

## Officer Update Note

7<sup>th</sup> September 2016

### Agenda Item 6.1

APPLICATION NUMBER:	2015/0683/FUL	PARISH:	78
APPLICANT:	Mr R Penty	VALID DATE: EXPIRY DATE:	7th July 2015 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		

Paragraph 1.5.2- Further consultation period for amended scheme

One further letter received making the following points;

Concerns over the vehicle access to barns. Low Farm Road is a mud track, it is not a main road.

Track not suitable to have another 4 cars gaining access on a daily basis. Insufficient space for another 4 cars turning in and out of the properties on a daily basis.

No if vehicle access was from the current farm entrance leading from the main road.

The materials which will be used in the construction of the scheme will be sourced locally and local contractors will be used. Once completed, the residents will make a contribution to the local economy through buying local produce and supporting local services and businesses.

In addition, the development of the site will contribute to maintaining the viability of Applicant's farm holding.

Paragraph 2.6.

In terms of the economic benefits the applicant points out that;

The materials which will be used in the construction of the scheme will be sourced locally and local contractors will be used. Once completed, the residents will make a contribution to the local economy through buying local produce and supporting local services and businesses.

In addition, the development of the site will contribute to maintaining the viability of Applicant's farm holding.

## Item 6.2

APPLICATION NUMBER:	2015/0448/OUT 8/79/233/PA	PARISH:	Appleton Roebuck
APPLICANT:	Baylis & Baylis Ltd	VALID DATE: EXPIRY DATE:	30 April 2015 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		

A further letter of comment on the application has been received from Samuel Smiths Old Brewery (Tadcaster) in relation to the application subsequent to the publication of the Agenda. The letter was received on the 1<sup>st</sup> September 2016.

This letter notes support for the Officers recommendation, however, in summary it also notes comments under the following sub-headings:

### PLAN Selby evidence on "Settlement Setting Landscape Assessment"

The Brewery notes that in terms of the above assessment:

- I. It is important to note that the Assessment considers all settlements within the District to which development has been directed and provides an independent, objective and comparative assessment of the sensitivities and merits of individual settlements and their boundaries
- II. The evidence contained within this document is highly relevant and provide a robust and independent assessment of the settlement boundary, both in terms of site specific assessment for individual sites and relative to other location in the District. It should be given weight in the consideration of the impact of the site of the proposal and determination of the application.

### Landscape Assessment Report by TPM Landscape July 2016

The Brewery consider that the assessment done by TPM Landscape for the Council is considered to be an assessment to "support and validate the Councils reason for supporting the application" and not "an independent review". As such they also note that "it is clear that the conclusions of this report have been tainted by the original instructions, and that those conclusions can neither be considered to be independent nor provide an objective assessment of the proposal". They conclude on this point noting that "the basis upon which the consultancy were instructed to carry out their examination of landscape issues surrounding the proposal is fundamentally flawed, and can only result in a biased and preconceived assessment of the application. The assessment should therefore be set aside in determination of the application, and no weight should be attached to it".

In addition on this point they request that “the minutes of the meeting should record the weight that members chose to attach to this document in order to ensure that the determination is robust and transparent”.

### Appleton Roebuck Neighbourhood Plan

The submissions made on behalf of the Brewery note

“At paragraph 3.3.4 the officer considers that no weight should be attached to the emerging Neighbourhood Plan. Such an approach would attach no weight to the fact that the plan has been instigated, evidenced and prepared by the local community, and that any proposals and policies being developed by the community may be undermined or prejudiced. At the very least, committee members need to be made aware of any potential conflicts with this ongoing work, which clearly has resource implications for both the Parish and District Councils, but more importantly is a fundamental plank of the governments localism agenda. Plainly there needs to be consideration of these issues in the determination of the proposal”.

In concluding the Brewery state that ***“whilst I support the officer recommendation it is clear to me that the reasons for this recommendation fail to provide a full and balance review of the proposal”***.

Officers would advise Members that in the context of these comments then

- a. The additional submissions made by the Brewery on the 1<sup>st</sup> September 2016 should be noted by Committee and recorded as received in the Minutes of the meeting;
- b. Officers have noted that comments but consider that appropriate weight has been given to both the PLAN Selby evidence on “Settlement Setting Landscape Assessment” and the emerging Neighbourhood Plan;
- c. Officers advise Members that the review by TPM Landscape was independent and Members should afford full weight to its findings;
- d. There is no change to the Officers recommendation to Committee or the scope of the suggested reasons for refusal

### Item 6.3

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		

#### 1.4 Consultations

**Parish Council** - South Milford Parish Council object on the basis of the following. We have concerns about its appearance with the village design statement.

**Contaminated Land Consultant** - The Councils Contaminated Land Consultant has advised that they have no objections to the proposal but recommend a condition, relating to unanticipated contamination being encountered, is attached to any planning permission granted.

#### 1.5 Publicity

Five additional letters of objection have been received from neighbouring properties, three of which are from neighbouring properties that have already submitted a letter of objection. Concerns are raised in respect of the level of the floor slab and the height of the dwelling, 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 boundary treatments 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. Two of the additional letters also raise concerns regarding the nature of private correspondence between the applicant and objectors.

#### 2.13 Recommendation

**Additional Condition – Condition 9**

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.

### Item 6.5

APPLICATION NUMBER	2016/0484/REM 8/62/177D/PA	PARISH:	Church Fenton Parish Council
APPLICANT:	London Ebor Developments PLC	VALID DATE:	6th May 2016
		EXPIRY DATE:	5th 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		

### Paragraph 2.22.3 and Summary

The noted test of whether the application is acceptable is not that of the NPPF but that of the Development Plan. The proposal is considered acceptable against the Development Plan.

### Condition 11 (Page 173)

The Arboricultural Method Statement has now been received and agreed and, as such, the Condition should be reworded accordingly:

“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 as received on the 23<sup>rd</sup> August 2016.

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

### **Willow TPO (1/2000) at Site Entrance**

Members are advised that in the past week concerns have been raised by NYCC Highways / NYCC Arboricultural Officer in relation to the health and condition of the Willow Tree at the site entrance which is covered by a historic TPO (1/2000). This tree is shown for retention on the submitted scheme, however, initial assessments by the NYCC Arboricultural Officer have raised significant concerns in relation to the health of the tree and the possibility that it could be deemed “dangerous”. The landowners are reviewing this matter and it maybe that the tree has to be removed on grounds of it being in poor condition / dying and dangerous. Should such removal be required then the landowners would need to make submissions to the Council under a 5 day notice to remove the tree.

### **Tree Preservation Order 2/2016**

A TPO was issued on the 26<sup>th</sup> August 2016 relating to 7 trees within the site, which are shown for retention on the submitted plans but are noted as worthy of protection via a TPO by the advising Officer from NYCC. This affords immediate protection to the following trees:

- T8 – Beech (Situated on eastern boundary abutting Kirk Fenton Parochial CofE Voluntary Controlled Primary School, Main Street)
- T26 – Field Maple (Situated on western boundary abutting 11 Chapel Close)
- T27 – Willow (Situated on western boundary abutting 11 Chapel Close)
- T30 – Willow (Situated on northern boundary)
- T37 – Ash (Situated on northern boundary)
- T39 – Ash (Situated on northern boundary)
- T40 – Oak (Situated on northern boundary)

This TPO has to be confirmed within 6 months but it does afford immediate protection on the trees till fully confirmed.

### **Item 6.4**

APPLICATION NUMBER:	8/64/192A/PA 2016/0403/OUT	PARISH:	Ulleskelf Parish
APPLICANT:	Grimston Park Estate	VALID DATE:	28 <sup>th</sup> April 2016
		EXPIRY DATE:	28 <sup>th</sup> 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		

## Consultee Response from North Yorkshire County Council

"In response to your further consultation on the above application can I make the following comments with regard to surface water management:

### 1. Runoff Destinations

The planning application form states that surface water will be disposed of by means of sustainable drainage system.

The Flood Risk Assessment and Surface Water Management Strategy section 10.5 states that infiltration testing has established that soakaways will not be suitable for use on

the site and as such discharge to watercourse is proposed.

### 2. Flood Risk

*The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30 year rainfall event. Calculations must include an allowance for urban creep where required and climate change.*

*The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. Calculations must include an allowance for urban creep where required and climate change.*

*The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.*

Whilst the Flood Risk Assessment and Surface Water Management Strategy section 10.9 has determined required storage volumes, these will be dependent upon the agreed surface water discharge rate (see item 11) and satisfactory exceedence flow routes are required (see item 6).

### 3. Peak Flow Control

The Flood Risk Assessment and Surface Water Management Strategy section 10.6 states that discharge to watercourse will be restricted to 2.14l/s. Please see section 11 below.

### 4. Volume Control

As the surface water is proposed to be discharged to IDB maintained watercourse, I will defer to the comments of Ainsty (2008) Internal Drainage Board with regard to the matter of volume of surface water discharged from site.

### 5. Pollution Control

The Flood Risk Assessment and Surface Water Management Strategy section 9.8 explores pollution control.

## 6. Designing for Exceedence

*Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event.*

*The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.*

A plan showing exceedence flow routes is required.

## 7. Highway Drainage

To be agreed with the Highway Authority.

## 8. Climate Change

The Flood Risk Assessment and Surface Water Management Strategy section 10.9 states that an allowance of 40% has been made for climate change.

## 9. Urban Creep

The Flood Risk Assessment and Surface Water Management Strategy section 10.9 states that an allowance of 10% has been made for urban creep.

## 10. Construction

This has not been considered in the documents submitted with the application however construction phase details can be required by condition.

## 11. Maintenance

The Flood Risk Assessment and Surface Water Management Strategy section 10.1 states that the surface water drainage network and attenuation feature remain in private ownership, maintained by a private management company which will be funded via an annual charge on the homeowners. This is because the peak rate of discharge permitted by the internal drainage board is below the minimum adoptable rate. Your attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The reason that the proposed discharge rate prevents the system being adopted by Yorkshire Water is that this small level of discharge requires excessive maintenance and is prone to blocking, causing increased flood risk. If the proposed flow control can not be effectively adopted and maintained by Yorkshire Water this suggests it will not be effectively operated by a management company either. Furthermore, the planning authority in this instance must be satisfied that the management company would remain in place and successfully maintain the SuDS for the lifetime of the development.



I recommend that the applicant reconcile the minimum adoptable rate with Ainsty (2008) Internal Drainage Board. To the advantage of the Board is that, while 5l/s exceeds agricultural runoff rate, a surface water discharge rate of 5l/s maintained also during 1 in 30 and 1 in 100 year events means a reduction in flow to watercourse during rainfall events when flooding is most likely.

I recommend that the applicant attends to items 2, 3, 6 and 11 shown above to the satisfaction of the planning authority prior to any planning approval, subject to comments from Ainsty (2008) Internal Drainage Board and Yorkshire Water. Note that further restrictions on surface water disposal may be imposed by these authorities and the Local Planning Authority.

**Officer's response:** *There has been extensive dialogue between the applicants, planning officers and the Internal Drainage Board (IDB), Yorkshire Water and the County SUDS officer. The advice from the IDB, which is supported by the Yorkshire Water board is that a run off rate of 5l/s/ha would be too fast for the River Wharf and Dorte Dyke to cope with. Their recommendation is that a run off from the tap of 1.4l/s/ha which equates to a final run off of 2.1l/s/ha would be appropriate. This allows for the surface water to be taken off the site, but at a rate that the external water courses can cope with.*

### **Neighbour Consultation Responses:**

Since the committee report was written, three more objection letters have been received on the following grounds:

- Noise
- Residential Amenity
- Traffic or Highways
- Increased risk of flooding
- Loss of access to the application site should there be another flood
- Would people want to buy a house so close to land that floods.

One of the objectors, will be speaking at today's committee, made the following comments on the officers report:

"Following the winter 2015 floods **Yorkshire Water are reviewing the whole strategy and flood arrangements** and will be producing a new flood model based on the 2015 events.

The village is in close liaison with **Yorkshire Water who have advised that the results of their deliberations will take up to two years to produce new guidance and the current data/material is known to be out of date/irrelevant.**

The winter 2015 floods were so catastrophic that they breached the flood defences which had only been recently modified. Consequently

all existing flood data/modelling became obsolete.

Until the new data/model becomes available the Planning Committee should not rely upon the existing information.

Purely as examples the following sections within the Planning material, included within the agenda for this application, will be impacted by this situation ;

Notes in section 1.4.2 and 2.10.9, state that Yorkshire Water had not provided any comments. Based on the above knowledge I feel this should be given due consideration and not ignored or assumed to mean they accept the proposals.

Similarly item 1.4.5 within the agenda for this application, states that NYCC - awaiting comments and members will be updated at Planning Committee.

Stuart Edwards of NYCC provided comments on 09/08/2016.

Furthermore, his points 2, 6, 11 are highly relevant given the Yorkshire Water flood modelling situation. A condition cannot be established when the basis is unknown or (known) to be out of date/irrelevant.

Similarly, in section 2.10 - Flood Risk, Drainage and Climate Change ; 2.10.4 makes reference to Flood Zone 1:- again this is not a true reflection of FZ 1, as the boundary for that will form part of Yorkshire Water's re-modelling.

Likewise, 2.10.10 (also refer 1.4.4) - again, wholly reliant upon accurate flood information to establish conditions.

Will you please ensure this information is considered and made visible for the members”

**Officer's response:** *Yorkshire Water have raised no objection and agree that the discharge rate from orifice of 1.4l/s/ha and a final runoff flow of 2.1l/s/ha would.*

*In terms of flood zone boundaries, it should be noted that it is the Environmental Agency who categorise the zones and they have raised no objections to the application.*

An objection letter was also received from the applicants of a proposed development at Four Leaf Nursary in Ullerskelf.

The objection was made on the following grounds:

- No alternative sites have been considered/no sequential test has been carried out
- The proposal would lead to urban sprawl.
- The decision was not based on professional technical advice as outstanding drainage advice was needed. There should be a re-consultation.

**Officer's response:** *All the proposed dwellings are in Flood Zone 1, so a sequential test is not required.*

*As set out in the report, the application represents an extension to the village and not urban sprawl.*

Extensive technical advice had been given to officers during the previous application, and during this application. Yorkshire Water hadn't objected previously. When contacted, they confirmed that they felt that the water discharge rate is wholly appropriate for this specific site. Therefore, there is no new information to assess and no need for a re-consultation.

### **Highways Officer Comments**

The Highways officer raised no objections and recommended that the conditions attached to the previous application are attached.

For ease of reference, these conditions are set out below and will be attached to the decision, in the event the application is granted approval at committee:

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

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

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

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

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

c. Full highway construction details including:

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

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

e. Details of all proposed street lighting.

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

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

h. A programme for completing the works.

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

Informative:

In imposing condition 13 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 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.

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 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.

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 Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of highway safety.

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. 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 routing.

Reason:

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

There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until the existing 30mph sign has been relocated in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

## Item 6.8

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		

### 1.4 Consultations

#### Parish Council –

- 1) The Parish Council have requested that all the trees indicated on the plan are retained along with the mature hawthorn hedge which should remain intact.
- 2) Concern was raised regarding the increase in traffic and have concerns regarding the junction from School Road onto the A63 which is used as a main route in and out of the village and will need to be upgraded.
- 3) Concern regarding a lack of parking areas.
- 4) The drainage in this area may be a problem and the Parish Council would suggest an outlet to the north side of the A63.

**Officer response to the comments** – Parish comments are noted. The proposal is submitted to test the principle of the development with all matters reserved for later consideration. None of the trees on site are protected and therefore these could be removed at any time. Landscaping of the site would be considered outside this permission.

NYCC Highways have not raised any objection to the scheme bearing in mind it is a reduced scale to that approved in March this year for up to 15 houses. Subject to conditions the impact on the highway network is considered to be acceptable.

The IDB raised no objections subject to conditions and Yorkshire Water raised no objections. It is therefore considered that the Parish drainage comments are addressed in the Committee Report.

#### Yorkshire Water –

No drainage conditions to recommend and a water supply can be provided under the terms of the Water Industry Act 1991.

### **Council Land Contamination Consultants –**

Do not recommend any conditions are required. It is therefore considered based on this advice to omit condition 6 which refers to contamination.

### **3.0 Recommendation**

Remove condition 6 for contamination based on the consultants advice.

An additional condition is recommended to restrict the maximum combined gross floor space to be no more than 1,000m<sup>2</sup>.

#### Condition-

The development hereby approved on the area of land adjacent to Woodland House, School Road, Hemingbrough on drawing number AL(0)02 shall be restricted to a maximum combined gross floor space to be of no more than 1000sqm.

#### Reason:

In order to ensure that the development is carried out in accordance with the details that the Planning Application has been assessed against particularly in relation to the Planning Practice Guidance on affordable housing.