains a double row of trees along its eastern boundary with Main Street and an informal line of mature trees that runs north-south mid way across the site.
- 1.4 The site is not presently in active use and is covered in long grass and perennial weeds. Ground is relatively level across the site falling very slightly from north to south. Beyond the site boundary ground remains level in all directions.
- 1.5 All trees on site are currently included within TPO 2016/1 and are therefore protected by legislation.
- 1.6 Trees grow and can develop weaknesses, the climate is thought to be changing and the many other factors which affect trees are rarely static. It is advisable to have trees inspected by a qualified arboriculturist regularly, and in this instance it is recommended that these inspections should be made every year.
- 1.7 The report is based upon a visual inspection. The consultant shall not be responsible for events which happen after this time due to factors which were not apparent at the time, and the acceptance of this report constitutes an agreement with the guidelines and the terms listed in this report.
- 1.8 Any defects seen by a contractor or the employer that were not apparent to the consultant must be brought to the consultant's attention immediately.
- 1.9 No liability can be accepted by the consultant in respect of the trees unless the recommendations (see Section 9) are carried out under their supervision and within the timescale indicated.
- 1.10 The report aims to consider both the aesthetic qualities of the trees as well as their health. The health of the trees is considered in relation to the proposed change of use to housing.
- 1.11 It must be noted that this tree report and accompanying drawing(s) do not constitute a Schedule of Works, and approval should be sought from the local authority prior to any works commencing.

2.0 SPECIES AND THEIR ARRANGEMENT IN THE LANDSCAPE

2.1 Trees on site lie within two groups. The first group runs along the full length of the eastern boundary abutting Main Street and contains an informal double row (roughly 3m apart) of Ash, Beech, Norway Maple and Field Maple. Most trees are single-stemmed specimens although there are a few multi-stemmed trees in the group. Crowns are relatively narrow and read as one (as would be expected from their close proximity).

2.2 The second group lies mid way across the site and comprises four mature Poplar.

3.0 HEIGHT AND SIGNIFICANCE IN THE LANDSCAPE

3.1 Both groups of trees are clearly visible from public viewpoints; group G1 – within which trees rise to 18m - provides an important landscape element along Main Street. This is partly due to the height of trees themselves and partly due to their close proximity to each other which means that their canopies read as a single landscape element. Their canopies overhang the road to some extent and are reflected by two middle aged trees lying to the east of the road – both groups therefore ‘read together’ and provide a distinct character to this part of the road

3.2 Although the trees within group G2 are significantly higher than those in Group 1 (around 20-25m) this group is less prominent in public views since it is partially screened by the presence of G1 along the roadside. Due to the substantial height of the trees therein however, this group is probably slightly more visible from more distant viewpoints.

4.0 AGE AND CONDITION

4.1 Trees within group G1 range from ‘Semi mature’ to ‘Mature’ and most are in Fair or Good condition with no action required in the main. There are however several suppressed specimens and these are recommended for removal which would benefit the remainder.

4.2 trees within group G2 are a mixed bag when considering condition. G1a looks superficially sound but contains a hollow stem at its base which must prejudice its long term health. The three trees in the centre of the group (b-d) appear healthy at present but are all over mature and can be expected to begin to lose limbs in the not too distant future. The final tree (G2e) has a distorted and suppressed crown than leans to the south.

5.0 ENVIRONMENTAL CONDITIONS

5.1 Due to their location on open ground trees on site might be expected to be subject to potential impact from prevailing winds. However, there is no evidence of this at the present time. The recent felling of trees along the western edge of group G1 will have exposed the remaining trees to potential wind impact for the first time but all the trees possess reasonably good form so this is not assessed to present a problem to their retention.

5.2 Ground water conditions are also not assessed to be a significant factor in present or future growth or health of trees due to the gently sloping nature of the ground.

6.0 CODES USED WITHIN SCHEDULE

Column	Information
1	Tree reference number (recorded on tree survey drawing).
2	Species (common and scientific names, where possible).
3	Height of tree in metres.
4	Stem diameter in centimetres at 1.5m above adjacent ground level (on sloping ground taken on the upslope side of the tree base) or immediately above the root flare for multi-stemmed trees. # - estimated value
5	Branch spread in metres taken at the four cardinal points to derive an accurate representation of the crown (recorded on the tree survey drawing).
6	Age class (young, semi mature, early mature, mature, over mature, veteran).
7	Height in metres of crown clearance above adjacent ground level (to inform on ground clearance, crown stem ratio, and shading).
8	Physiological condition (e.g. good, fair, poor, dead).
9	Estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40).
10	Category grading. Trees are assessed in terms of quality in accordance with BS 5837:2012 into U or A to C categories (see Section 7.0) which are recorded on the tree survey drawing.
11	Notes on appearance and structural condition (e.g. collapsing, the presence of any decay, and physical defect).
12	Preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment, and potential for wildlife habitats.

7.0 TREE QUALITY ASSESSMENT

7.1 TREES UNSUITABLE FOR RETENTION

Definition – Category U

(Shown in broken outline on drawing with cross at trunk location)

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

Criteria – Category U

Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)

Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline.

Trees infected with pathogens of significance to the health and/or safety of other trees nearby or very low quality trees suppressing adjacent trees of better quality.

NOTE: Category U trees can have existing or potential conservation value which it might be desirable to preserve;

7.2 TREES TO BE CONSIDERED FOR RETENTION

Definition - Category A1, A2, A3

(Shown in heavy outline on drawing with star at trunk location)

Trees of high quality with an estimated life expectancy of at least 40 years.

Criteria - Category A

A1 *(Mainly arboricultural qualities)*

Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue).

A2 *(Mainly landscape qualities)*

Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.

A3 *(Mainly cultural values, including conservation)*

Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).

Definition - Category B1, B2, B3

(Shown in medium outline on drawing with solid dot at trunk location)

Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.

Criteria - Category B

B1 *(Mainly arboricultural qualities)*

Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.

B2 *(Mainly landscape qualities)*

Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.

B3 *(Mainly cultural values, including conservation)*

Trees with material conservation or other cultural value.

Definition - Category C1, C2, C3

(Shown in light outline on drawing with open circle at trunk location)

Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm.

Criteria - Category C

C1 (*Mainly arboricultural qualities*)

Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.

C2 (*Mainly landscape qualities*)

Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value; and/or trees offering low or only temporary/transient landscape benefit.

C3 (*Mainly cultural values, including conservation*)

Trees with no material conservation or other cultural value.

NOTE: Whilst C category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150mm should be considered for relocation.

8.0 DETAILED SCHEDULE OF VEGETATION ON SITE

Note: Tree numbers are as shown on Arcus drawing number 2390-DR-CON-101

Tree number on dwg	Species	Height (m)	Stem diameter (cm)	Branch spread (m)	Age class	Crown clearance + Ht/direction of lowest branch	Physiological condition	Estimated remaining contribution (years)	Category grading	Notes / Structural condition	Preliminary management recommendations
G1a	Ash	14	6x25	N 3 S 7 E 5.5 W 6	EM	2S	Good	20-40	B1	Multi-stemmed tree with open Crown biased to South and overhanging road. Stems and lower Crown covered in Ivy. Roots lifting surface of adjacent pavement	Sever Ivy
G1b	Beech	16	60#	N 3 S 4.5 E 7 W 8	M	3E	Good	20-40	B1	Straight main stem covered in Ivy; evenly balanced Crown overhanging road with foliage to ground level in places.	Sever Ivy
G1c	Ash	15	60#	N 5.5 S 5.5 E 5.5 W 7	M	7E	Good	20-40	B1	Main stem curves to South before correcting itself; relatively high open Crown overhanging road. Both stem and Crown heavily covered in Ivy.	Sever Ivy
G1d	Beech	6	30	N 2 S 3 E 3.5 W 0	SM	3E	Poor	<10	U	Ivy-covered stem leans to East (over road); thin suppressed Crown.	Fell and remove
G1e	Beech	14	28, 33	N 3 S 4 E 8 W 4	EM	7	Fair	20-40	C1	Stem forks into 2 at 4 m. Relatively high Crown biased to East (over road). Minor Deadwood noted	Sever Ivy
G1f	Beech	15	30#	N 3 S 5 E 6 W 3	SM	10	Fair	20-40	C1	Straight main stem and high compact Crown containing Ivy throughout.	Sever Ivy
G1g	Beech	12	34	2m rad	SM	9	Poor	<10	U	Twin stemmed tree leans heavily to South East; thin suppressed Crown. Limited future potential	Fell and remove

Tree number on dwg	Species	Height (m)	Stem diameter (cm)	Branch spread (m)	Age class	Crown clearance + Ht/direction of lowest branch	Physiological condition	Estimated remaining contribution (years)	Category grading	Notes / Structural condition	Preliminary management recommendations
G1h	Beech	10	19	N 1 S 6.5 E 6.5 W 1	SM	6	Poor	<10	U	Stem forks into 2 at 1 m. Both limbs lean heavily to South East (towards road). Thin suppressed Crown.	Fell and remove
G1i/j, G1/m	4nr. Beech	10-18	4x30	N 4.5 S 5.5 E 7 W 5	SM	8	Fair	20-40	C2	Ivy-covered stems all fork into 2 at 3-4 m. Relatively high crowns contain Ivy and read as one.	Sever Ivy
G1k	Beech	14	28	3m rad	SM	8	Fair	10-20	C1	Stem forks into 2 at 2 m. Very high compact Crown. Acceptable condition at present.	Sever Ivy
G1n	Ash	16	55#	N 4.5 S 6.5 E 8 W 3.5	M	5	Good	20-40	B1	Stem forks into multiple limbs at 2 m. Wide spreading Crown biased to East and lower Crown covered in Ivy.	Sever Ivy
G1o	Field Maple	13	2x30	N 4.5 S 5 E 3 W 6	M	6.5	Fair	10-20	C1	Stem forks into 2 at 2 m. Dense compact Crown biased to West. Moderate Deadwood in lower Crown	Remove Deadwood and sever Ivy
G1p	Field Maple	12	27, 16	N 4 S 5 E 4 W 4	EM	5	Fair	10-20	C1	Stem forks into 2 at 1 m; suppressed Crown contains Deadwood and Ivy throughout	Remove Deadwood and sever Ivy
G1q	Beech	17	34	N 3 S 3.5 E 3.5 W 3	EM	3	Good	20-40	B1	Straight main stem and high compact Crown which overhangs road. No major visible defects	No action
G1r	Beech	11	18	N 1 S 2.5 E 3 W 2.5	SM	2	Fair	10-20	C1	Somewhat contorted stem and relatively high somewhat suppressed Crown. Acceptable condition at present	No action

Tree number on dwg	Species	Height (m)	Stem diameter (cm)	Branch spread (m)	Age class	Crown clearance + Ht/direction of lowest branch	Physiological condition	Estimated remaining contribution (years)	Category grading	Notes / Structural condition	Preliminary management recommendations
G1s	Ash	18	66	N 6 S 6 E 7.5 W 4	M	6	Fair	10-20	C1	Stem forks into 2 at 4 m. Relatively high wide spreading Crown biased to East (over road). Fusing branches and Deadwood. Minor dieback noted but acceptable condition at present.	Remove Deadwood and branch overhanging road. Monitor annually
G1t/u	2nr. Beech	11	20	3m rad	SM	1	Fair	20-40	C1	Pair of trees with low shrubby crowns that read as one and overhanging road to some extent. No major visible defects	No action
G1v/w	2nr. Beech	16	(v)27,24 (w) 33	N 6 S 3 E 6 W 3.5	EM	5	Fair	20-40	C1	Straight main stems and relatively narrow dense crowns that read as one and overhang wrote to some extent. One dead branch noted	Remove dead branch
G1x/y	2nr. Norway Maple	17	(x)26,33 (y) 34	N 6 S 5 E 4 W 4	EM	3	Good	20-40	B1	Straight main stems and relatively high compact crowns that read as one. Both have attractive form with no major visible defects.	No action
G2a	Poplar	24	132	N 12 S 11 E 15 W 14	M	10E 2W	Fair	10-20	C1	Straight main stem has been topped at 11m and is now developing and evenly balanced, wide spreading Crown from cut point. Previously twin stemmed one has been removed and is hollow at base. Moderate Deadwood and hanging branches noted.	Crown clean. Remove Deadwood and hanging branches. Monitor annually.
G2b-d	3nr. Poplar	25	100	N 11 S 10 E 16 W 15	OM	8	Fair	10-20	C2	Group of 3 major trees in close proximity. All have substantial main stems and wide spreading open crowns that read as one. Have now reached full potential and will begin to deteriorate in short to medium term.	Sever Ivy, Crown clean and monitor annually
G2e	Poplar	12	40#	N 2 S 6 E 4 W 3	EM	6	Fair	10-20	C1	Twin stemmed tree leans slightly to South. Narrow suppressed Crown biased to South and covered in Ivy.	Sever Ivy

9.0 GENERAL RECOMMENDATIONS

9.1 **Generally**

Any recommended tree works should only be carried out with the consent of the local authority.

9.2 **Trees in relation to Development**

Consider the depth of foundations with reference to NHBC recommendations.

9.3 **Tree Work before Development**

Remove all 'U' category trees including those approved for removal in relation to approved development. Erect a robust fence to protect not only the retained trees themselves, but also the rooting zones at limit of canopy spread or in accordance with BS 5837:2012.

9.4 **Care of Trees during Development**

It is recommended that the precautions below be issued to the site manager for display on site.

GENERAL PRECAUTIONS DURING DEVELOPMENT:

- Section 4.6 of British Standard 5837:2012 "Trees in Relation to Construction" gives details of the method for calculating the root protection area (RPA - based on stem diameter) which should be left undisturbed around each retained tree. This is to prevent soil compaction, stacking etc. during demolition/construction. The RPA is included on the Tree Constraints Plan together with an indication of Above Ground Constraints.
- Based on the above calculation, and taking into account site specific issues, fencing in accordance with BS 5837:2012 should be erected around trees to be retained. This shall comprise a framework of scaffold poles driven vertically into the ground with diagonal bracing for support and welded mesh panels wired to uprights. This must be erected before any site access for demolition or construction. The above details and distances of tree protection will normally be set as a condition of any planning approval.
- British Standard 5837:2012 provides guidance for methods of working on development sites in proximity to retained trees and the principles set down in Section 7 of the document should be strictly adhered to. The following principles are particularly important:
 - Traffic must not enter tree root protection areas.
 - Stacking of construction materials should not occur beneath any tree canopies or within tree root protection areas.
 - Cement mixing or flushing should not occur inside minimum tree protective zones or within 10m of any tree (including trees on adjacent properties).
 - Fires should not be lit within 10m of any tree/canopy (this distance should be increased if conditions are windy).
 - Toxic materials (cements, oils, etc) should not be stored beneath canopies or within tree root protection areas.

9.5 **Towards Conclusion of Development**

Surgery is best carried out at this stage so that any known root damage can be corrected by the appropriate crown thinning to restore root/shoot balance. Similarly, trees now seen in relation to garden situations can be shaped as required. Planting to augment existing trees as part of the landscape works can now be appropriately undertaken at this stage.

mp/ROSETTA LANDSCAPE DESIGN

27 May 2016

projects/docs/2644-ts-27may16

APPENDIX

PHOTOGRAPHS



Photo 1:
View South along Main Street showing southern part of tree group G1 on right and purple Beech in the grounds of Garth House on left.
◀



Photo 2:
View North along Main Street showing Northern part of tree group G1 on left. Existing gated access into field can be seen centre-left.
◀

Photo 3:
General view of tree group G1 looking East from centre of site: Beech G1a on extreme right, Field Maple G1o in centre and Beech G1x/y on extreme left.
▼





Photo 4: ▲
View West showing tree group G2 in centre of site – G2a centre-right, G2b-d centre-left and G2e on extreme left.

Photo 5:
View West taken from close to G1a showing vegetation on West side of field – early mature Willow on left, mature Poplar centre-right and mixed species hedge across centre of view. ▼










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This drawing has been prepared for the purpose of planning approval.

LEGEND

-  Existing tree, retention categories A1 to A3
-  Existing tree, retention categories B1 to B3
-  Existing tree, retention categories C1 to C3
-  Existing tree, retention category U
-  Root protection area

Note: Tree retention categories & root protection area as defined by BS 5837:2012

Base: Trace of Arcus Consulting Services, 'Existing Trees on Site', 2390-DR-CON-101

PROJECT	Main Street, South Duffield		
TITLE	Existing Trees on Site		
CLIENT	Selby District Council		
DATE	27 May 16	SCALE 1 : 500	SHEET A3
DRAWN	MP/jr	DRAWING NO	2644/2
CHECKED	MP	REVISION	-



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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.



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