



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 12 OCTOBER 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. 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.

5. Minutes

To confirm as correct records the minutes of the Planning Committee meeting held on 7 September 2016, the Special Planning Committee meeting held on 13 September 2016, and the Planning Sub-Committee meetings held on 23 August and 21 September 2016 (pages 1 to 28 attached).

6. Planning Applications Received

- 6.1 2016/0910/FUL - Land Adjacent to 26 Westfield Crescent, Tadcaster (pages 30 - 45 attached)
- 6.2 2016/0955/HPA - Ings View Farm, Main Street, Thorganby (pages 46 - 64 attached)
- 6.3 2015/0202/FUL - Low Farm Road, Bolton Percy, Tadcaster (pages 65 - 87 attached)
- 6.4 2016/1023/FUL - Parking Court behind 18-34 Westfield Road, Eggborough. (pages 88 - 104 attached)
- 6.5 2016/1024/FUL - Parking Court behind 2-10 Westfield Grove, Eggborough. (pages 105 - 121 attached)
- 6.6 2015/0580/EIA - Staynor Hall, Abbots Road, Selby (pages 122 - 147 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 9 November 2016 – Planning Committee
Wednesday 7 December 2016 – Planning Committee
Monday 24 October 2016 – Planning Sub-Committee
Thursday 24 November 2016 – Planning Sub-Committee

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

Recording at Council Meetings

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

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 7 September 2016
Time:	2.00pm
Present:	Councillors J Cattanach (Chair), D Peart (Vice-Chair), Mrs E Casling, I Chilvers, J Deans, B Marshall, I Reynolds (substitute for D Mackay), C Pearson, and S Duckett (substitute for P Welch).
Apologies:	Councillors D Mackay and P Welch.
Officers present:	Gillian Marshall, Solicitor to the Council; Jonathan Carr, Interim Lead Officer (Planning); Ruth Hardingham, Interim Deputy Lead Officer (Planning); Yvonne Naylor, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer, Jenny Tyreman, Planning Officer, Tom Webster, Principal Planning Officer, Nigel Gould, Principal Planning Officer, Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	22
Press:	1

17. DISCLOSURES OF INTEREST

Councillor I Reynolds declared that he had an interest in application 2015/0683/FUL Low Farm, Low Farm Road, Bolton Percy, by virtue of having acted on behalf of the applicant in relation to a separate planning application.

In the interests of openness and transparency, Councillor I Reynolds stated that he would leave the Chamber during the consideration of the application.

All Councillors declared that they had received representations in relation to application 2015/0683/FUL Low Farm, Low Farm Road, Bolton Percy.

18. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

There was no address from the Chair.

19. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 10 August 2016.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 10 August 2016 as a correct record, and they be signed by the Chair.

20. 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.

21. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

Note – Further to his declaration of interest, Councillor I Reynolds left the Chamber during consideration of the following application.

21.1 Application:	2015/0683/FUL
Location:	Low Farm, Low Farm Road, Bolton Percy, Tadcaster
Proposal:	Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2 No. dwellings with garden land and the erection of 1 new dwelling.

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note, which outlined a further representation which had been received and a response by the applicant to the representation.

Members were informed that the application had been brought before the Planning Committee in the context of the West Berkshire Case Court of Appeal judgement. It was explained that prior to this judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document

(SPD) from development under 10 residential units. Following the Court judgement, the proposal was contrary to the provisions of the Development Plan. However, the Principal Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the government policy in the form of the reinstated Written Ministerial Statement and updated Planning Practice Guidance were material considerations of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Principal Planning Officer reported that having had regard to all other relevant planning matters, the proposal was considered acceptable when assessed against the policies in the National Planning Policy Framework (NPPF), in particular paragraph 14, the Selby District Local Plan and the Core Strategy.

It was on this basis that Members were recommended to approve the application subject to the conditions set out in the report.

Mr M Newby, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the application, subject to conditions set out in section 3 of the report.

Note – Councillor I Reynolds returned to the Chamber.

21.2 Application:	2015/0448/OUT
Location:	Colton Lane, Appleton Roebuck
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

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note, which outlined an additional submission received on 1 September 2016, from Samuel Smiths Old Brewery (Tadcaster) regarding the application and the response by officers to the submission.

Members were informed that the application had been brought before the Planning Committee following the quashing of the initial decision as a result of Court submissions by Sam Smiths Old Brewery Tadcaster following issuing of the decision on 1 December 2015. As such the application needed to be re-considered by the Committee in the context of any changed circumstances or new material considerations since the original consent had been issued.

The Principal Planning Officer advised the Committee that on balance, the application was considered unacceptable when assessed against the Development Plan and was contrary to Policies SP2A, SP5 (A) and SP5 (E) of the Core Strategy, and should therefore be refused.

Mr J Tuohy spoke in objection to the application.

Mr L Rayment, Parish Councillor, spoke in objection to the application.

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

RESOLVED:

To REFUSE the application for the reasons set out in section 3.6 of the report.

21.3 Application: 2016/0850/FUL
Location: Quarry Drop, Westfield Lane, South Milford
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.

The Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined consultation responses from the South Milford Parish Council and the Contaminated Land Consultant. The note also outlined five additional letters of representation that had been received and recommended the imposing of an additional condition.

Members were informed that the application had been brought before the Planning Committee in the context of the West Berkshire Case Court of Appeal judgement. It was explained that prior to this judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under 10 residential units. Following the Court judgement, the proposal was contrary to the provisions of the Development Plan. However, the Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the government policy in the form of the reinstated Written Ministerial Statement and updated Planning Practice Guidance were material considerations of substantial weight which outweighed the policy requirement to secure an affordable housing contribution. In addition, there had been more than three objections to the proposal and as such, the application could not be determined by the Planning Sub-Committee.

The Planning Officer reported that having assessed the application against the other relevant policies, it was considered that the proposal was acceptable in respect of its design, impact on: the character and appearance of the area, residential amenity, highway safety, flood risk, drainage, climate change, nature conservation, protected species and land contamination.

With regard to the erection of a temporary building for residential use during the construction period, Members were informed that the development was considered acceptable, subject to an appropriate condition requiring the removal of the temporary building following the occupation of the dwelling.

Mr S Barker spoke in objection to the application.

Mrs N Lindsay, the applicant, spoke in support of the application.

Members raised concerns in relation to the impact on nearby residents during the construction phase and the length of time the scheme had been underway.

It was proposed that any permission granted should have attached additional conditions regarding the hours/days of construction and a reasonable time limit for completion in the interests of the residential amenity of neighbouring residential dwellings.

The proposal was moved and seconded.

RESOLVED:

To APPROVE the application, subject to the conditions in paragraph 2.13 of the report and the additional condition set out in the Update Note and a delegation to the Lead Officer – Planning to add conditions relating to:

- I. The hours and days when construction may take place; and**
- II. the period of time within which the dwelling should be practically completed and available for occupation.**

21.4 Application: 2016/0403/OUT
Location: West Farm, West End, Ulleskelf
Proposal: Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale.

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined a consultation response from North Yorkshire County Council including from the Highways Officer and the Officer response to these. The Note also outlined three further letters of objection that had been received and the Officer response to these.

Members were informed that the application had been brought before the Planning Committee due to the proposal being a departure from the

Development Plan and 10 representations being received that raised material planning considerations.

The Committee was advised that the application site was located partly within, partly outside the defined development limits of Ulleskelf. The proposal was therefore contrary to Policy SP2A (c) of the Core Strategy. It was explained that development limits were currently under review as part of the PLAN Selby sites and allocations document, in-line with commentary detailed in the Core Strategy. The Principal Planning Officer explained that in evaluating the application, the relationship of the proposal to the edge of the settlement and defined development limit, the proposal was considered, on balance, to be acceptable.

In addition, Members were advised that on balance, the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and other policies in the Core Strategy.

Mr M Thomas, also on behalf of Ulleskelf Parish Council, spoke in objection to the application.

Mr P Leeming, the applicant's agent, spoke in support of the application.

Concerns were raised in relation to the number of dwellings proposed and level of growth being inappropriate for Ulleskelf, in light of developments that had already been approved in the area.

In addition, some Members felt the proposed location was in conflict with policy, in particular the adopted Core Strategy's spatial development strategy for this Designated Service Village in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A) and (E).

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

An amendment to refuse the application for the reasons set out above, was proposed and seconded.

The amendment was supported by the Committee and subsequently put to the vote.

RESOLVED:

To REFUSE the application for the following reasons:

- I. The proposal would be located partially 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 25 dwellings, when added to the 34 dwellings that have been built or approved in**

Ulleskelf since the start of the Plan Period in April 2011 would substantially exceed the minimum growth options of between 7 – 24 dwellings for Ulleskelf 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 Ulleskelf and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

- II. The proposal would be located partially 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).**

**21.5 Application: 2016/0484/REM
Location: The Laurels, Main Street, Church Fenton
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.**

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined an amendment to paragraph 2.22.3 of the report and proposed an amendment to condition 11 following the receipt of the Arboricultural Method Statement. The Note also provided the Committee with information on Tree Preservation Orders on the application site.

Members were informed that the application had been brought before the Planning Committee at the discretion of the Interim Lead Officer (Planning).

The proposal sought reserve matters consent for the development of the site, which was granted outline planning permission (with all matters reserved) under reference 2015/0760/OUT on 21 December 2015. The Committee was informed that the principle of residential development on the site had therefore been firmly established under the outline planning permission. The applicant also sought to address all 'prior to commencement development' / conditions precedent on the Outline Consent, to enable commencement on site with minimal delay.

The Principal Planning Officer reported that having considered the proposed design of the scheme and all technical considerations, the proposal was

considered acceptable and there would be no adverse impact of granting reserved matters consent that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

Members were recommended to approve the application.

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

The Principal Planning Officer's recommendation was moved and seconded

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 3.0 of the report and amended Condition 11 as set out in the Update Note.

21.6 Application:	2016/0505/OUT
Location:	Land adj to Station Mews, Church Fenton, Selby
Proposal:	Outline application for the erection of 5 new dwelling houses with access (all other matters reserved).

The Senior Planning Officer introduced the application.

Members were informed that the application had been brought before the Planning Committee because it was recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

The application site was located outside the defined development limits of Church Fenton, and was therefore contrary to Policy SP2A (c) of the Core Strategy. It was explained that development limits were currently under review as part of the PLAN Selby sites and allocations document in-line with commentary detailed in the Core Strategy. The Senior Planning Officer reported that the relationship of the proposal to the edge of the settlement and defined development limit was considered, on balance, to be acceptable.

Members were informed that an acceptable proposal could be designed to 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. In addition, the application was considered, on balance to be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan, and the Core Strategy.

The Committee was recommended to approve the application.

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

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 3 of the report.

**21.7 Application: 2016/0693/FUL
Location: Cherwell Croft, Hambleton, Selby
Proposal: Proposed erection of one dwelling (amended house type).**

The Senior Planning Officer introduced the application.

Members were informed that the application had been brought before the Planning Committee because it was recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

The application site was part located outside the defined development limits of Hambleton with the estate road access partly within the development limits. It was explained that given the house would be constructed outside the development limits, the proposal was therefore contrary to Policy SP2A (c) of the Core Strategy. However, Members were advised that the previously approved planning applications were 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.

The Senior Planning Officer reported 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.

The Committee was recommended to approve the application.

The Senior Planning Officer's recommendation was moved and seconded

RESOLVED:

To APPROVE the application, subject to conditions detailed in section 3 of the report.

**21.8 Application: 2016/0895/OUT
Location: Woodland House, School Road, Hemingbrough, Selby.
Proposal: Outline application for residential development with all matters reserved at land adjacent.**

The Senior Planning Officer introduced the application and referred the Committee to the information provided in the Update Note which outlined consultation responses from the Parish Council, Yorkshire Water and the Council Land Contamination Consultants. The Note also recommended the removal of condition six as a result of the advice from the Contamination Consultants and that an additional condition should be imposed relating to maximum combined floor space.

Members were informed that the application had been brought before the Planning Committee because it was recommended for approval contrary to Policies SP9 and SP2A (c) of the Core Strategy.

The application site was located outside the defined development limits of Hemingbrough and therefore contrary to Policy SP2A (c) of the Core Strategy. It was explained that development limits were currently under review as part of the PLAN Selby sites and allocations document in-line with commentary detailed in the Core Strategy. The Senior Planning Officer reported that the relationship of the proposal to the edge of the settlement and defined development limit was considered, on balance, to be acceptable.

Members were advised that on balance, the proposal was acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

Mr M Mortonson, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the application, subject to conditions set out in section 3 of the report, with the exception of Condition 6 which should be deleted, and the inclusion of an additional condition as detailed in the Update Note.

21.9 Application:	Tree Preservation Order No. 1/2016
Location:	Land adjacent to New Bungalow, Main Street, South Duffield
Proposal:	Tree Preservation Order - 1/2016

The Principal Planning Officer introduced the application and explained that the report sought Members permission to confirm, with modification, Tree Preservation Order (TPO) No. 1/2016.

The Committee was advised that there had been an error in the printing of the map included in the agenda and the group of trees indicated on the map as 'G1' were in fact 'A1'.

Members were informed that the Council had been made aware that works to remove trees from land located west of Main Street, South Duffield was being carried out. An enforcement visit had been undertaken on 10 March 2016, which confirmed that trees had been removed; the remaining trees were considered to have a high amenity value and be prominent features within South Duffield. As a result an Interim Order had been made.

The Principal Planning Officer recommendation that TPO No. 1/2016 be confirmed, subject to the modifications set out in the report.

Rachel Bartlet spoke in objection to the Principal Planning Officer's recommendation.

The Principal Planning Officer's recommended to confirm the TPO was moved and seconded.

An amendment not to confirm the TPO was proposed and seconded.

The amendment was supported by the Committee and subsequently put to the vote.

RESOLVED:

To not confirm TPO No. 1/2016, on the grounds that the trees were of insufficient amenity value to warrant an application of a TPO.

The meeting closed at 4.35 pm.

Minutes

Special Planning Committee

Venue:	Council Chamber
Date:	Tuesday 13 September 2016
Time:	3.00 pm
Present:	Councillors J Cattanach (Chair), D Peart (Vice-Chair), Mrs E Casling, D Buckle (substitute for I Chilvers), J Deans, B Marshall, D Mackay, C Pearson, and P Welch.
Apologies:	Councillor I Chilvers.
Officers present:	Gillian Marshall, Solicitor to the Council; Jonathan Carr, Interim Lead Officer (Planning); and Janine Jenkinson, Democratic Services Officer.
Public:	8
Press:	1

22. DISCLOSURES OF INTEREST

There were no disclosures of interest made.

23. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

There was no Chair's address to the Planning Committee.

24. 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.

26. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

26.1 Application:	2016/0950/FUL
Location:	Tadcaster Bridge, Bridge Street, Tadcaster
Proposal:	To alter the upstream elevation of the existing River Wharfe Bridge at Tadcaster by the addition of a cantilevered footway to provide 1.8 metre footways and a 7.3 metre wide carriageway over the bridge.

The Interim Lead Officer (Planning) introduced the application and referred the Committee to the information provided in the Update Note.

The application had been brought before the Planning Committee due to the level of public interest in the proposal.

Members were informed that the application sought planning permission for alterations to the storm damaged road and foot bridge over the River Wharfe in Tadcaster. The scheme involved widening the carriageways and two footways by means of a concrete cantilever on the upstream of the Bridge deck.

The Committee was informed that the Bridge was Grade II listed and stood within the Tadcaster Conservation Area with listed cottages to the north west of the structure.

The Interim Lead Officer (Planning) advised that having had regard to the Development Plan, all relevant local and national planning policy, consultation responses and all other material planning considerations, it was considered that the proposed development would cause less than substantial harm to the special architectural and historic interest of the listed building, and the character and appearance of the Conservation Area; the application was therefore considered acceptable.

Members were informed that having also paid special regard to the desirability of preserving the building and its features of special architectural or historic interest, and special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, the less than substantial harm to both was considered to be outweighed by the public benefits of the proposal. The Interim Lead Officer advised that this was even when considerable importance and weight was attached to the harm identified and acknowledging that even less than substantial harm to a designated heritage asset created a strong presumption against granting planning permission.

Members were advised that the proposal complied with local and national planning policy in all other respects and no other planning considerations had been identified that would warrant refusal of the application.

Councillor Sweeting, parish councillor, spoke in support of the application.

Councillor Metcalfe, ward councillor, spoke in support of the application.

David Bowe, Corporate Director Business and Environmental Services, North Yorkshire County Council, spoke as the applicant.

Councillors debated the application and agreed that the proposal would provide Tadcaster with an improved asset for residents and the public benefits of the proposal were significant and outweighed the less than substantial harm identified, even when special regard was given to the historic environment as identified in the report.

The Interim Lead Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the application, subject to conditions set out in section 3.0 of the report and the amended conditions detailed in the Officer Update Note.

26.2 Application: 2016/0915/LBC
Location: Tadcaster Bridge, Bridge Street, Tadcaster
Proposal: Listed building consent for proposed widening of the carriageway and footpaths over the existing Tadcaster Bridge over the River Wharfe using a cantilever concrete slab on the upstream elevation of the bridge which will allow the addition of street lighting across the bridge whilst the repair of the flood damage is carried out.

The Interim Lead Officer (Planning) introduced the application and referred the Committee to the information provided in the Update Note.

The application had been brought before the Planning Committee due to the level of public interest in the proposal.

Members were informed that the application sought Listed Building Consent for alterations to the storm damaged road and foot bridge over the River Wharfe in Tadcaster. The proposal involved widening the carriageways and two footways by means of a concrete cantilever on the upstream side of the Bridge deck.

The Interim Lead Officer (Planning) advised that having paid special regard to the desirability of preserving the building and its features of special architectural or historic interest, and the desirability of preserving or enhancing the character or appearance of the Conservation Area, the less

than substantial harm to both was considered to be outweighed by the public benefits of the proposal.

The proposal was considered to comply with the requirements of local and national planning policy and was therefore recommended for approval.

Councillor Metcalfe, ward councillor, spoke in support of the application.

Councillors debated the application and agreed that the proposal would provide Tadcaster with an improved asset for residents and the public benefits of the proposal were significant and outweighed the less than substantial harm identified, even when special regard was given to the historic environment, as identified in the report.

The Interim Lead Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the application, subject to conditions set out in section 3.0 of the report and the amended conditions detailed in the Officer Update Note.

The meeting closed at 3.30 pm.

Planning Sub-Committee

Venue:	Committee Room
Date:	Tuesday 23 August 2016
Time:	10.00 am
Present:	Councillors J Cattanach (Chair), D Peart, and B Marshall.
Apologies for Absence:	None.
Officers Present:	Ruth Hardingham – Interim Deputy Lead Planning Officer, Keith Thompson – Senior Planning Officer; Calum Rowley – Senior Planning Officer, Jenny Tyreman - Planning Officer, Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.
Public:	2
Press:	0

4. DISCLOSURES OF INTEREST.

No disclosures of interest were made.

5. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair explained that a member of the public had registered to address the Sub-Committee in relation to application 2016/0171/FUL – Land at Ryther Road, Cawood, Selby, and therefore the item would be brought forward and considered first. The remaining items would be considered in the order as listed on the agenda.

6. SUSPENSION OF COUNCIL PROCEDURE RULES

The Chair informed the Sub-Committee that following discussion with the Senior Solicitor it was not considered necessary to suspend Council Procedure Rules 15.1 and 15.6 (a) for the Planning Sub-Committee meeting.

7. PLANNING APPLICATIONS RECEIVED

- 7.1 **Application:** **2016/0171/FUL**
 Location: **Land At Ryther Road, Cawood, Selby**
 Proposal: **Change of use of services waste land to residential curtilage and conversion of storage building.**

The Senior Planning Officer introduced the report.

Members were informed that the application had been brought before the Planning Sub-Committee as Officers considered that although the proposal was contrary to Policy SP9 of the Core Strategy and Criterion (1) of Policy H12 of the Local Plan, there were material considerations which would justify approving the application.

Members were informed that the West Berkshire Court of Appeal judgement outweighed the policy requirement for a commuted sum. In addition, there was an extant planning permission in place for conversion of the building to a dwelling that did not require an affordable housing contribution; and this was therefore considered a fall-back position.

Mr Finn, the applicant's agent had registered to speak in relation to this application. In light of the Senior Planning Officer's presentation he chose not to address the Sub-Committee.

The Planning Sub-Committee was advised that having had regard to Policy SP9, the West Berkshire Court of Appeal judgement and the fall-back position, on balance, the application was considered to be acceptable without the requirement to provide a contribution for affordable housing.

RESOLVED:

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

- 7.2 **Application:** **2015/0701/OUT**
 Location: **Villa Cottage, 7 Park Lane, Barlow, Selby**
 Proposal: **Outline application with all matters reserved for the erection of a residential dormer bungalow**

The Senior Planning Officer introduced the report.

Members were informed that the application had been brought before Planning Sub-Committee due to the West Berkshire Case Court of Appeal judgement. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from development under ten residential units. Following the Court judgement the proposal was contrary to the provisions of the Development Plan; however the Senior Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement for the commuted sum.

The Sub-Committee was informed that having had regard to Policy SP9 and the Planning Practice Guidance (PPG), on balance, the application was acceptable without requiring a contribution for affordable housing.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 2.16 of the report.

**7.3 Application: 2015/1263/FUL
 Location: Mulberry Farm, Butts Lane, Lumby.
 Proposal: Erection of detached dwelling and garage
 following demolition of existing building**

The Senior Planning Officer introduced the report and referred the Committee to the additional information provide in the Officer Update Note.

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

The Sub-Committee was informed that the West Berkshire Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Senior Planning Officer advised that having had regard to Policy SP9 and the PPG, on balance, the application was acceptable without the requirement to provide a contribution for affordable housing.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.18 of the report and the additional condition set out in the Officer Update Note.

**7.4 Application: 2016/0030/OUT
 Location: Woodland, 11 Sutton Lane, Byram, Knottingley
 Proposal: Outline application with access and layout reserved
 for erection of a single dwelling with garage.**

The Senior Planning Officer introduced the report and referred the Sub-Committee to the additional information provide in the Officer Update Note.

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

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

Members were advised that the West Berkshire Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Sub-Committee was advised that having had regard to Policy SP9 and the PPG, on balance, the application was considered to be acceptable without requiring a contribution for affordable housing.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.16 of the report and the amendments to Condition 14 detailed in the Officer Update Note.

**7.5 Application: 2016/0183/FUL
 Location: 9 Hawthorn Drive, Barlby, Selby.
 Proposal: Proposed development of detached 3 bedroom
 house within the curtilage of existing house.**

The Senior Planning Officer introduced the report.

Members were advised that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (a) and SP4 (a) of the Core Strategy Local Plan given the location of the development within the defined limits of a Designated Service Village. Matters of acknowledged importance, such as impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination were considered to be acceptable.

The Senior Planning Officer informed the Sub-Committee that the West Berkshire Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

Members were advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable without requiring a contribution for affordable housing.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.16 of the report.

7.6

Application: 2016/0630/OUT
Location: 24 Coppergate, Riccall.
Proposal: Outline application with all matters reserved for erection of 1 No detached dwelling on land to rear.

The Senior Planning Officer introduced the report.

Members were advised that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (a) and SP4 (a) of the Core Strategy Local Plan given the location of the development within the defined limits of a Designated Service Village. Matters of acknowledged importance, such as impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination were considered to be acceptable.

The Senior Planning Officer informed the Sub-Committee that the West Berkshire Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable without requiring a contribution for affordable housing.

RESOLVED:

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

7.7

Application: 2016/0415/FUL
Location: Annexe, 1 Weeland Road, Eggborough.
Proposal: Proposed change of use from dwelling annex to dwelling with new extension.

The Senior Planning Officer introduced the report.

For clarification, the Senior Planning Officer explained that there had been an error in the numbering of the conditions listed on pages 96 and 97 of the report, rather than an omission of condition 4.

Members were advised that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (a) and SP4 (a) of the Core Strategy Local Plan given the location of the development within the defined limits of a Designated Service Village. Matters of acknowledged importance, such as impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination were considered to be acceptable.

The Senior Planning Officer informed the Sub-Committee that the West Berkshire Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Sub-Committee was advised that having had assessed the proposal against the relevant planning policies, the application was considered acceptable without requiring a contribution for affordable housing.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.16 of the report.

7.8 Application: 2016/0243/FUL
Location: Croft Farm
Oxmoor Lane, Biggin
Proposal: Proposed conversion to create 1 single dwelling.

The Planning Officer introduced the report and explained that the application had been brought before the Planning Sub-Committee as Officers considered that although the proposal was contrary to Policy SP9 of the Core Strategy and Criterion 1 of Policy H12 of the Local Plan, there were material considerations which would justify approving the application.

The application sought planning permission for the conversion of a brick built stable building to a single dwelling.

Members were informed that Policy SP2A (C) and Paragraph 55 of the National Planning Policy Framework were significantly different to that taken in Policy H12, as they did not require the more onerous tests set out in H12 (1), with SP2A (c) merely expressing a preference for employment uses.

The Planning Officer reported that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out in the Core Strategy and the NPPF. As such it was considered that the applicant did not need to meet the test set out in Criterion 1 of Policy H12 of the Local Plan.

In addition, the Planning Officer advised the Sub-Committee that the West Berkshire Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Sub-Committee was advised that having had regard to Policy SP9 and the PPG, on balance, the application was considered acceptable without requiring a contribution for affordable housing.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 2.13 of the report.

7.9 **Application:** **2016/0485/FUL**
 Location: **Land Adjacent Station Farm**
 York Road
 Cliffe, Selby
 Proposal: **Proposed demolition of existing garage structure**
 and erection of detached two bedroom dwelling.

The Planning Officer introduced the report and explained that the application had been brought to the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire case.

Members were advised that the principle of the proposed development was considered acceptable having regard to Policies SP2A (b) and SP4 (a) of the Core Strategy Local Plan, given that the location of the development was within the defined development limits of a Secondary Village, and the proposal comprised of redevelopment of previously developed land.

The Sub-Committee was informed that in light of the Court of Appeal judgement in relation to the West Berkshire case, the scheme was considered contrary to Policy SP9 of the Core Strategy Local Plan as an Affordable Housing contribution could not be required. However, Members were advised that the Court of Appeal judgement was a material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Sub-Committee was therefore recommended to approve the application.

RESOLVED:

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

7.10 **Application:** **2016/0734/FUL**
 Location: **1 Gauk Street**
 Brotherton, Knottingley
 Proposal: **Proposed conversion of 1 Gauk Street into 2 No**
 dwellings

The Planning Officer introduced the report and explained that the application had been brought to the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire case.

Members were advised that the principle of the proposed development was considered acceptable having regard to Policies SP2A (b) and SP4 (a) of the Core Strategy Local Plan, given that the location of the development was within the defined development limits of Brotherton, which had been identified as a Designated Service Village.

The Sub-Committee was informed that in light of the Court of Appeal judgement in relation to the West Berkshire case, the scheme was considered contrary to Policy SP9 of the Core Strategy Local Plan as an Affordable Housing contribution could not be required. However, Members were advised that the Court of Appeal judgement was a

material consideration of substantial weight which outweighed the policy requirement for a commuted sum.

The Sub-Committee was therefore recommended to approve the application.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.11 of the report.

The Chair closed the meeting at 10.36 am

Minutes

Planning Sub-Committee

Venue:	Committee Room
Date:	Wednesday 21 September 2016
Time:	10.00 am
Present:	Councillors J Cattanach (Chair), D Peart, and B Marshall.
Apologies for Absence:	None.
Officers Present:	Ruth Hardingham – Interim Deputy Lead Planning Officer, Keith Thompson – Senior Planning Officer; Calum Rowley – Senior Planning Officer, Diane Wilson – Planning Officer, Kelly Dawson – Senior Solicitor, and Janine Jenkinson – Democratic Services Officer.
Public:	0
Press:	0

8. DISCLOSURES OF INTEREST.

No disclosures of interest were made.

9. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

In relation to planning applications 2016/0950/FUL and 2016/0915/LBC Tadcaster Bridge, Tadcaster, the Chair informed the Sub-Committee, that the objection submitted by Samuel Smith Old Brewery on 14 September 2016, had now been withdrawn.

The Sub-Committee thanked Officers for their hard work in relation to the applications.

10. PLANNING APPLICATIONS RECEIVED

- 10.1 **Application:** 2015/1413/OUT
 Location: 37 Low Street, Sherburn In Elmet
 Proposal: Outline application with all matters reserved for the demolition of two dwellings and the erection of seven new dwellings.

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

Members were informed that the application had been brought before the Planning Sub-Committee in the context of the West Berkshire Case Court of Appeal judgement. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from development under ten residential units. Following the Court judgement, the proposal was contrary to the provisions of the Development Plan. However the Senior Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Sub-Committee was informed that an acceptable proposal could be designed to 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 application was also considered to be acceptable in respect of flooding, drainage, climate change, protected species, contaminated land and affordable housing.

Members were advised that the application was considered, on balance to be acceptable, when assessed against the policies in the National Planning Policy Framework (NPPF), the Selby District Local Plan and the Core Strategy.

RESOLVED:

To APPROVE the application, subject to no objections being received from the Council's Contaminated Land Consultant and the inclusion of any suggested conditions and subject to conditions detailed in section 3.0 of the report and details of amended conditions as set out in the Update Note.

10.2 **Application:** **2016/0608/FUL**
 Location: **14 Main Street, Riccall**
 Proposal: **Proposed demolition of a private garage and the erection of 5 no. dwellings.**

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

Members were informed that the application had been brought before Planning Sub-Committee in the context of the West Berkshire Case Court of Appeal judgement. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from development under ten residential units. Following the Court judgement the proposal was contrary to the provisions of the Development Plan. However the Senior Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Senior Planning Officer advised the Sub-Committee that the application was considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

Members were advised that it was on this basis that permission should be approved.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in section 3.0 of the report and the additional condition detailed in the Update Note.

10.3 **Application:** **2016/0765/FUL**
 Location: **Hailwood Cottage, 25B Main Street, Riccall**
 Proposal: **Proposed demolition of existing garages and erection of a detached house and two single garages to support current dwelling at Elston House, 25 Main Street and proposed dwelling.**

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

The Sub-Committee was advised that works had started on the dwelling prior to the submission of the application, and therefore, the application should have been advertised as being retrospective.

Members were informed that the application had been brought before Planning Sub-Committee in the context of the West Berkshire Case Court of Appeal judgement. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from development under ten residential units. Following the

Court judgement the proposal was contrary to the provisions of the Development Plan. However the Senior Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Senior Planning Officer advised the Sub-Committee that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (a) and SP4 (a) of the Core Strategy Local Plan given the location of the development within the defined developments limits of Riccall which was a Designated Service Village.

The application was also considered acceptable in respect of design, impact on the character and appearance of the area, residential amenity, highway safety, flood risk, drainage, climate change, nature conservation and protected species and land contamination.

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

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.0 of the report and the details of amended conditions as set out in the Update Note.

10.4	Application:	2016/0667/FUL
	Location:	On land at The Bungalow, Rawfield Lane, Fairburn
	Proposal:	Proposed erection of a three bedroom detached bungalow

The Planning Officer introduced the report.

Members were informed that the application had been brought before Planning Sub-Committee in the context of the West Berkshire Case Court of Appeal judgement. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from development under ten residential units. Following the Court judgement the proposal was contrary to the provisions of the Development Plan. However the Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Planning Officer reported that the principle of the application was considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy Local Plan, given the location of the development within the defined development limits of Fairburn.

Members were recommended to approve the application.

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

RESOLVED:

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

10.5 Application: 2016/0750/FUL
Location: Land at 58 Millgate, Selby
Proposal: Proposed redevelopment of previous public house site, including six town houses with associated car parking.

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

Members were informed that the application had been brought before Planning Sub-Committee in the context of the West Berkshire Case Court of Appeal judgement. Prior to the judgement, the Council had been able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) from development under ten residential units. Following the Court judgement the proposal was contrary to the provisions of the Development Plan. However the Senior Planning Officer advised Members that in the context of the Court of Appeal decision, it was considered that the judgement was a material consideration of substantial weight which outweighed the policy requirement to secure an affordable housing contribution.

The Senior Planning Officer reported that the principle of the application was considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy Local Plan, given the location of the development within the defined development limits of Selby, a Principal Town.

Members were recommended to approve the application.

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

RESOLVED:

To APPROVE the application, subject the conditions detailed in section 3.0 of the report and the additional conditions detailed in the Update Note.

The Chair closed the meeting at 10.27 am.

Items for Planning Committee
12 October 2016

Ref	Site Address	Description	Officer	Page
2016/0910/FUL	Proposed 3 bedroom dwelling and 2 no. 1 bedroom flats	Land Adjacent To 26 Westfield Crescent, Tadcaster	KETH	30-45
2016/0955/HPA	Ings View Farm, Main Street, Thorganby	Section 73 application to amend condition 06 (drawings) of approval 2013/0574/HPA (8/12/47E/PA) for barn conversion and alterations and conservation area consent for partial demolition	YVNA	46-64
2015/0202/FUL	Low Farm Road Bolton Percy Tadcaster	Proposed erection of 2 No detached houses with associated garages	FIEL	65-87
2016/1023/FUL	Parking court behind 18-34 Westfield Road, Eggborough, Goole, East Yorkshire	Section 73 application to remove/vary condition 13 (HGV) of approval 2015/1240/FUL Proposed demolition of existing garage block and the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking on the garage site accessed from Westfield Road	CARO	88-104
2016/1024/FUL	Parking Court behind 2-10 Westfield Grove, Eggborough, Goole, East Yorkshire	Section 73 application to remove/vary condition 13 (HGV) of approval 2015/1237/FUL Proposed erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the garage site accessed from Westfield Grove	CARO	105-121
2015/0580/EIA	Staynor Hall, Abbots Road, Selby	Reserved Matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (C0/2002/1185)	TOWE	122-147

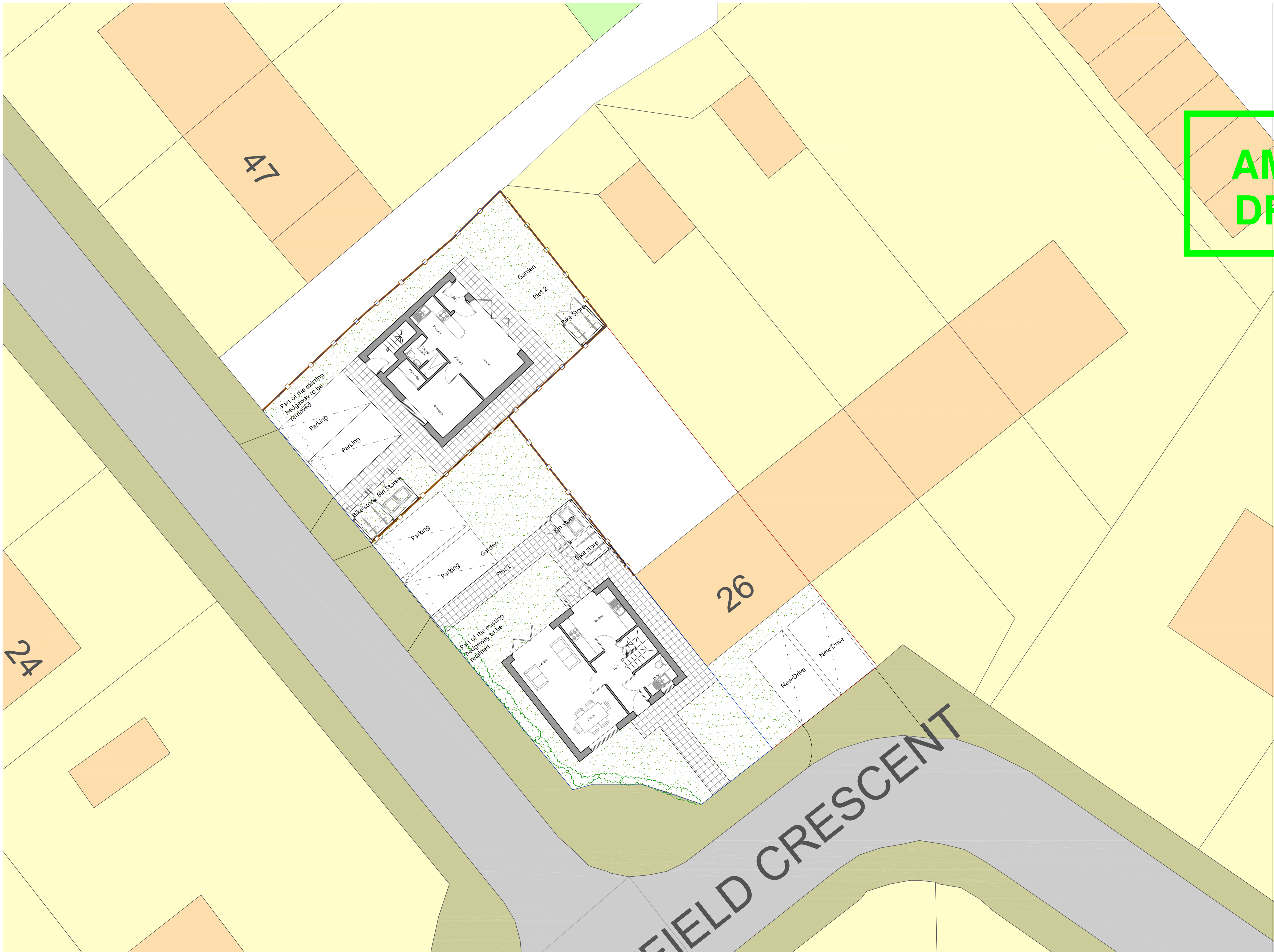


APPLICATION SITE

Item No: 2016/0910/FUL

Address: 26 Westfield Crescent, Tadcaster

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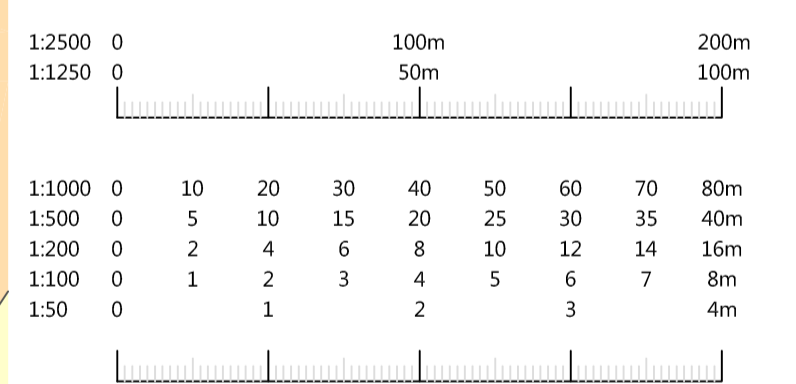


Site Plan as Proposed
Scale 1:100

Notes:
 The contractor is responsible for checking dimensions, any discrepancies to be determined by the architects before proceeding with the works.
 No dimensions to be scaled from drawing, figured dimensions to be worked to in all cases.
 All materials used and work undertaken to be in accordance with relevant British Standard Codes Of Practice and the Building Regulations with subsequent amendments.
 © The contents of this drawing are the property of Mike Fining Chartered Architects and must not be reproduced without their expressed written consent.

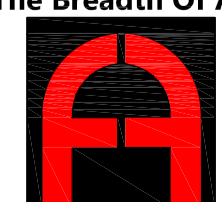
AMENDED
DRAWING

RECEIVED
 20.09.2016
BUSINESS SUPPORT



	New Driveway Included	29/06/16
Revision	Note	Date
Project: 26 Westfield Crescent, Tadcaster, LS24 9JQ		
Title: Site Plan as Proposed		
Client: Marsden Homes		
Scale: 1:100@ A1	Date: 20/09/16	
Drawn By: ERR	Drawing Number: 878.002	Revision: E

FINING ASSOCIATES CHARTERED ARCHITECTS
 Spanning The Breadth Of Architecture



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Report Reference Number 2016/0910/FUL

Agenda Item No: 6.1

To: Planning Committee
Date: 12th October 2016
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0910/FUL	PARISH:	Tadcaster Town Council
APPLICANT:	Mr Marsden	VALID DATE:	3rd August 2016
		EXPIRY DATE:	28th September 2016
PROPOSAL:	Proposed 3 bedroom dwelling and 2 no. 1 bedroom flats		
LOCATION:	Land Adjacent To 26 Westfield Crescent, Tadcaster		

This application has been brought before Planning Committee as it is being recommended for approval contrary to Policy SP9 and there are more than 10 objections contrary to the Officer recommendation to approve the application.

Summary:

The proposal is submitted in full for the erection of a three bedroom detached house and two flats with parking provision for no. 26 Westfield Crescent.

The application is located within the defined settlement limits of Tadcaster. The proposal is therefore in accordance with Policy SP2A of the Core Strategy. The scale of the development is considered acceptable on garden land and would thereby accord with Policy SP4A.

The proposals are also considered to be acceptable in respect of the impact on residential amenity, 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 in Paragraph 3.0 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site comprises the garden of no. 26 Westfield Crescent and is located within central Tadcaster on the southern area of the river Wharfe. The site is bounded by Wharfedale Crescent to the west and an access track along the north boundary that leads to allotments. Westfield Crescent lies south of the site. The site is enclosed with a mature hedge on its western perimeter with post and rail fence and vegetation along the northern perimeter.

1.1.2 Current vehicle access to the site is taken off Westfield Crescent.

1.2 The proposal

1.2.1 Full planning permission is sought for the erection of a two storey three bedroom detached house adjacent to no. 26 and the erection of 2 one bedroom flats in the northern area of the site within a two storey building. Each plot would have associated parking and garden space with bin and bike store allocated.

1.2.2 A new vehicle access would be provided for the host dwelling no. 26, a vehicle access for the detached house and two new vehicle accesses off Wharfedale Crescent.

1.2.3 The proposed external materials include red brick walls, concrete roof tiles and upvc windows and doors.

1.2.4 The proposal is a resubmission of a previously withdrawn application which sought amendments to the scale and design of the buildings. These have been noted and carried through into this application.

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 2016/0284/FUL (Withdrawn - 01.07.2016) Proposed erection of 1No. three bedroom house and 2 No. one bedroom flats.

1.4 Consultations

1.4.1 **NYCC Highways** – No objections subject to conditions to control private access/verge crossings construction requirements, access, turning and parking areas, construction management plan.

1.4.2 **Yorkshire Water** – No objection. On the Statutory Sewer Map, there is a small diameter public combined sewer (with manhole) recorded to cross the red line site

boundary. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

1.4.3 **Internal Drainage Board** – No objection

1.4.4 **Contaminated Land Consultants** – No objection. Having reviewed the Screening Assessment Form for the above site, as well as a brief review of readily available online information, WPA do not recommend that contaminated land conditions are required based on the currently available information.

1.4.5 **Parish Council** - Members had no objection to the above application.

1.5 **Publicity**

1.5.1 The application has been advertised by site notice and neighbour letters with 14 objections received citing the following concerns:

Amenity

Houses would be on average size garden,
There are plenty of brownfield in Tadcaster to develop,
Flats are out of line with Policy in an area of family homes,
Overdevelopment of the site,
Loss of privacy and overlooking and overbearing,
If a boundary fence was erected on the lane side this could cause access problems for emergency vehicles,
Currently enjoy an open vista with green hedges and trees.
The area surrounding the buildings would be limited to relatively small areas of private amenity space,
Use of the road between the flats and no. 47 Wharfedale Crescent would create noise, vibration, headlights and general disturbance from vehicles and pedestrians accessing the parking area to the north east to the detriment of residents and future occupiers of the flats.

Policy

Fails to accord with Policies SP2 and SP4 in being an appropriate size/scale of development.
Conflicts with Policy SP18 with effect on amenity.

Highways

Photographs provided of on street parking in the locality and general parking issues in the locality,
Inadequate parking provision.

Design

Design not similar to the surrounding houses,
Would have an adverse impact on the streetscene,
Materials proposed are unclear.

Drainage

The drains are not equipped to take any more waste.

Ecology

A walk over assessment should be conducted to assess impact on habitats.

Publicity

There should have been wider consultation.

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
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
T1 - Development in Relation to Highway
T2 - Access to Roads

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:

- 2.2.1 1. Principle of the Development
- 2.2.1 2. Visual impact on the Character and Form of the locality
- 2.2.1 3. Residential amenity
- 2.2.1 4. Flood risk, drainage and climate change
- 2.2.1 5. Impact on highways
- 2.2.1 6. Nature conservation and protected species
- 2.2.1 7. Trees and Landscaping
- 2.2.1 8. Affordable housing
- 2.2.1 9. Contamination

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 Policy SP2A identifies Tadcaster as being a Local Service Centre where further housing will take place appropriate to the size and role of each settlement. 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 town centre, its services and public transport in terms of bus routes.
- 2.3.3 The policy then goes on to require development on non-allocated sites to meet the requirements of Policy SP4A of the Core Strategy Local Plan. Policy SP4 of the Core Strategy Local Plan defines the type of development that would be acceptable within the defined development limits of the different types of settlement and states that for Tadcaster appropriate scale development on greenfield land including garden land will be acceptable in principle.

- 2.3.4 Furthermore 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.
- 2.3.5 The National Planning Policy Framework, Annex 2 provides a definition of what constitutes previously developed land and states previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition goes on to state that it excludes land in built up areas such as private residential gardens. The NPPF therefore indicates that planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 2.3.6 The application site is located on residential garden land and therefore does not constitute previously developed land in terms of the definition in Annex 2 of the NPPF. However, the NPPF is clear that such proposals would be unacceptable where they cause harm to the local area. The proposal is considered to be appropriate in terms of layout and impact on the character of the area as discussed in detail below. It is therefore considered that the proposal would not cause adverse harm to the character of the local area and is therefore acceptable in principle when balancing the requirements of the NPPF and Policies SP2 and SP4 of the Core Strategy subject to the proposals complying with Policy SP4 which are addressed in detail below.
- 2.3.7 In conclusion, the site is located within the defined development limit of a designated Local Service Centre and therefore would satisfy Policy SP2 and is considered to be appropriate scale of development in accordance with Policy SP4A. The proposal should therefore be approved unless material planning considerations indicate otherwise which are discussed below.

2.4 **Visual impact on the Character and Form of the locality**

- 2.4.1 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. In addition Policy SP8 of the Core Strategy of the Local Plan requires an appropriate housing mix to be achieved.
- 2.4.2 Significant weight should be attached to Local Plan Policy ENV1 as it is consistent with the aims of the NPPF.
- 2.4.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.4.4 Significant weight should be attached to the Local Plan policy ENV1 and Core Strategy Policies SP19 and SP4 as they are broadly consistent with the aims of the NPPF.
- 2.4.5 The application site comprises a rectangular parcel of land situated to the west side of the host dwelling no. 26 Westfield Crescent. The land equates to some 600m². A set of semi-detached houses lie to the north of the site with the gable of no. 47 Wharfedale Crescent facing were the flats would be erected. A pair of semi-detached houses lies to the west and the gable end of a terrace house with a corner plot garden. Rear gardens and detached garages lie to the east that serves a row of

terrace houses including the host dwelling. Further to the north east is a group of garages that are accessed from Wharfedale Crescent. The area is considered to be urban in layout with limited amount of off street parking which reflects the period of the houses when private cars were less in demand.

- 2.4.6 The proposed two storey buildings would occupy the large garden of no. 26 Westfield Crescent with the gable of the flats facing the gable of no. 47 with a separation distance of some 4.6m. The front elevation of this building would be circa 22m from the front elevation of the semis opposite. The side (south) gable elevation would be some 12.5m from no. 26 and circa 11.3m from the proposed detached house. There are no houses directly to the east of the flats building, only detached garages sited in rear gardens which are partly screened by hedges and this area of the rear gardens are some 12.5m from their host dwellings. The detached house would be some 1.2m from no. 26. It is considered that all of the separation distances are acceptable and would ensure that adequate space about dwellings can be achieved to ensure the development that ameliorates with its surroundings.
- 2.4.7 The flats would have a rear garden, bike store and bin store with allocated off street parking for 2 vehicles and would provide an appropriate level of outdoor space for its occupants of the one bedroom flats. The detached house would also have a rear garden with 2 vehicle parking spaces, which is one space more than many of the three bedroom houses in the estate in addition to bin and bike store. No elevation drawings of these stores have been submitted however the specific detail can be secured by condition. The position and layout is considered acceptable.
- 2.4.8 The host dwelling would as a result of the proposal have a reduced garden but the garden allocated to this dwelling is considered to be acceptable for outdoor amenity space. There would be no objection to the demolition of the detached garage to the rear of the host dwelling.
- 2.4.9 Objections received have been considered in the determination of the application. However, contrary to one comment, materials are noted in the application form as including red brick walls, concrete roof tiles and upvc doors and windows with porous tarmac vehicle accesses and drives. As noted above there is a mix of semis and terrace houses in this urban environment and introducing two storey buildings with pitched roofs of similar scale and design and external materials would not be adversely harmful to the character and appearance of the area.
- 2.4.10 It is thereby considered that the proposed layout, scale and design of the scheme would raise no adverse issues for local and national planning policies.

2.5 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 In considering residential amenity the key considerations are overlooking, overshadowing, overbearing impacts and separation distances.

- 2.5.4 Objections received have been considered in the assessment. The layout and relationship of the proposal has been discussed above and considered to be acceptable, however, comments received refer to the proposal having an adverse impact on surrounding neighbours. The flats would have first floor windows facing east toward detached garages and the northern areas of the rear gardens of nos. 20, 22 and 24 Westfield Crescent. These areas of the gardens are screened with hedges. Also the views toward these houses from the first floor flat would be oblique with separation distances ranging from 18m to no. 24 to 28m to no. 20 and thus would not be adversely harmful to the privacy of these residents or appear overbearing.
- 2.5.5 A comment received refers to, a boundary fence being erected it would block the access to the lane and garages to the north east. No boundary fence is proposed to block this access. Also an objection refers to traffic noise and disturbance to the garages to the north east affecting future occupants of the flats. However, there would be boundary treatment to provide screening of the road and this relationship would not be that dissimilar of the current garden of no. 26 which only has a short post and rail fence on the northern perimeter. The right to a view of the hedges is not a material planning consideration in determining this application.
- 2.5.6 Given the separation distances proposed the scheme is considered to be acceptable for future occupiers of the units in addition to surrounding neighbours taking account of overlooking, overshadowing and overbearing impacts. Therefore 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.
- 2.6 Flood risk, drainage and climate change**
- 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 site is not located within an area of risk of flooding being in flood zone 1.
- 2.6.5 Comments received from neighbours regarding the capacity of the drainage system are noted. However, Yorkshire Water has not raised any issues with the proposal and the Internal Drainage Board has no objection to the scheme. The application form states that foul sewage would go to the mains sewer and detail can be secured by condition.
- 2.6.6 The proposal is therefore considered to accord with Policy SP15 of Selby Core Strategy.

2.7 Impact on highways

- 2.7.1 Policy in respect to highway safety and capacity is provided by Policies ENV1(2), H12(7), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and Paragraphs 34, 35 and 39 of the NPPF.
- 2.7.2 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 Highways Officers have confirmed that they have no objection to the proposed development and requested a condition is attached to any permission in regards to access, turning and parking areas. The host dwelling no. 26 would have two parking spaces, the detached dwelling would have the same and the two flats would have a space each. This provision would satisfy the adopted parking standards.
- 2.7.4 It is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan and the NPPF.

2.8 Nature conservation and protected species

- 2.8.1 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 NPP and accompanying PPG in addition to the Habitat Regulations and Bat and Great Crested Newt Mitigation Guidelines published by Natural England.
- 2.8.2 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.
- 2.8.3 Upon request the applicant submitted an ecology assessment report which assesses the ecology value of the site and its likelihood for supporting protected species. This is a point raised by an objector. The report notes that the privet hedgerow presents suitable nesting habitat for breeding birds and suggests if the hedgerow is to be removed in part or in full during the breeding bird season, then a watching brief must be carried out. Furthermore, the garage and shed on site were assessed as not suitable for roosting bats. Also the hedgerow could provide suitable foraging or commuting opportunities for bats. If it was removed in part or in full during the breeding season further survey work is required to establish the significance of the boundary removal to commuting bats. The report notes that there are no known records of any ponds within 250m of the site.
- 2.8.4 Given the detail in the assessment it would be reasonable and necessary to secure a condition with reference to the recommendations in the report at section 7 in the interests of ecology and wildlife.
- 2.8.5 The proposal is therefore considered to accord with Policy ENV1 (5) of the Local Plan and Policy SP18 of the Core Strategy.

2.9 Trees and Landscaping

- 2.9.1 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings.

- 2.9.2 Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.
- 2.9.3 The proposal would retain a portion of the privet hedge along the southwest perimeter of the site with grassed garden area. The design and access statement makes note of areas of shrub planting with no detail on plan. It would therefore be reasonable to secure this by condition and also to retain the privet hedge as shown on the proposed site plan.
- 2.9.4 It is therefore considered that the proposal would be in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF subject to boundary treatment scheme being conditioned.

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 (SPD) 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 Contamination

- 2.11.1 The Council's Contaminated Land Consultants were consulted and advised that no conditions were necessary to be attached to any grant of approval given the evidence and site history as garden land.
- 2.11.2 The proposal is therefore considered to be acceptable in regards to contamination and is in accordance with Policy ENV2 of the Local Plan.

2.12 Conclusion

- 2.2.1 The principle of the proposed development is considered to be acceptable in accordance with Policies SP2A and SP4A of the Core Strategy Local Plan and the advice contained within the NPPF.
- 2.2.2 Matters of acknowledged importance such as climate change, flood risk, drainage, scale, design, impact on the character of the area, impact on residential amenity, impact on the highway network and impact on trees and wildlife are considered to be acceptable.

- 2.2.3 The proposed developed is considered to be contrary to Policy SP9 of the Core Strategy. However there are material considerations, as described in the report which are considered to be of sufficient weight to outweigh this conflict.
- 2.2.4 Furthermore it is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF and it is on this basis that permission should be granted subject to conditions.

3.0 Recommendation

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

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. 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 crossing of the highway verge and/or footways on Wharfedale Crescent and Westfield Cresecent shall be constructed in accordance with the approved details and/or Standard Detail number E6.

b. Any gates or barriers 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.

HI-07 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 T1 and T2 of 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.

03. 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 (Reference 878.002 Rev E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with policy T1 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

HI-14 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

04. 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. measures to control the emission of dust and dirt during construction
- e. HGV routing

Reason:

In accordance with Policies ENV1, T1 and T2 of Selby Local Plan and to preserve residential amenity and in the interests of highway safety.

05. Development shall not commence until full details of soft landscaping works and tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that there is a well laid scheme of healthy planting in accordance with Policy ENV1 of Selby Local Plan and SP19 of the Core Strategy and the NPPF.

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

Reason:

In the interest of a satisfactory and sustainable drainage strategy in accordance with Policies SP15 of the Core Strategy and the NPPF.

07. Prior to commencement of development details of the foul water discharge shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development.

Reason:

To ensure the development is provided with satisfactory means of foul water drainage in accordance with Policies SP15 of the Core Strategy and the NPPF.

08. 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.

09. The privet hedge as shown on drawing number 878.002 Rev E Site Plan, shall be retained for the lifetime of the development. If, during this period, the hedge shall die, become diseased or be removed, it shall be replaced with another of similar size and species.

Reason:

In order to protect the character of the area in accordance with Policy ENV1 of Selby District Local Plan.

10. The development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority . The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained.

Reason:

In the interests of amenity in accordance with Policy ENV1 of Selby District Local Plan

11. The development hereby permitted shall be carried out in accordance with the recommendations outlined in Section 7 of the Ecology Assessment Report by Environments for People dated September 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. Development shall not commence until a scheme detailing provision of bin and bike storage has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the works comprising the approved scheme have been completed. The bin/bike storage shall be retained for the lifetime of the development.

Reason:

In order to provide adequate provision for refuse collection and bike storage and to protect the character of the area, in accordance with Policy ENV1 of Selby District Local Plan

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

(To be inserted as part of the decision notice)

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 2016/0910/FUL and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer)

Appendices: None

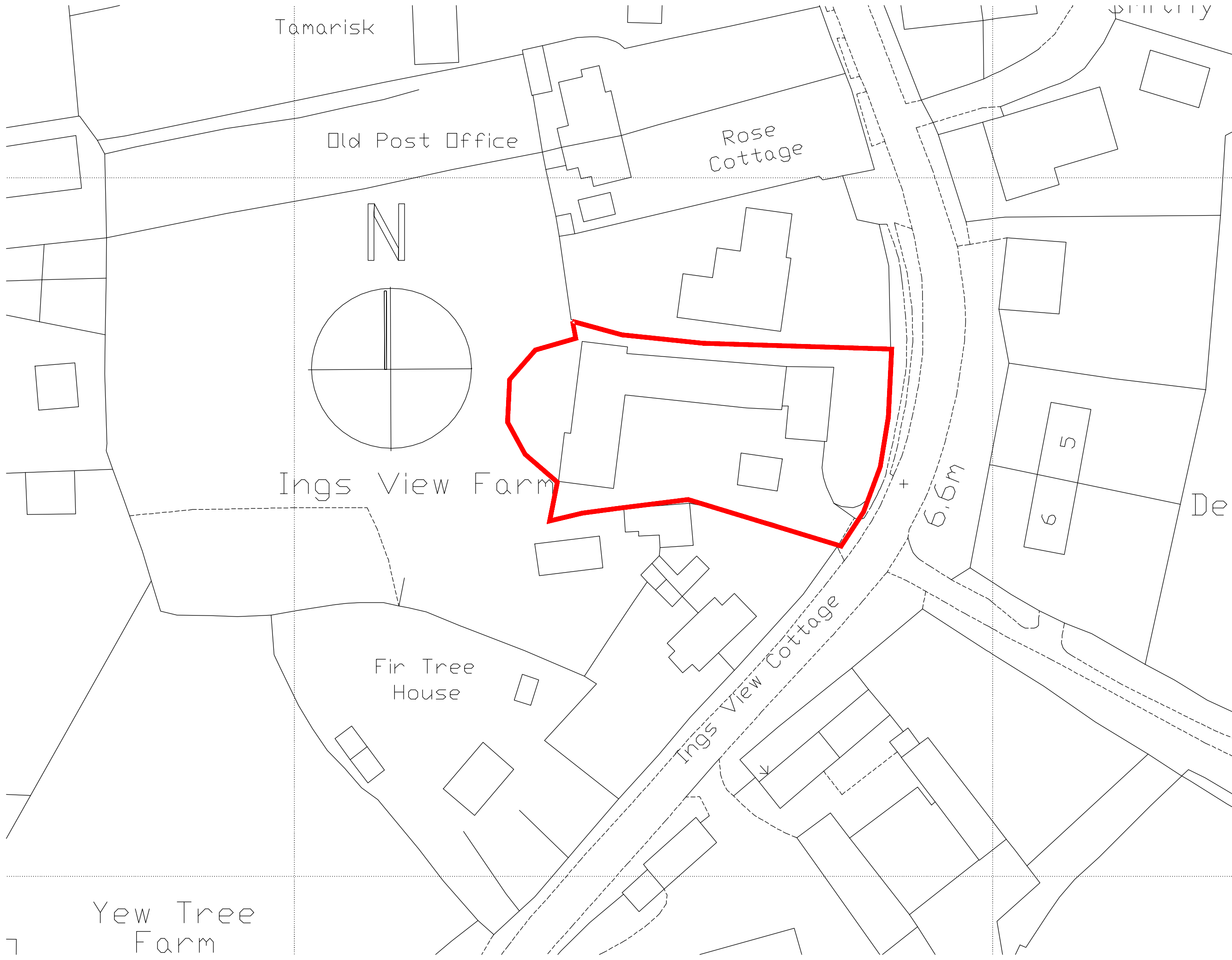


APPLICATION SITE

Item No: 2016/0955/HPA

Address: Ings View Farm, Main Street, Thorganby

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- HAZARDS:
1. Live Services adjacent site.
 2. Excavations - Ground Collapse
 3. Handling major components
 4. Working at height - Falling
 5. Machinery & Equipment
 6. Ensure all blockwork has a minimum crushing strength of 3.5N/mm²
 7. The weight of each block must not exceed 20Kg

RECEIVED
10 August 2016
BUSINESS SUPPORT

PLANNING

REV	DATE	DETAILS

REVISIONS:

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CLIENT:
MANDALE CONSTRUCTION LTD

PROJECT:
LAND AT INGS VIEW FARM
THORGANBY

DRAWING TITLE:
EXISTING SITE PLAN

SCALE: 1:250@A1 1:500@A3

DATE: Aug 16 DRAWN: SD DRG REVISION:
DRAWING NO: 1597-16-201



Report Reference Number 2016/0955/HPA

Agenda Item No: 6.2

To: Planning Committee
Date: 12th October 2016
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/0955/HPA (8/12/47P/PA)	PARISH:	Thorganby Parish Council
APPLICANT:	Mandale Homes Ltd	VALID DATE:	11 th August 2016
		EXPIRY DATE:	6 th October 2016
PROPOSAL:	Section 73 application to amend condition 06 (drawings) of approval 2013/0574/HPA (8/12/47E/PA) for barn conversion and alterations and conservation area consent for partial demolition		
LOCATION:	Ings View Farm, Main Street, Thorganby		

This application has been brought before Planning Committee as the level of objections that mean the application is considered to be locally controversial.

Summary

The application seeks to vary the plans for the conversion of a series of barns / outbuildings at Ings View Farm Thorganby, to residential accommodation as consented under Application 2013/0574/HPA issued on the 13th August 2013.

Application 2013/0574/HPA consented conversion of the buildings to provide a reconfigured kitchen / dining space, lounge, games room, sun room and w/c on the ground floor and a master bedroom suite bathroom and 2 further bedrooms on the first floor. As part of these works external alterations were agreed including additional window opening and demolition was also consented.

This application would re-configure the internal accommodation to provide at the ground floor a lounge / dining area, a snug, w/c and a play room (with the kitchen remaining unchanged) and at the first floor level provision of a master bedroom suite, three further bedrooms, a bathroom and a storage room. There would also be revisions to the external openings / window details.

Under S73 the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have.

The scope of the changes noted above are considered to be acceptable in design terms and amenity terms would in fact reduced the overall number of new windows / glazed areas, veluxes and openings within the buildings and still retain the character of the buildings.

In terms of the impact on the Conservation Area the revised approach is not considered to adversely affect the setting or significant views into or out of the area and are compatible with the character and appearance of the area.

On this basis it is considered that the proposed dwelling would be of an appropriate design and appearance which would preserve the character, appearance and significance of the conservation area in accordance with the noted Local Plan policies, the Core Strategy and the NPPF.

Recommendation

This application is recommended to GRANTED subject to the noted conditions at Section 3.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the defined development limits of Thorganby. It comprises a series of outbuildings associated with Ings View Farm which is a residential dwelling.

1.1.2 The buildings are of substantial construction and currently used by the occupiers of Ings View Farm. Access to the dwelling is taken from Main Street.

1.1.3 The properties in proximity to the site are mixed in design, materials and age.

1.1.4 To the west of the site lies an area of land which is currently being redeveloped for residential use under Consent 2015/0684/FUL to provide 7 dwellings, as granted by Committee. This development will take access from Main Street past Ings View House, with egress taken via a loop approach back to Main Street.

1.1.5 The site lies within the Thorganby Conservation Area, within close proximity to a International Wildlife Site, within Flood Zone 1 and is identified as potentially contaminated on the Councils records.

1.2. The Proposal

- 1.2.1 The application seeks to vary the approved plans to convert the outbuildings to residential accommodation for use alongside the existing Ings View Farm, as consented under 2013/0574/HPA (8/12/47E/PA).
- 1.2.2 The extant consent (which has been implemented in part) proposed to provide a reconfigured kitchen / dining space, lounge, games room, sun room and w/c on the ground floor and a master bedroom suite bathroom and 2 further bedrooms on the first floor. As part of these works external alterations were agreed including additional window opening and demolition was also consented.
- 1.2.3 This application would re-configure the internal accommodation to provide at the ground floor a lounge / dining area, a snug, w/c and a play room (with the kitchen remaining unchanged) and at the first floor level provision of a master bedroom suite, three further bedrooms, a bathroom and a storage room. There would also be revisions to the external openings / window details. There would be no increase in the footprint as a result of the development.
- 1.2.4 The application is not related to consent 2008/0286/FUL to which some objectors have made reference in commenting on the scheme. In addition it does not change the scheme as consented under 2015/0684/FUL which for the development of the land to the immediate west of the application site.

1.3 Planning History

- 1.3.1 Application 2013/0574/HPA for “Barn conversion and alterations and conservation area consent for partial demolition” was consented on the 13th August 2013.
- 1.3.2 Application 2016/0208/DOC for discharge of Conditions 02 (materials) and 03 (design details) of approval 2013/0574/HPA Barn Conversion and alterations and conservation area consent for partial demolition was consented on the 27th May 2016.
- 1.3.3 Application 2008/0286/FUL for “Conversion of outbuildings into 2 dwellings and the erection of a detached dwelling in the garden area” was consented on the 13th May 2008.
- 1.3.4 Application 2015/0684/FUL for land to the immediate west of the application site was granted consent on the 2nd December 2015 for the “Erection of 7 dwellings and garages”. This scheme is being implemented on site by the Applicants of this submission.

1.4 Consultations

- 1.4.1 Thorganby Parish Council
Noted the following strong objections:-

1. The proposed property is too large and is more than double the size of the original barn.
2. Overdevelopment of the site which is a conservation area.
3. Concern regarding the loss of architectural value by destroying the original building.

1.4.2 North Yorkshire County Council Highways
No objections

1.4.3 Yorkshire Water
No response in the consultation period

1.4.4 Yorkshire Wildlife Trust
No response in the consultation period

1.5 **Publicity**

The application has been advertised via a site notice, neighbour letter and via a Press Notice. A total of 13 letters of objection have been received from 10 properties all within the settlement. The letters raise the following matters:

Relationship to Previous Consents

- The amendment is fundamentally different from the previously approved 2008/0286/FUL which was for 3 bedroom / 2 bathroom house this application is for a 4 bedroom / 3 bathroom house. There is a significant increase
- The 2008 planning approval was for a single storey extension to the original barn replacing the attached garage, and no objection was raised in respect of this development of a redundant farm building.
- The 2013 revised approval for a two storey extension to the barn in place of the attached garage similarly met with no objection.
- The application is for an amendment to the previous application (2013/0574/HPA), which it claims is live as work had started on it. Objector also questions whether that is the case and notes that they considered that no external work has been carried out to the barn, although internal work was done in the dairy, which was part of Ings View Farmhouse. Is this sufficient for the permission to be considered live? If not, the permission has lapsed, and a new application should be submitted.
- The application amendment includes expanding the proposed new building to include a farm building (currently garage) not included within the original planning application, such that this additional extension is larger than the original barn, and would indeed dominate the original barn. This is not an amendment - this requires a new planning application
- The new plan materially changes the scale of the conversion, providing an additional 25% square footage over the previous application with a 3 bedroom/2 bathroom house becoming a 4 bedroom/3 bathroom house. By my understanding the proposed changes are to a building (currently a

garage) adjoined to the original barn with the result that this side addition extension is larger than, and becomes dominant over, the original barn. This would have a significant impact on the Conservation Area which is a designated heritage asset and the proposed changes would neither preserve nor enhance the character of the Conservation Area.

- The proposed amendments are so significant in terms of altering the scale and design of the previous planning application that and the objector notes that they do not believe they should be considered in the context of a minor amendment but as a totally new application.

Principle of Development

- This current application is now further extending the damage done to our village, the shoehorning of 7 properties into a small village has change the setting and layout forever. The stated changes to the existing barn are once again further changes to a supposedly protected conservation area, the changes to the roof height further changing the look of the village from a road view, these building works are ruining a special village.
- 7 dwellings are more than enough for this small village
- The site is too small to accommodate the 7 dwellings currently approved let alone the proposed demolition and erection of a two storey dwelling.
- This application is made along with another (2016/0951/FUL) within the same 'estate' which was surprisingly given planning permission (2015/684/FUL) despite it being objected to by over 100 people within the village and which was proved to be an unsustainable development within the linear village. Believe this application is made purely to maximise the profits for the current developers working on the same development - The previous application was wrongly provided planning permission despite adversely affecting immediate neighbours and the village as a whole. The new application again adversely affects neighbours and the village but to a much greater extent and should not be approved purely in order to maximise profit.

Design and Conservation Area

- Should implement the consent they have in place
- The new plan significantly increases the scale of the conversion, which was already large. By increasing the height and size of the current garage it will actually appear to have the barn attached to it as an annex, rather than it being attached to the barn, which will not correctly maintain the architectural and historical accuracy of these agricultural buildings, or enhance the Conservation Area within which they sit. The existing garage arches are clearly visible from the road, so the imbalance will be obvious to anyone passing by.
- The current application would mean the side addition (i.e. replacement attached garage) would be bigger than the barn itself resulting in a dwelling wholly inappropriate and out of context with its original agricultural setting both in respect of scale, plot size and appearance.
- Given the scale and design of this planning application amendment to the original planning application; this planning application must be considered as a new application, it is not a minor amendment and it should be rejected.

- This development will already change the face of the southern end of the village
- There is no need to increase the size of this building and to change the roof height, again this would be detrimental to neighbouring properties. It changes the original building character and therefore is going against the historical lines of the village.
- The proposed amendments are so significant in terms of altering the scale and design of the previous planning application that we do not believe they should be considered in the context of a minor amendment but as a totally new application.
- This would have a significant impact on the Conservation Area which is a designated heritage asset and the proposed changes would neither preserve or enhance the character of the Conservation Area

Highways and Parking

- The application does not take into consideration the subsequently approved application (2015/0684/FUL) and the one way system this included as such the approach shown on 2008/2086/FUL is no longer valid.
- Since building began, the volume of traffic has increased significantly with trucks coming to the site with no regard for weight restrictions in the village and vehicles have had significant difficulty entering the site
- The planning application amendment does not specify traffic flow and parking, Further, given the volume of traffic on the one-way system in conjunction with the lack of parking, and the limited access between the buildings located within Ings View Farm, this planning application amendment should be rejected. When the original planning application was submitted, no consideration was given to the impact of the 7 new builds on the site with the very limited car and pedestrian access – this is a major issue.
- Given the dramatic change in access provision since the last approval was given for this ‘conversion’ and the large number of vehicles which will need to pass directly alongside the building each day to access the new development, believe that any changes to those permissions already granted need to be most carefully and fully scrutinised.
- There is also no provision for a garage, or additional parking that would be required for such a larger property and since the original 'hammerhead' access road layout has been replaced by the one way system serving the new estate it would appear that cars parked in front of the proposed property would have to back out into the one way system being used by nine other dwellings within the Ings View development (7 new, 1 other new application plus the Farm itself).
- Parking and access for residents and visitors is inadequate for the size of property now being proposed, especially as it will have to be shared with the adjoining Ings View Farm. Larger delivery vehicles such as oil tankers will find it very difficult to service the property, and may instead stop on (and block) the one-way entry system to the recently approved

development of 7 detached houses behind the farm (2015/0684/FUL). Or they will park on Main Street, on a bad bend with very limited existing visibility. Since work on the new development has commenced, there have already been several near misses as drivers have come upon HGV and delivery vehicles trying to access the new development, and visitors to Ings View Farm have regularly parked on the bend over the last 18 months and caused an obstruction. The farm is now losing much of the parking space that it did have, so the problem will only increase. Main Street is already subject to a high volume of through traffic (which frequently breaks the speed limit), along with the cyclists, horse-riders and the school bus which stops nearby. Vehicles parked on that bend, or vehicles trying to manoeuvre into the access road/farmyard will inevitably cause an accident at some stage.

- Both Ings View Farm and this barn development will have to use the one way access and exit routes approved under (2015/015/0684/FUL) rather than the hammerhead access approved in the original application (2008/0286FUL). There is no mention of this significant change in the application and without plans to show how vehicles may safely exit the limited parking in front of the building - am concerned that vehicles would reverse into the access road/footpath for the 7 new houses or indeed would drive the wrong way round the system to take a short cut. The one way system is unpoliceable
- There is no provision for parking other than in front of the building and given the extended accommodation within the new proposal there will inevitably be multiple vehicles which need to park/have access to the property. Any available parking would also have to be shared with Ings View Farm which adjoins the original barn and which has already lost its current parking provision because of the access required for the recently approved development of 7 detached houses behind the farm (2015/0684/FUL).
- Without sufficient provision it is highly likely that resident and/or visitor vehicles would park on the main road outside our property. This would be highly hazardous given the number/speed of vehicles, horses, and cyclists that pass through the village. There is limited visibility due to bends in the road. Indeed our own property, when built, was subject to strict conditions on visibility splays on account of road safety considerations – see 2012/0889/FUL and 2013/0585/FUL. As sat here in my office today have witnessed many trucks (> 10) associated with the development 2015/0684/FUL blocking the road, causing an obstruction and hazard to other road users through this small village – furthermore, they are breaking the 7.5MT weight limit. THESE BENDS ARE TRULY VERY DANGEROUS (I should know since I have to take great care when exiting my drive) and it is only a matter of time before there is a serious accident.
- There is no provision for parking other than in front of the building and given the extended accommodation within the new proposal there will inevitably be a large number of vehicles which need to park/have access to the property. Any available parking would also have to be shared with

Ings View Farm which adjoins the original barn and which has lost its current parking provision because of the access required for the recently approved development of 7 detached houses behind the farm (2015/015/0684/FUL). Without sufficient provision there would be a distinct possibility that resident and/or visitor vehicles would park on the main road which would be very hazardous given the number/speed of vehicles that pass through the village and the limited visibility due to bends in the road.

Impact on Amenity

- Increasing the proposed size of the barn conversion will have further negative impacts on the amenity and privacy of other existing properties, which are being blighted by the 7 new builds. The objector asks that you stipulate that privacy glass must be fitted in windows directly overlooking adjacent properties – the window in the north facing side of the barn looks directly onto two bedroom windows and a bathroom in the objectors property.
- Concerned about amenity and privacy – already we will have several houses in the field; the barn becoming a larger development means that our property will become completely boxed in. Objector requests that provision will be made for privacy glass to be used in windows directly overlooking adjacent properties – the side of the barn is less than 3 metres from my property.

Ecology

- There are many bats flying around Ings View Farm and neighbouring properties. Would have thought that a fresh ecological survey would be required as surely the one submitted with the original 2013 application is now out of date?
- Have raised concerns previously in regards to the great crested newts in the 200m zone.

Drainage

- The drain in Thorganby cannot cope with another large house being built in this location as part of the estate at Ings View. The current vacuum system does not work properly and overflows human waste whenever the river floods. Unless the whole drainage system is replaced it is irresponsible to allow any more properties to build at this end of Thorganby. The objector notes that they live at the lowest point of the system and does not want to be affected by people's excrement flooding their property. Without cast iron guarantees from the Yorkshire Water that the drains can cope and adequate insurance policies in place from the developer this development should not be allowed.
- There are geological issues that Yorkshire Water is aware of that makes the drainage in Thorganby problematic.
- Changes to the scheme will impact on surface water run off though new hardstanding / roof areas and vehicle accesses.

Services

- The associated services required for this development is adding yet more refuse collection issues, drainage and sewerage issues and further demand on schooling places in the school in Wheldrake.

Other Issues

- This is an application put in after there was acceptance of planning for 7 dwellings in the same area of Thorganby. If it had been put in at the same time as the accepted plans, this would have been thrown out. The disgraceful way that the planning officers rode over village objections for the 7 buildings is being appealed. To add this new planning application now is unacceptable. The usual issues of overbuild, village superstructure overburdened, and excess traffic are to be stretched way past the villages ability to cope.
- Strongly object to this further development of this site, the original approved application for the development of 7 houses on the site was dubious in itself due to discrepancies and downright untruths.
- The government has stated that the needs of the local population should be taken into account, these needs have been openly discussed at Parish Council meetings, their wishes and comments must be taken into account.
- The Planning application provides no assessment of the impact of the development on the heritage asset as required under Para. 128 of the National Planning Policy Framework.
- Extremely concerned regarding the infrastructure to the site - waste bins, access and the pressure on the sewerage system which does not cope with the number of existing residences
- Disappointed to see the applicant even had the audacity to request disposal of previously applied conditions
- The Planning application provides no assessment of the impact of the development on the heritage asset as required under Para. 128 of the National Planning Policy Framework

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 as follows:

- Policy SP1 Presumption in Favour of Sustainable Development
- Policy SP12 Sustainable Development and Climate Change
- Policy SP13 Improving Resource Efficiency
- Policy SP15 Protecting and Enhancing the Environment
- Policy 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:

- Policy ENV1 Control of Development
- Policy ENV25 Control of Development in Conservation Areas
- Policy T1 Development in relation to the Highways Network

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 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.

2.4 Assessment

- 2.4.1 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and —
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."
- 2.4.2 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the development with the proposed variations to Condition 6 (approved plans) of planning permission 2013/0574/HPA would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if these conditions were retained in their present form.
- 2.4.3 The previous planning permission under Application 2013/0574/HPA consented conversion of the buildings to provide a reconfigured kitchen / dining space, lounge, games room, sun room and w/c on the ground floor and a master bedroom suite bathroom and 2 further bedrooms on the first floor. As part of these works external alterations were agreed including additional window opening and demolition was also consented. This was considered acceptable subject to conditions on time for implementation, materials window details. Removing permitted development rights, implementation in accordance with submitted Bat survey and the plans list.
- 2.4.4 This application would re-configure the internal accommodation to provide at the ground floor a lounge / dining area, a snug, w/c and a play room (with the kitchen remaining unchanged) and at the first floor level provision of a master bedroom suite, three further bedrooms, a bathroom and a storage room. There would also be revisions to the external openings / window details. Application 2016/0208/DOC for discharge of Conditions 02 (materials) and 03 (design details) of approval 2013/0574/HPA "barn conversion and alterations and conservation area consent for partial demolition" was consented on the 27th May 2016.

Changes in Policy and Surrounding Land Consents

- 2.4.5 In considering the original application (2013/0574/HPA) the scheme was considered in the context of Draft Policies in the Core Strategy and there was

no consent in place for the development of the land to the rear of the buildings under 2015/0684/FUL.

2.4.6 In terms of the Core Strategy then at the time of the determination of the original application (2013/0574/HPA) then the Core Strategy was at an advance stage of preparation as an emerging plan and as such it was given significant weight in assessing the planning application. The adoption of the Core Strategy has not changed the context in such a way as to render the proposed scheme unacceptable.

2.4.7 In considering the scheme for the land to the rear of Ings View House, Officers were aware of the consent for the conversion and alterations as consented under 2013/0574/HPA, as such although this represents a change in circumstances it is not considered that the changes now being sort to the design would be unacceptable in the context of consent 2015/0684/FUL.

Reduced Site Area and Red Line

2.4.8 The red line on the S73 Application has been amended to a reduced site area over that within the original application (2013/0574/HPA), which reflects the redevelopment of the wider land ownership. The applicants have also confirmed that the dwelling would still be a single unit as part of Ings View House. In any instances Officers would note that should Ings View Farm be split into two units consent would be required from the Local Planning Authority.

Design Changes

2.4.9 As noted above the proposed plans would re-configure the internal accommodation to provide at the ground floor a lounge / dining area, a snug, w/c and a play room (with the kitchen remaining unchanged) and at the first floor level provision of a master bedroom suite, three further bedrooms, a bathroom and a storage room. There would also be revisions to the external openings / window details.

2.4.10 This was achieved through:

- Conversion of the “Old Diary” to provide enlarged utility room and open plan kitchen / living space;
- Conversion of the existing kitchen to a dining room;
- Conversion of the “barn” ground floor to a lounge, hallway and staircase;
- Conversion of the Barn upper floor to two bedrooms, hallway / atrium and bathroom;
- Conversion of the “store and open store” to sunroom and games room on the ground floor; and
- Addition of second floor accommodation to the “store / open store” building to provide master bedroom and associated en-suite.

2.4.11 Alongside partial demolition to the store building to removal the rear external wall which is of asbestos construction and it's re-building and a two storey extension element.

2.4.12 The submitted revisions to the scheme would result in:

- No changes to the frontage of Ings View Farm to Main Street and the north elevation over that already consented under 2013/0574/HPA;
- On the southern elevation the number of veluxes would be reduced from 5 to 2, a quad folding door would be replaced with a single door;
- On the eastern elevation would reconfigure the velux windows and reduce the number from 3 to 2, redesign one set of patio doors to a part timber / part glazed design from a fully glazed door and change the design of a single door to a part glazed and part panelled door rather than a full timber door;
- On the western elevation replace the large feature glazed window to a series of smaller windows, replace a double patio door with a three part folding patio door and reduced the windows at the first floor level to 3 from 4 with a reduced window size;
- Change the internal layout to retain the kitchen provision as already in place and reconfigure the internal layout to provide and revised mix of accommodation.

2.4.13 The scope of the changes noted above are considered to be acceptable in design terms and amenity terms would in fact reduced the overall number of new windows / glazed areas, veluxes and openings within the buildings and still retain the character of the buildings.

2.4.14 In terms of the impact on the Conservation Area then the scheme is then the revised approach is not considered to adversely affect the setting or significant views into or out of the area and are compatible with the character and appearance of the area.

2.4.15 As such, having taken the above into account it is considered that the proposed dwelling would be of an appropriate design and appearance which would preserve the character, appearance and significance of the conservation area in accordance with the noted Local Plan policies, the Core Strategy and the NPPF.

Other Issues raised by Objectors

2.4.16 Objectors have raised issues relating to highways impacts, protected species, impact on amenity, drainage and service capacity. As noted above this application is a S73 submission and as such the scope of consideration is that of the changes to the scheme. All these noted issues were considered on the initial consent and the proposed changes to the scheme do not require re-consideration of these matters.

Scope of Conditions

2.4.17 It is noted that the Agents have stated that the works to implement Consent 2016/0574/HPA, have commenced on site and therefore the time limit condition for starting the works is not considered to be relevant.

2.4.18 In addition it is noted that under Application 2016/0208/DOC for discharge of Conditions 02 (materials) and 03 (design details) of approval 2013/0574/HPA Barn Conversion and alterations and conservation area consent for partial demolition was consented on the 27th May 2016, details of materials have been agreed. On this basis of revised version of the materials condition is proposed on this consent to reflect this position.

2.4.19 Members should note that a condition it still required on the design, appearance and finished colour of all external doors, window frames, glazing bars, rainwater goods and ridge tiles for the scheme given the scope of changes of the approved plans.

2.5 Conclusion

2.5.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposals are considered to be acceptable and are in accordance with Policies ENV1, ENV25 and T1 of the Local Plan, Policies in the Core Strategy and the advice contained within the NPPF.

2.5.2 It is therefore concluded that the proposed variation to Condition 6 (approved plans) of planning permission 2015/0574/HPA is acceptable, subject to amended conditions.

3.0 Recommendation

Recommended to be APPROVED subject to the following conditions:

01. The development shall take place utilising the following materials

a) West Facing Elevation:

- Walls: to match existing and to be an Old Hambleton brick
- Roof: natural slate to match existing taller pitch
- Windows and Doors: grey aluminium unless shown as otherwise on the approved drawings
- Guttering: black PVCU/plastic cast iron effect

b) East, South & North Facing Elevations:

- Walls: to match existing and to be an Old Hambleton brick
- Roof: natural slate to match existing taller pitch
- Windows and Doors: cream PVCU wood effect to match existing courtyard area
- Guttering: black PVCU/plastic cast iron effect

Only the approved materials shall be utilised and these shall thereafter be so retained and maintained unless otherwise approved in writing by the Local Planning Authority

Reason:

In the interests of visual amenity and in order to ensure that the proposals preserve the character and appearance of the conservation area to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and the Core Strategy.

02. Within 3 months of the date of this consent hereby approved details of the design, appearance and finished colour of all external doors, window frames, glazing bars, rainwater goods and ridge tiles have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised and these shall thereafter be so retained and maintained unless otherwise approved in writing by the Local Planning Authority. Detailed plans should be to an appropriate scale e.g. 1:1, 1:2 or 1:5.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are in keeping with the character and appearance of the conservation area to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and the Core Strategy.

03. Notwithstanding the provisions of Class A and Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved, in the house or its curtilage hereby approved without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of visual amenity and residential amenity having had regard to Policies ENV1 and ENV25 of the Selby District Local Plan and the Core Strategy.

04. The development, hereby approved, shall be carried out in accordance with the recommendations outlined in the submitted Bat Survey Report dated June 2013 as prepared by Applied Survey & Design (York) Ltd, as received by the Local Planning Authority on the 26th June 2013 under Application 2013/0574/HPA.

Reason:

To ensure that the favourable conservation status of bats is maintained in accordance with Policy ENV1 of the Selby District Local Plan, the Core Strategy and the NPPF.

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

- Location Plan (Ref 1597-16-300) as received 10th August 2016
- Existing Site Plan (Ref 1597-16-301) as received 10th August 2016
- Existing Plans and Elevations (Ref 1597-16-302) as received 10th August 2016
- Proposed Elevations Sheet 1 of 2 (Ref 1597-16-304) as received 10th August 2016
- Proposed Elevations Sheet 2 of 2 (Ref 1597-16-305) as received 10th August 2016
- Proposed Floor Plans (Ref 1597-16-303) as received 10th August 2016

Reason
For the avoidance of doubt.

INFORMATIVES

- a) COAL
- b) CONVERSION CONSENT
- c) BATS INFORMATIVE

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 2016/0955/HPA and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None.

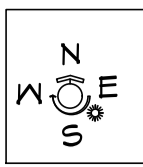
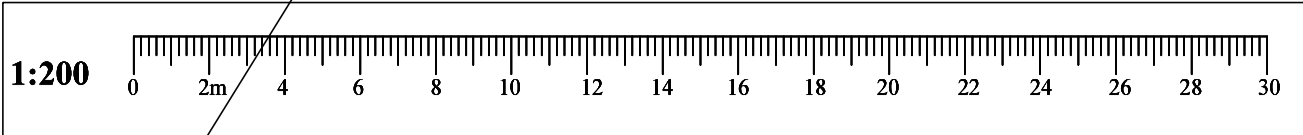


APPLICATION SITE

Item No: 2015/0202/FUL

Address: Low Farm Road, Bolton Percy

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8.56m contour
 Taken from EA model node 12213 model case 326
 a) Max water levels MAOD (with defences) scenario
 b) Sely scenario
 1000 year level 8.56m in both scenarios

AMENDED
DRAWING

RECEIVED

08.09.2016

BUSINESS SUPPORT

New hawthorn hedge
 Double staggered row 15/20 cm apart and 30/40 cm in line, stock size 45/60 cm.

SHRUB PLANTING

- A**
- Hebe aticans
 - Hypericum calycinum
 - Rosa max graf
 - Cotoneaster dameri
 - Cotoneaster salicifolia repens
- B**
- Mahonia aquifolium
 - Rosa rugosa
 - Geomothus burkwoodii
 - Viburnum carlesii
 - Potentilla fruticosa
 - Lonicera pileata
 - Prunus laurocerasus Otto Lutken
 - Hebe great orme or autumn glory

GROUND COVER
 3 species per bed planted at 450mm c/s in groups of five to fifteen

All shrub beds to be well mulched with wood / bark chippings after planting. 15-75 particle size and 75mm settled depth. Soil to be dished around plants to prevent spillage onto paths and adoptable surfaces.

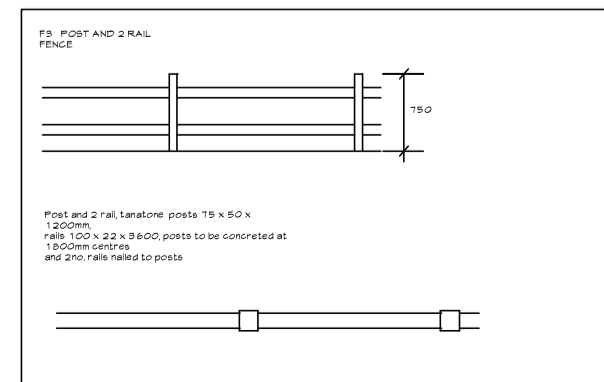
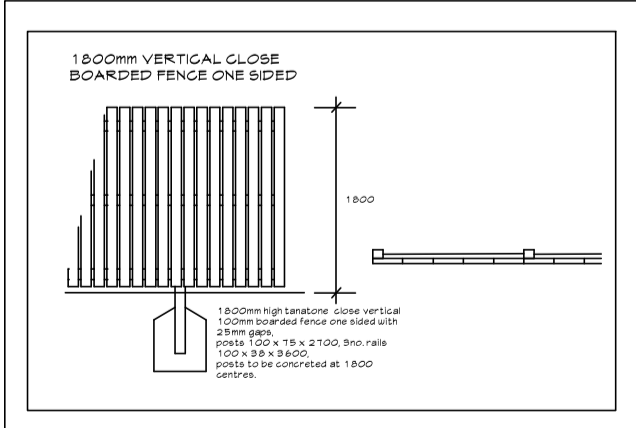
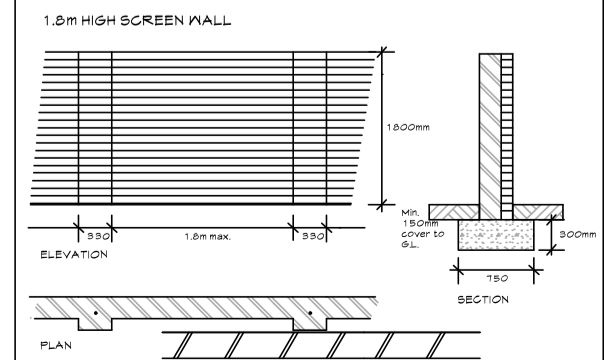
- 1 All planting operations should be carried out in suitable weather conditions between October and March unless otherwise agreed. November being the optimum time.
- 2 Planting pits should be prepared to accommodate the roots of the tree/hedge stock and allow for planting to the original depth. New plants should be made firm to avoid movement to reduce the chance of failure.
- 3 Trees should be supported by stakes fixed to the windward side of the trees and secured by a non-abrasive tie that allows movement without chafing.
- 4 New hedging to be protected by a post and wire until established.
- 5 Watering should take place after planting to settle the soil around the roots to stemland ensure the plants become established particularly if planting takes place late in the season.
- 6 Any dead or damaged plants should be replaced after the first season, tree ties should be checked regularly to ensure they are not restricting growth.

Tree Planting

No	SPECIES	COMMON NAME	SIZE
6	Betula pendula (BP)	Silver Birch	10-12cm girth container grown
4	Ilex Aquifolium (IA)	English Holly	2.0m tall container grown.
3	Sorbus Aucuparia (SA)	Upright Rowan	10-12cm girth container grown
3	Alder Glutiosa (AG)	Common Alder	10-12cm girth container grown
2	Betula Pendula Youngii (BPY)	Weeping Birch	10-12cm girth container grown

Following plants, trees to be secured to a 'cross bar' between two stakes so as not to damage the root balls of the tree. An area with a diameter of one meter around each tree to be covered with 50mm coarse bark mulch and kept weed free until the trees are established.

Any trees or shrubs which die within a period of 5 years are to be replaced.



- Amendments
- a) Aug 16 SW details removed
 - b) Aug 16 east barn garage relocated
 - c) Sept 16 planning revision

BRIAN SCOTT DESIGNS LLP
 Blacksmiths Cottage, Station Rd,
 Wistow, Selby, North Yorkshire, YO23 3UZ
 Tel: (01757) 260054
 email: info@brianscottedesigns.com

Client
Mrs. J. Penty

Project
 Proposed development off Old Road,
 Bolton Percy, Tadcaster, YO23 1AH

Drawing
Proposed siteplan 2 plots

Date	Aug 15	Drawing No.	1664 siteplan 2 plots
Scale	1:200	Sheet size	A2



Report Reference Number 2015/0202/FUL

Agenda Item No: 6.3

To: Planning Committee
Date: 12th October 2016
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/0202/FUL (8/78/117/PA)	PARISH:	Bolton Percy
APPLICANT:	Joan Penty	VALID DATE:	24th February 2015
		EXPIRY DATE:	21st April 2015
PROPOSAL:	Proposed erection of 2 No detached houses with associated garages		
LOCATION:	Low Farm Road Bolton Percy Tadcaster North Yorkshire		

This application has been brought before Planning Committee due to the number of representations received contrary to the officer's recommendation. 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.

Summary:

The original scheme submitted sought permission for three dwellings but has now been amended to two. Further drainage details have also been received.

The comments of the Parish Council and Drainage Authority on the revised plans are awaited and an update will be given to members at the meeting.

When considered against the requirements of the 1990 Town and Country Planning (Listed Buildings and Conservation Areas) Act in which the decision maker has to pay special attention the desirability of preserving or enhancing the character or appearance' of a conservation area and to have special regard to the desirability of preserving the setting of a listed building or any features of a special architectural or historic importance which it possesses, the scheme is concluded to be acceptable.

Having had regard to the development plan, all other relevant local and national policy, and all other material planning considerations, it is considered that the proposed development is acceptable (subject to the above consultation responses and no new issues being raised) and subject to the conditions set out in section 3.

Recommendation

This application, (subject to a satisfactory response from the drainage bodies, and, subject to no new issues being raised by the Parish) is recommended to be APPROVED subject to the conditions set out below, and any additional conditions required by the drainage authorities.

1. Introduction and background

1.1 The Site

1.1.1 The site comprises part of a paddock within the development limits of the village of Bolton Percy. The application site comprises the northern part of the paddock which is 0.29ha in area. The eastern boundary which runs alongside Old Road is comprised of a wooden post and rail fence. The northern boundary is comprised of an evergreen hedge. The southern boundary of the whole paddock has a row of mature deciduous trees.

1.1.2 To the north of the site is Low Farm Close, a cul-de-sac of large detached houses in generous plots. Beyond this are a collection of slightly older properties of similar size, scale and design set round Fairfax Close and Rectory Close. To the east across Old Road, which forms the development limit boundary is open countryside and to the south east is Low Farm, comprising a traditional red brick range of farm buildings with later additions. To the west of the application site is Glebe Farm comprising a range of traditional farm buildings around a fold yard, beyond which is All Saints Church.

1.1.3 The site lies both within the development limits of Bolton Percy and is within the Bolton Percy Conservation Area. In addition, a number of listed buildings are located close-by including All Saints church, The Old Rectory, Rectory Cottage, Tithe Barn and Priesthill Cottage.

1.1.4 A drainage ditch, classified as being in Flood Zone 2 is located on land to the south of the site, but this does not encroach onto the application site.

1.2 The Proposal

1.2.1 Full planning permission is sought to erect two detached dwellings. These are designed in the form of a two storey gabled farmhouse and a dwelling (East Barn) designed as a barn conversion. The building would utilise Hoskins Flemish Brick for exterior wall finish with roof finishes consisting of a Spanish Slate tile for the farmhouse and a pantile slate for the barn.

1.2.2 Each dwelling would have an independent access from Old Road. The Farmhouse would have an integrated double. The East Barn would have a detached double garage building positioned close to the northern boundary. The existing landscape screen on the northern boundary would be retained with planting schemes for the other exterior boundaries to be agreed by condition.

1.3 Planning History

1.3.1 There is no recorded planning history to the site.

1.4 Consultations

The summarized comments below are based on the original submitted scheme for 3 dwellings. The Parish Council, Highway Authority and Drainage Board have been re-consulted on the revised plans and an Update will be given at the meeting of any new comments received.

1.4.1 Bolton Percy Parish Council:

- 1) Site In Conservation Area and is inappropriate for three such large detached properties.
- 2) Query what is intended for remainder of paddock.
- 3) Potential Archaeological and historical interest, so more investigation is required- not just a desk-based investigation.
- 4) Garden size to each property very small.
- 5) Issues relating to inadequate parking, visibility, provision for deliveries, limited road width and lack of footpath.
- 6) Sewage/Surface water drainage is a major problem. Additional building can only make this bad situation worse.
- 7) Plans untrue regarding the absence of a water course. A major watercourse at the opposite side of the road is culverted under the road. No proposal is being made regarding this underground water course!
- 8) The village suffers flooding during heavy rainfall. When the beck in the centre of the village is full, the water backs up and floods the proposed site area. The land drainage to the North of the site, overflows onto the road adjacent Low Farm Close, when the ditch/culvert is full, it runs towards the existing properties. Therefore it will also affect the proposed houses. The water then runs into the underground culvert adjacent this site into the beck in the centre of the village. A village pump has been purchased to help prevent some houses flooding further down the beck. Selby District Council and Environment Agency are well aware of this major problem in Bolton Percy and should be very concerned at this proposal that will cause a major problem with the current flood control system.
- 9) The councillors feel Selby District Council should contact Drainage Board, Environment Agency and Yorkshire Water for detailed reports, before any decision is made on this apparently unsustainable major development.

1.4.2 North Yorkshire Archaeology Service:

The site lies in an area of archaeological interest and potential, within the historic core of the former medieval village of Bolton Percy. Agree with the conclusions made in the Desk Based Assessment that there is the potential for archaeological remains to be preserved within the development area.

NY Archaeology advises that conditions and informatives be appended to any planning permission granted. (see conditions included at Section 3).

1.4.3 NYCC Highways:

The Local Highway Authority recommends conditions and informatives are attached to any permission granted. (see conditions included at Section 3).

1.4.4 NYCC Rights of Way Officer:

No comments received.

1.4.5 Yorkshire Water Services Ltd:

Based on the information submitted, no comments are required from Yorkshire Water. The proposed site plan shows separate systems for foul and surface water drainage, with foul only draining to public foul sewer in Low Farm Road, and surface water being drained to local dyke/land drain. Surface water rate of discharge into this system, subject to agreement with the local Internal Drainage Board (IDB), and/or Council's Drainage Section.

1.4.6 Ainsty (2008) Internal Drainage Board:

Initial Response- a number of points made with an overall objection based on insufficient information with regards to a comprehensive surface water drainage strategy.

Second response- Lack of information to confirm a connection to the drainage system. Therefore discharge rates should be calculated at a Greenfield rate. Amended scheme refers to the intention to attenuate flows through the use of a flow control device and oversized pipes for storage; but insufficient detail provided with regards to the capability of this method to restrict flows to a Greenfield run off rate. Any discharge at a rate higher than this could increase flood risk within Bolton Percy and/or result in additional flows entering the River Foss.

Third Response on further drainage strategy awaited.

1.5 **Publicity**

The application was advertised by neighbour letter, site notice and newspaper advertisement. Representations have been received from 10 households (more than 10 letters) and a further letter on behalf of Samuel Smith Brewery with key issues/comments made summarized as follows: (Note all of these are based on the original scheme for 3 dwellings).

Grounds of objection

- Water/Drainage Issues- Site and location is known for serious problems of flooding. Need to ensure homes will not be impacted. Extra pressure on an already overloaded system. 'The Beck' not shown on plan is less than 5m away & a major source of surface water and foul sewage flooding. Full FRA should be submitted.
- Queries regarding the drainage pipes and manholes to serve Low farm Close and Fairfax Close in the paddock.
- Traffic issues-2 new accesses onto Old Road which is narrow, no street lights and gets muddy and flooded. Parking- large houses generate more cars leading to parking and congestion on narrow road and traffic generated in the village. Lack of a footpath.
- Loss of an important open space
- Land should be kept for Grazing for one of the 3 farms in the village
- Poor design and siting
- Precedent for future building on remainder of paddock
- Overlooking and loss of privacy to occupants of 1 & 2 Low farm Close
- School bus to Tadcaster is full
- Network rail works to rail line are blocking access to village (Temporary effect)
- Query intentions for future development on the rest of the paddock

- Impact during construction has not been considered.
- Lack of information on Ecological Impacts.
- Lack of detail on landscaping- robust scheme needed
- Loss of agricultural land
- Garden size too small for the dwellings proposed.
- Not the best and most sustainable use of the space
- Harm to the Conservation Area and the setting of nearby Heritage Assets including loss of views of Glebe Farm and the historic Church. (Plus No assessment by applicants of this in their statement)
- Lack of notification.
- Issue of sustainability not addressed by the applicant. – Primary access will need to be by car to jobs and services. Bus services are limited.
- Policy SP4 is key- this does not comply with any of the categories and is not infill development.
- Contrary to Policies ENV22 & ENV25
- Impact on the footpath in the site – NY Not consulted.
- Scheme is not compliant with Affordable Housing Requirement

Grounds of Support

- Plan shows footpath to Glebe Farm to remain
- Design is good-the 3 houses proposed would enhance the Conservation Area
- Preference for 2 homes on larger gardens supported.

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". 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
SP5:	The Scale and Distribution of Housing
SP8:	Housing Mix
SP9:	Affordable Housing
SP10:	Rural Exception Sites
SP15:	Sustainable Development and Climate Change
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
ENV25:	Conservation Areas
T1:	Development in Relation to Highway

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

2.4.1 The NPPF introduces 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".

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

2.4.3 Other Documents

Background Paper to Boundary changes for the Conservation Areas in the Selby District Local Plan- A review of the Special Architectural and Historic Interest of the Village, for Selby District Council. Roger Wools Heritage Consultants:(1995) Bolton Percy.

2.5 Key Issues

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

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

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. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

- 2.6.2 The application site is situated on a greenfield site inside the defined development limits of Bolton Percy, which is a Secondary Village as identified in the Core Strategy Local Plan (CS). Policy SP2A(b) of the CS states “Limited amounts of residential development may be absorbed inside development limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and Policy SP10.”
- 2.6.3 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. It has been suggested by an objector that this site does not fall within any of the above categories. However, this site fronts Old Road at the northern end of the village. This road continues running through the village from north to south and has residential frontages along almost its entire length. This paddock provides a break in that frontage but there are dwellings to the north and the residential development continues to the south through the village. The removal of the third dwelling in this scheme leaves only the two units each of which would have a frontage on Old Road. Dwellings flanking the site to the north, accessed off Low Farm Close have a residential boundary to the road frontage. As such the scheme would represent the filling of a small linear gap in an otherwise residential frontage.
- 2.6.4 Furthermore, the site is part of Glebe Farm, a farmstead within the development limits of the settlement. Policy SP4(a) of the CS 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. The first principle relates to the conversion of farm buildings and is not relevant to this case. The second two principles are identified and dealt with in turn below;
- *“Redevelopment of modern buildings and sympathetic development on farmyards and open areas may be acceptable where this improves the appearance of the area”.* The paddock is stated to be part of Glebe Farm. The development of the site accords with Policy SP4a provided it can be demonstrated to improve 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.
- 2.6.5 Overall the development is considered to be consistent with the aims of Policy SP2 and SP4 of the CS provided that it would protect accord with SP4 c) & d) in relation to its impact on local amenity, the character of the local area, and to comply with normal planning considerations. The impact on acknowledged interests is considered in the following parts of the report.

2.7 Impact on Designated and Non Designated Heritage Assets

- 2.7.1 When considered against the requirements of the 1990 Town and Country Planning (Listed Buildings and Conservation Areas) Act the decision maker has to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and to have special regard to the desirability of preserving the setting of a listed building or any features of a special architectural or historic importance which it possesses.

- 2.7.2 Relevant Development Plan Policies include SP4(c) of the CS as discussed above. Policy SP18 seeks to conserve those historic assets which contribute most to the distinct character of the District. Policy SP19 compliments this by setting out standards for development. Criteria 1 and 4 of Policy ENV1 of the Selby District Local Plan are also relevant and relate to 'the effect upon the character of the area', and 'the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping'. Criterion 5 of ENV1 requires that 'the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area' to be taken into account.
- 2.7.3 Policy ENV25 of the Selby District Local Plan should be given limited weight due to the conflict between the approach taken in the policy and that set out within the NPPF, with the latter's emphasis on conserving the significance of designated heritage assets and the balancing of harm to heritage assets against the public benefits of a proposal.

Impact on the Character and Appearance of the Bolton Percy Conservation Area

- 2.7.4 In accordance with paragraph 128 of the NPPF the applicant has submitted an Heritage Impact Statement, and a Desk Based Archaeological Assessment prepared by York Archaeology Trust, which describes the significance of the heritage assets affected by the proposal, including the conservation area.
- 2.7.5 The Heritage Impact Statement (HIS) identifies the key characteristics in respect to the historical layout of Bolton Percy. In respect to the design considerations of the proposed dwellings to their historic context the HIS states: -

"The design, siting, scale and density of the new dwellings has carefully responded to the well-established and distinctive agrarian heritage of the village. The Farmhouse and East Barn address the street scene and provides a strong building line which is reflective of the nature of development throughout the village. This arrangement of residential and ancillary farm buildings is frequently found and as such helps establish the new development comfortably and convincingly into its context".

- 2.7.6 The Character and appearance of the Bolton Percy Conservation area was identified in the "A Review of the Special Architectural and Historic Interest of the village" by Roger Wools Heritage Consultants for Selby DC as part of the Selby District Local Plan review of Conservation Area boundaries in 1995. It describes the "essence of the village is that it is a mixture of green spaces, mature trees, historic buildings and new development which sit together alongside the small river Foss and its marshland". Mention is made of this application site as "another important green space within the village is made up of a small field behind Glebe Farm which with the adjoining graveyard" provide a zone sanitaire between new housing and the church area. It sets out that the presence of working farms within Bolton Percy ensures a diversity of uses and the continued maintenance of open spaces and agricultural buildings.
- 2.7.7 As such application site is an open space which does contribute to the character and appearance of the Bolton Percy Conservation Area and the loss of part of such spaces should be carefully considered with an assessment of the impact of development proposals on the conservation area as a whole.
- 2.7.8 It is noted in the 1995 'Review' that the application site was on the edge of the village where it formed the beginning of the open rural hinterland. It is therefore only a product of modern development to the north of the site (in what is now Low Farm Close/ Rectory Close/ Fairfax Close) that the site took on the form of a semi-enclosed space within the village. This contrasts with the other open spaces within the village core, such as the graveyard, green and church yard which have always been open spaces within the village.

This to be an important distinction in the respective significance of the two types of spaces, the application site being located outside of the historic core of the village and other spaces being located within the historic core. As a piece of land that was historically on the edge of the village the significance of the land has been substantially eroded as the development to the north has meant that it is now included in the village.

- 2.7.9 The proposal would not result in the loss of any trees, verges, hedging or paving that is of townscape importance. However, it would result in some reduction in the openness as the frontage half of the paddock would be lost to dwellings and their curtilage.
- 2.7.10 The open area provided by the paddock provides some limited localised views into the conservation area from Old Road. However, the village can be viewed from many other different angles and distances and wider views of the conservation area can be obtained from various points along Church Lane, to the east, which would not be significantly impeded by the proposal, and the church tower with its setting of mature trees would still be clearly seen. From the west views into the site are largely obscured by the buildings associated with Glebe Farm. From the historic heart of the village to south views into the site are obscured by buildings and trees and from the north views into the site are screened by the dwellings served off Low Farm Close.
- 2.7.11 Turning to the details of this scheme, different aspects of the proposal weigh in favour of and against it. In the first instance harm is caused by the reduction in the openness of the site and the role this contributes to the character, appearance and significance of the conservation area. However, this harm is not considered to be substantial given this is not an important historic open space of the village. Moreover, it should be taken into account that the character and appearance of conservation areas is not just determined by the spaces within them but also the size, scale, arrangement and architectural features of the buildings that they contain. As such it does not necessarily follow that new buildings will have, on balance, a negative or a neutral impact on a conservation area.
- 2.7.12 In terms of design, the scale, form position, design and materials of new buildings is intended to reflect that of the farmsteads at Manor Farm, Rectory Farm Glebe Farm, and Low Farm, which collectively make a substantial contribution towards the character, appearance and significance of the conservation area. Likewise it is considered that the careful design of the dwellings would not only ensure that the dwellings would be appropriate to the conservation area but that they would be of sufficiently high standard so as to enhance the character and appearance of the conservation area and provide a transition between the traditional heart of the village and the newer modern style residential developments to the north of the village.
- 2.7.13 The objections made in relation to the design, scale, density and details of the scheme are noted. However, the scheme has now been amended to provide two dwellings set in spacious plots fronting the road. In this case, given the sensitivity of the design and the relationship in size, scale and materials to the farms in the village it is considered that the architectural merits of the buildings are such that they would in themselves make a positive contribution to the character and appearance of the conservation area by reinforcing the agrarian nature of the village and in this way would positively contribute to the area's identity and heritage in terms of scale, density and layout.
- 2.7.14 Therefore, although there would be some enclosure of space within the site, for the above reasons the proposal would not adversely affect the setting of the area and any harm to significant views into or out of the area would be slight. Moreover, the retention of the southern half of the paddock ensures that part of the open setting to this part of the Conservation Area would be retained. This along with the relative low density of the dwellings would allow some degree of visual permeability through which glimpses of the tower of All Saints Church could still be glimpsed.

- 2.7.15 A permitted development restriction would ensure that any further development within the plot of ancillary buildings could be controlled. It has been suggested that a condition is attached a date stone to commemorate the date of their erection so that the recent can be readily distinguished.
- 2.7.16 In terms of the, external site works and boundary treatment, these should be compatible with the character and appearance of the area. The applicant has proposed a combination of post and rail fencing, vertical close boarded fences and 1.8 screen walling. The screen wall and post and rail fencing is considered appropriate to the character and appearance of the conservation area, but the use of a 1.8 close boarded timber fence is not. This point could be dealt with by use of a condition to ensure that a more sympathetic form of boundary treatment is used.
- 2.7.17 As such it is concluded that, subject to a condition to ensure that the close boarded fence is replaced with a more sympathetic boundary treatment, the proposal would, on balance, when weighing together the slight harm and the positive impacts, result in an overall enhancement to the character and appearance of the Conservation Area

Impact on the Setting of Nearby Listed Buildings

- 2.7.18 There are numerous listed buildings within the immediate vicinity of the site. The proposal therefore has the potential to impact on the setting of these listed buildings.
- 2.7.19 However, the buildings at Glebe Farm together with other nearby buildings and a range of mature trees, even in winter, substantially screen views of these listed buildings from the application site.
- 2.7.20 The same issues in relation to the impact on the character and appearance of the conservation area apply equally in respect to the impacts on surrounding listed buildings.
- 2.7.21 Therefore having regard to the above and having taken into consideration views from each of the listed buildings towards the proposed development or from the proposed development towards the listed buildings, or from other points in which the application site and the surrounding listed buildings would be seen together it is considered that the proposal, due to the reasons given in the section relating to impacts on the conservation area, not have a harmful impact on the setting of the nearby listed buildings due to their distance from the site and the screening from trees and other buildings which exist in between.

The NPPF at para 137 sets out that Local planning authority should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

- 2.7.22 Having had regard to all of the above it is considered, on balance, that the proposed development would not harm the setting of the designated heritage assets (the Listed Buildings and the Conservation Area).

Impact on Archaeology

- 2.7.23 The proposed development site lies in an area of archaeological interest and potential, adjacent to the former medieval village of Bolton Percy.
- 2.7.24 Relevant policies in respect to archaeology are Policies ENV1 (5) and ENV28 of the Local Plan. In respect to the NPPF it is noted that relevant paragraphs are 128, 129, 131 and 135 are relevant to the determination of this application.

- 2.7.25 The applicant has provided an archaeological assessment of the site the conclusions of which are accepted by the county Archaeologist who has recommended conditions to ensure that a scheme of archaeological mitigation recording is undertaken in advance of development. Therefore having had regard to the relevant policies it is considered that subject to the attached condition the proposal is acceptable in respect of its impacts on archaeology.
- 2.7.26 In conclusion having had regard to all of the above it is considered, on balance, that any harm to significance of the designated heritage asset (that is the Bolton Percy Conservation Area) would be no harm to the Heritage Assets. . The development would therefore be consistent with the aims of Policies SP4, SP18, SP19 of the CS and Policies ENV1 and ENV25 of the Selby District Local Plan.

2.8 Flood Risk and Drainage, Climate Change and energy Efficiency

- 2.8.1 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.
- 2.8.2 Local residents are seriously concerned that the development would exacerbate issues of localised flooding in the area and have raised concerns that the introduction of increased levels of hardstanding and buildings on the development site would increase the potential for run-off from the site particularly in times of heavy rain.
- 2.8.2 Though land to the south of the site is located within Flood Zone 2, the site itself is located on land identified as Flood Zone 1 with an estimated flood risk of less than 1:1000. (Low Risk). As such there is no requirement contained in paragraph 100 of the NPPF to apply a sequential test to this development.
- 2.8.3 The comments of the drainage bodies are noted. However, the applicant has supplied an amended plan showing a revised drainage layout. The drainage authorities and local community have been consulted/ notified of these plans. Given the size of the land in the ownership of the applicant it is envisaged that a range of potential solutions exist with which to deal with surface water run-off such that it is considered that a satisfactory drainage solution could be designed. Further details have been submitted and the IDB re-consulted. Members will be updated at the meeting of Planning Committee on the responses of the drainage authorities and representations received.
- 2.8.4 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15(B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria (f), (g) and (h) of SP15 (B) of the Core Strategy as these more appropriately relate to the design of larger estates. In addition there are no habitats of significance that need to be protected or could be enhanced, although some biodiversity improvements are possible through landscaping which could include species that are of particular benefit to wildlife.
- 2.8.5 It is also noted that the buildings, where possible, having regard to the need to have an active frontage to Low Lane have been designed to maximise natural light and would be constructed to meet the energy efficiency requirements of the current Building Regulations. Therefore having had regard to policy SP15 (B) it is considered that the proposal is acceptable.

2.8.6 Having taken the above into account the proposed scheme is acceptable with respect to its impacts on flood risk, drainage, climate change and energy efficiency subject to appropriate conditions in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.9 Impact on Residential amenity

2.9.1 Relevant policies in respect to residential amenity are Policy ENV1 (1) of the Local Plan and Policy SP19 of the Core Strategy. In respect to the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity.

2.9.2 The nearest properties to the proposed dwellings are on Low Farm Close to the north of the application site. Comments regarding overlooking and loss of amenity from local residents are noted. However the application site is separated from the gardens of these properties by a substantial hedge augmented by a number of taller trees. A good standard of amenity would be provided for the future occupants without harm to the amenity of existing residents.

2.9.3 The size, scale and siting of the proposed scheme; the level of boundary screening to be maintained on the boundaries of the site and; the substantial distances away from other residential properties, notably located in Low Farm Close/ Glebe Close, are all sufficient to avoid any significant adverse effects of on the amenity of the adjacent residents. The proposed scheme therefore accords with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.10 Highway Safety Issues

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

2.10.2 The proposed dwellings would be served individual accesses onto Old Road. With the provision of garage spaces and on-site parking provision, each dwelling would be provided with 4 off-street parking spaces per dwelling which is considered to be more than adequate to serve the needs of 5 bedroom dwellings of this size and would avoid the need to park vehicles on the highway. Traffic generation by the development is envisaged to be low at around 0.8 vehicles per hour at peak time with such a low level of traffic being unlikely to cause conflict with existing road users

2.10.3 The Highways Officer originally raised no objections to the proposed development which proposed a joint access to serve the dwellings. Conditions were required in respect of:

- Construction requirements for private access and verge crossings;
- Provision of an approved access, turning and parking areas;
- Precaution to prevent mud on the highway
- Provision of on-site parking, on-site storage and construction traffic during development.

2.10.4 The Highway Officer has been re-consulted on the revised scheme and has no further comments to add. However, in view of residents' concerns regarding the narrow nature of the road it is recommended that a condition be imposed requiring a construction management plan to be agreed prior to the commencement of the development. It is therefore considered that the proposals would not result in a significant detrimental impact on the existing highway network and would accord with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Core Strategy Policy SP19 and the NPPF.

2.11 Ecology and Protected Species

- 2.11.1 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 NPP and accompanying PPG in addition to the Habitat Regulations and Bat and Great Crested Newt Mitigation Guidelines published by Natural England.
- 2.11.2 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010.
- 2.11.3 As part of this application the applicant has submitted an Extended Phase 1 Habitat Survey report, dated January 2015, and a Great Crested Newt Mitigation Strategy, dated August 2015, both prepared by Wold Ecology.
- 2.11.4 The Phase 1 Habitat Report identifies the site as improved grassland bounded by hedgerows with scattered broad leaf trees and supports botanically, only limited and common widespread plant species of little intrinsic conservation value. However, the potential importance of the surrounding habitat was taken into consideration particularly in respect of protected species such as various bat species, Great Crested Newts, Badgers, birds, various reptile species, hedgehog and water vole. No evidence of any of these protected species was found but it was recognised that nests located within the surrounding hedgerows and trees are likely to be active during the bird breeding season requiring a watching brief. If nesting birds are found during this period, work to remove trees would need to be halted until the birds have fledged.

The Ecology Report also recommended that:

- A 10 metre buffer zone is maintained between the construction area and the stream that runs along the southern boundary of the site;
- Any retained trees be protected by barriers following Natural England guidelines given in BS5837:2012 'Trees in Relation to Construction';
- Any trees and shrubs to be removed shall only be cleared outside of the bird nesting season;
- Potential discharge of foul water into the adjacent watercourses should be addressed by a Land Drainage Consultant.

- 2.11.5 However, subsequent to submission of the application a great crested newt was found within the village and the applicant has responded to this by submitting the Great Crested Newt Mitigation Strategy (GCNMS).
- 2.11.6 It is noted that Great Crested Newts are European Protected Species (EPS) and as such the three statutory tests of the Habitat Regulations 2010 must be considered.
- 2.11.7 The GCNMS notes although there are no ponds within the application site that three small garden ponds have been identified within 500 metres of the proposed development site boundaries and that analysis of old maps revealed approximately 10 ponds have been lost within village over the past 50 years. The GCNMS goes on to state

"The location and number of ponds was identified in the field and through the use of aerial photographs and OS maps, further ponds may still be present within private land. In addition, a pond within the grounds of Field House (180 metres south) was filled in c.6 months ago. Only three existing ponds were identified within 500m of the Application Site during the field surveys.

2.11.8 The GCNMS states that the assessment of the ponds was undertaken outside of the optimal great crested newt surveying season (March to mid-June). However, the presence of great crested newts within 500 metres of the Application Site was confirmed during a bat survey at Field House Farm (180 metres south) (6th July 2015), when an immature female great crested newt was recorded within the barn on site. Notwithstanding this the netting of all ponds on the 6th August and 13th August 2015 did not identify any great crested newt larvae within the 3 ponds.

2.11.9 The GCNMS states that “due to the timing of the field surveys, a population size class assessment, based on the number of adults counted by torchlight/trapping has not been completed” but also goes on to state that “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”.

2.11.10 Furthermore the GCNMS also notes 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.”

As such the GCNMS concludes that

“the short and long term impacts from the proposed development will have low/negligible impacts on great crested newts and viable habitats – providing the mitigation illustrated within this report is implemented”

2.11.11 The mitigation strategy put forward in the GCNMS includes the erection of terrestrial habitat fencing, trapping, hand search and vegetation clearance. In terms of compensation the GCNMS recommends that a minimum of 1 new hibernacula will be created within the Application Site, to compensate for loss of terrestrial habitat and that these will be built in such a way as to allow loafing, hibernating and foraging habitat within the same structure.

2.11.12 It is noted that Natural England requires mitigation and compensation to be proportionate to the size of the impact and the importance of the population affected.

2.11.13 Given that the surveys submitted establish that there is low impact on the EPS, it is considered that there has been a proportionate approach adopted in considering the feasibility of alternative solutions, relative to the degree of likely impact so, that the proposals meet the test of there being no satisfactory alternative. In addition the proposals demonstrate that the harm can be mitigated to achieve a favourable conservation status as identified in the Great Crested Newt Surveys. Having had regard to the second test of whether there are imperative reasons of overriding public interest, including those of a social and economic nature, it is noted that the proposal would provide a public benefit in so much as market dwellings would be provided that would contribute towards meeting the objectively assessed housing needs of the District. The public benefit derived from this would outweigh the negligible harm to the newts arising from the mitigated and compensated proposal such that it is considered that the proposal would meet the three statutory tests of the Habitat Regulations.

2.11.14 The proposed development subject to a condition to ensure the mitigation and compensation measures set out in the GCNMS, 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), the advice contained within the NPPF and the tests set out in the Habitat Regulations 2010.

2.12 Affordable Housing

- 2.12.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 2.12.2 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.
- 2.12.3 The proposed development, although contrary to Policy SP9 of the Core Strategy is considered acceptable without an Affordable Housing contribution.

2.13 Loss of Agricultural Land

- 2.13.1 Paragraph 112 of the NPPF states that “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land” adding “where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.
- 2.13.2 In terms of its present use as agricultural land the site, due to its limited size and proximity to dwellings is of limited utility. It is rather too small to be used as arable land, given the size of modern arable farming equipment. In addition its use for livestock has the potential to give rise to dis-amenity by virtue of noise and odour.
- 2.13.3 Given the above it is considered that the proposal would not constitute “significant development of agricultural land” and that the loss of the site for agricultural purposes would not have any significant impact on the amount of agricultural land in the district.

2.14 Contaminated Land

- 2.14.1 The applicant has submitted information in respect of the potential for contamination. The Council’s Contamination Consultant has been consulted on this information. However, given that the historical maps indicate that the site has been in agriculture it is not anticipated that there will be a significant problem in respect to contamination and advise that Contaminated Land Conditions are not necessary in this instance.
- 2.14.2 The proposal would accord with Policies ENV2 of the Local Plan and SP19 of the Core Strategy in relation to contamination.

2.17 Other Issues Raised by Objectors

- 2.17.1 Most issues raised by objectors are dealt with under the headings above. However where specific comments have been received which fall outside of these categories they are dealt with separately in this section.
- i) Concern has been expressed as to why a small portion of the field is being used and the question asked “what is proposed for the remaining plot”.

Officers respond that the current application should be determined on its own merits. If development is subsequently proposed for the remainder of the site this would be looked at that time and assessed against the relevant Development Plan Policy and other material considerations.

- ii) Concerns have been expressed regarding the size of the garden to each property, as they are very small, not enough outside space for children to play, bbq's, etc or even hanging out washing, all of which family's require.

Officers respond that this is not the case, particularly with the revised scheme which increases the plot size and in comparison with current practice the gardens are generous.

- iii) Referral to Policy ENV22 of the Local Plan.

Officers respond that Policy ENV22 is not a saved policy and therefore does not form part of the current development plan.

- iv) Objectors have stated that there is a footpath running diagonally across the paddock. There has been no assessment upon the operation of this feature and the potential for users to experience a reduction of amenity as a result.

Officers respond that the development site does not include any public footpaths or PROW's and as such there is no basis to conclude that the proposal should result in any obstruction or harm to the footpath.

- v) Objectors have referred to the PPG in respect to tariff style contributions.

Officers respond that the PPG has been subsequently amended to remove such guidance.

- vi) Objectors have referred to Green Belt.

Officers respond that the site is not Green Belt.

- vii) Objectors have stated that the proposal is contrary to Paragraph 55 of NPPF.

Officers consider that as the site is located within the Designated Development Limits of a Secondary Village the proposal does not constitute the creation of isolated homes in the countryside. The proposal therefore is not required to meet the test of special circumstances set out in paragraph

2.17.2 Having had regard to the above issue it is considered that they do not raise any issues of significant weight that would alter the overall conclusion of this report.

2.18 Conclusion

2.18.1 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 would not result in any harm to acknowledged interests such as heritage Assets, archaeology, residential amenity, highway safety and capacity, flood risk, drainage and climate change, nature conservation and protected species and the loss of agricultural land.

3.0 Recommendation

This application, (subject to a satisfactory response from the drainage bodies, and, subject to no new issues being raised by the Parish) is recommended to be APPROVED subject to the conditions set out below, and any additional conditions required by the drainage authorities.

1. 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.

2. Before any development is commenced the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. 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, or within such longer period as may be agreed in writing with the Local Planning Authority. 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.

3. No development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason:

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

4. No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under Condition 3 of the planning permission

Reason:

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

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 of the planning permission and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

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

6. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses 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 new access (to The Farmhouse) shall be formed to give a minimum carriageway width of 3.1 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6.
 - b. The existing access (to East Barn) shall be formed to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6c.
 - c. Any gates and 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.
 - d. 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.

Reason:

In accordance with saved Policies T1 and T2 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.

7. 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 (Reference 1664 Site Plan 2 Plots 200/c). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with saved Policy 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.

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

Reason:

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

9. All external doors, window frames and glazing bars shall be of painted timber construction. Prior to the commencement of development details of the colour finish shall be submitted to and approved in writing by the Local Planning Authority. Only the approved colour shall be utilised and shall thereafter be so retained and maintained as such unless otherwise approved in writing by the Local Planning Authority.

Reason:

To allow the Local Planning Authority to control the development in detail in order to comply with Policy ENV25 of the Selby District Local Plan.

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

Reason:

To safeguard to the rights of control by the Local Planning Authority in the interests of amenity and in order to comply with Policies ENV1 and ENV25 of the Selby District Local Plan.

11. Notwithstanding the provisions of Class A and Class H 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, nor new windows, doors or other openings shall be inserted, 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.

12. The development shall be carried out in accordance with the mitigation and compensation measures and the adhere to the timing advised (subject to the amendment that the word "should" is substituted by the word "shall") outlined in Sections 6.0, 7.0 and 8.0 of the Old Road, Bolton Percy, North Yorkshire Great Crested Newt Mitigation Strategy, prepared by Wold Ecology, dated August 2015 and received 15 January 2016, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the Great Crested Newt population in the village is maintained at a favourable conservation status in accordance with the NPPF.

Informative

The developer is notified that the works will require a European Protected Species license.

13. The development shall be carried out in accordance with the mitigation measures and adhere to the advised timing outlined in Sections, of the Old Road, Bolton Percy Extended Phase 1 Habitat Survey prepared by Wold Ecology, dated January 2015 and received 24 February 2015, unless otherwise agreed in writing by the Local Planning Authority. In particular: -

- i) Permission shall be granted from the planning authority prior to removing a hedge.

- ii) Hedges shall only be cleared outside of the bird nesting season (i.e. clearance should be undertaken between September and February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works shall stop until the young have fledged.
- iii) A 10 metres buffer zone is maintained between the construction zone and the stream which runs along the southern boundary of the Application Site.
- iv) During the construction period a root protection exclusion zone at least 5m from the centre of the hedge shall be demarked on site and shall be kept free of plant and storage of building supplies.
- v) Any trees, shrubs and vegetation to be removed shall be cleared outside of the bird nesting season (i.e. clearance should be undertaken between September and February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works shall stop until the young have fledged.

Reason:

To ensure that the Great Crested Newt population in the village is maintained at a favourable conservation status in accordance with the NPPF.

- 14 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by Local Planning Authority. The scheme shall include details of the site compound and any necessary compaction, dust suppression, noise and vibration mitigation measures. Development shall be carried out in complete accordance with the approved scheme.

Reason:

To protect the amenity of the area, the environment and local residents from noise and other emissions.

15. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications (plan numbers to be inserted).

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

4.1 Legal Issues

4.1.1 Planning Acts

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

4.1.2 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.

4.1.3 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.

5.2 Financial Issues

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

6. Conclusion

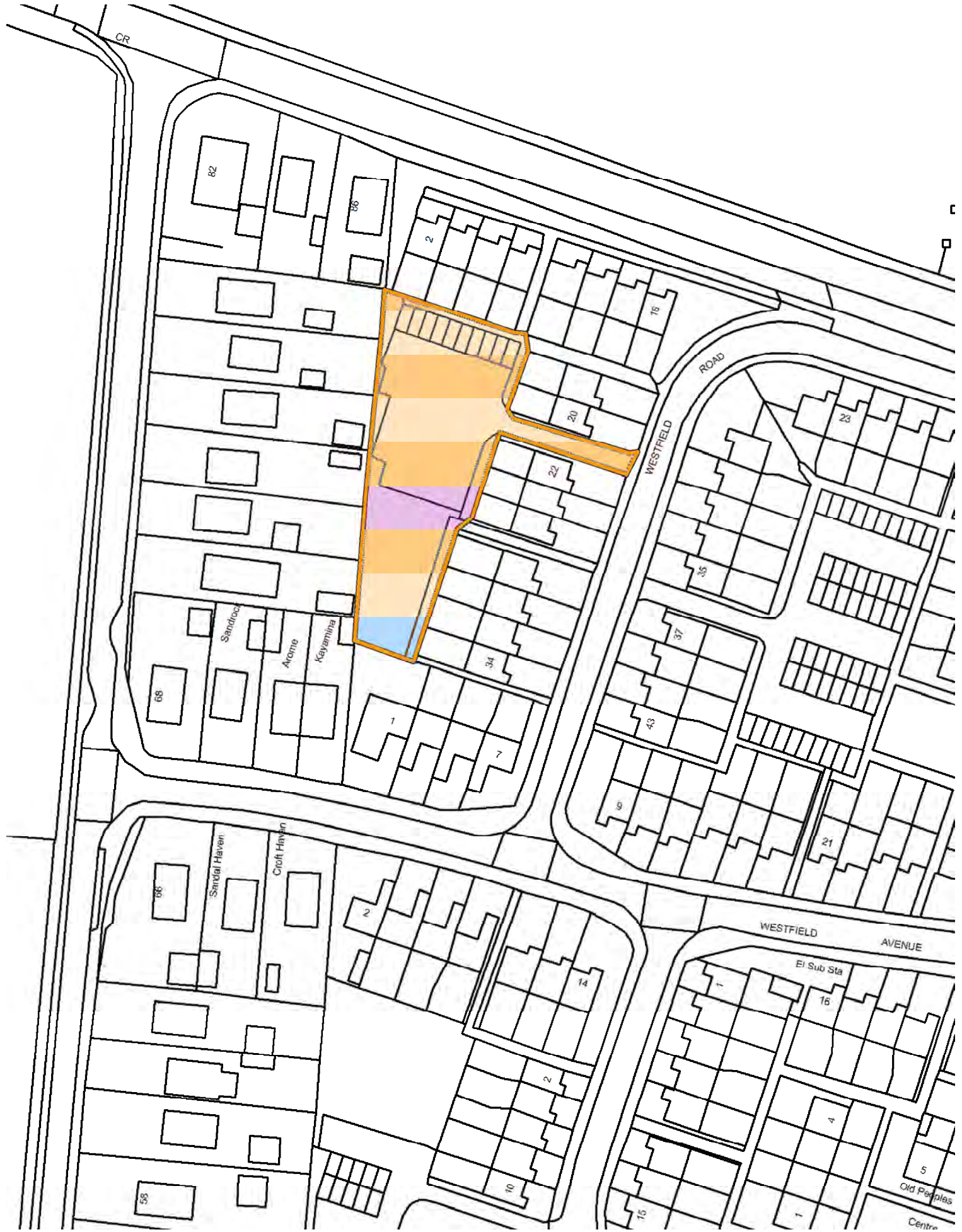
6.1 As stated in the main body of the report.

7. Background Documents

7.1 Planning Application file reference 2015/0202/FUL and associated documents.

Contact Officer: Fiona Ellwood, Principal Planning Officer

Appendices: NONE

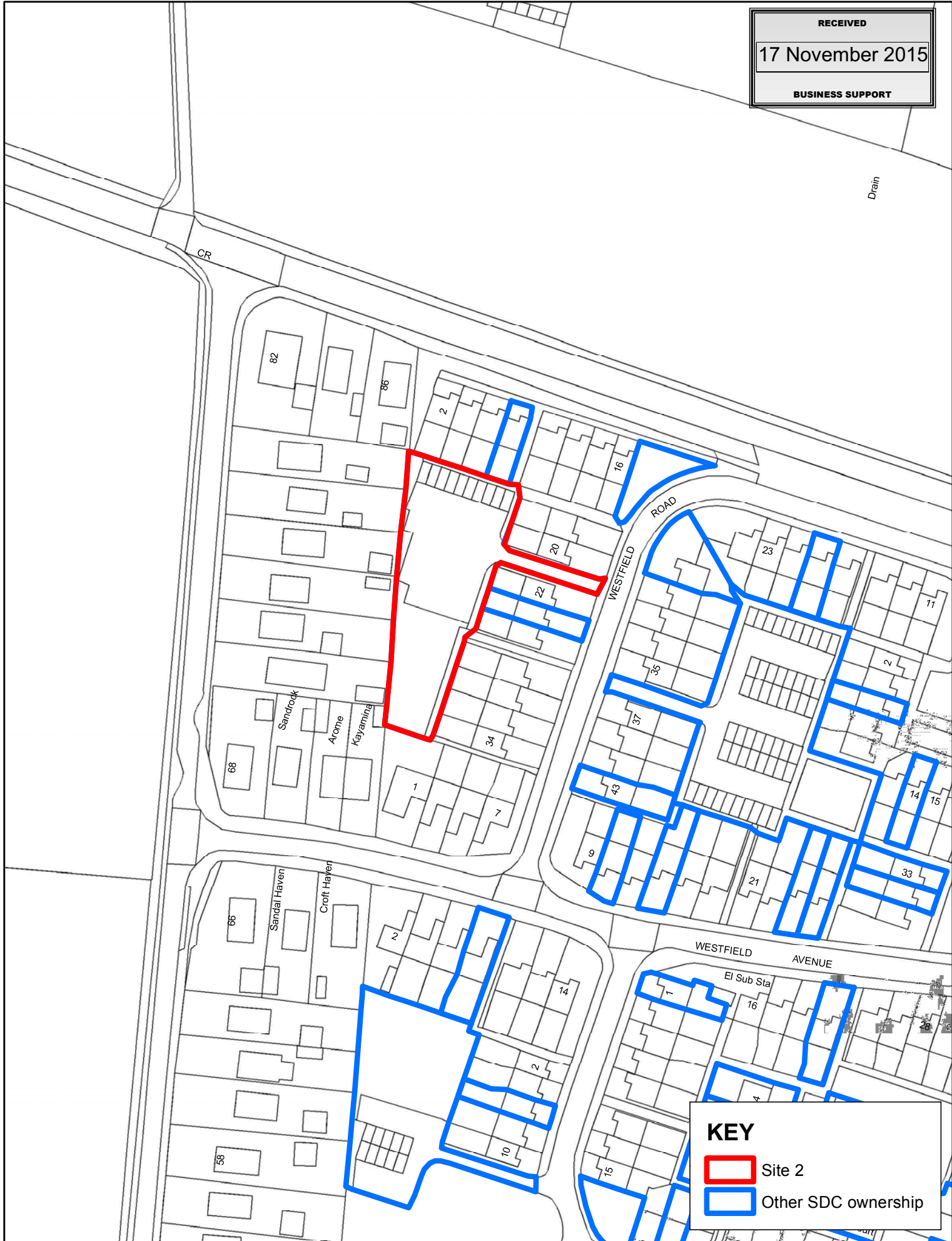


APPLICATION SITE

Item No: 2016/1023/FUL

Address: Westfield Road, Eggborough

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KEY

- Site 2
- Other SDC ownership

Site 2 - Westfield Road, Eggborough

1:1,250





Report Reference Number 2016/1023/FUL

Agenda Item No: 6.4

To: Planning Committee
Date: 12 October 2016
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1023/FUL (8/37/337B/PA)	PARISH:	Eggborough Parish Council
APPLICANT:	Selby District Council	VALID DATE:	24 August 2016
		EXPIRY DATE:	19 October 2016
PROPOSAL:	Section 73 application to remove/vary condition 13 (HGV) of approval 2015/1240/FUL Proposed demolition of existing garage block and the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking on the garage site accessed from Westfield Road at		
LOCATION:	Parking court behind 18-34 Westfield Road, Eggborough, Goole, East Yorkshire		

This application has been brought before Planning Committee as the applicant is Selby District Council and the proposal does not fall within the scheme of delegation.

Summary:

The application proposes the variation of condition 13 of planning permission 2015/1237/FUL which stated:

“During construction works there shall be no:

- (i) Heavy Goods Vehicles exceeding 7.5 tonnes except for the delivery of roof joists permitted to arrive, depart, be loaded or unloaded.”*

North Yorkshire County Council Highways Officer has assessed the submitted information and has suggested the condition is amended to read as follows:

“During construction works there shall be no:

- (1) Heavy Goods Vehicles exceeding 7.5 tonnes except for:*
 - a) the delivery of roof joists, and*

- b) *the delivery of materials (concrete, aggregates, hardcore and screed) by the use of 6m³ concrete vehicles, not exceeding 20 Tonnes (unladen) weight.*
- (2) *On the days of delivery parking restrictions are required to be but in place on streets leading to the site with the provisions of alternative parking arrangements for residents which shall be submitted to and approved in writing by the Local Planning Authority prior to the first delivery of materials to the site.”*

Given the representations received following notification of the application, it is considered reasonable to include an additional condition in relation to restricting the hours of construction works in order to protect the amenity of local residents.

The proposed variation of condition 13 (HGV's) is considered to be acceptable and the principle of the development was firmly established under application 2015/1240/FUL which permitted the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the site.

As such, having assessed the proposals against the submitted information, relevant policies and having taken into account the responses from neighbours and relevant consultees, the proposed variation of condition is considered to be acceptable in respect of the impact on highway safety and residential amenity.

It is therefore concluded that the variation of condition is acceptable subject to conditions and the inclusion of an additional condition. Given no conditions have been discharged, the conditions included as part of the decision notice of the original application are recommended to be included.

Recommendation

This planning application is recommended to be APPROVED subject to the conditions detailed in Paragraph 2.10 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site was previously used as parking with 10no garages with associated hardstanding serving the surrounding dwellings with an area of amenity grass on the southern part of the site. It is noted that the garages on the site have been demolished in line with the previous approval. The entrance and exit to/from the site is taken off Westfield Road.

1.1.2 To the north the site abuts the boundary of the rear gardens of properties fronting on to Weeland Road which are predominantly two storey dwellings. To the east are two storey dwellings fronting Westfield Road and to the west are single storey bungalows which front Kellington Lane. To the south are two storey dwellings fronting Westfield Avenue.

1.1.3 There is a mix of two storey and single storey dwellings in the surrounding area which are constructed with external brick with pantiles.

1.2. The Proposal

- 1.2.1 The proposal seeks a variation of condition 13 (HGV) of planning approval 2015/1240/FUL (8/37/337/PA).
- 1.2.2 The proposal seeks to increase weight limit of HGV's to facilitate the practical and safe removal / delivery of materials for the site to enable a safer and more realistic operating strategy.
- 1.2.3 No conditions appended to the original permission for this site have been discharged and works have not commenced on site. As such, these conditions have not changed and have been included within the conditions listed in paragraph 2.10.

1.3 Planning History

- 1.3.1 An application (2015/1240/FUL) for the proposed demolition of existing garage block and the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking on the garage site accessed from Westfield Road at parking court behind 18-34 West Field Road was approved on 10 February 2016.

1.4 Consultations

1.4.1 Parish Council

Councillors do not agree with the ratios in the Supplementary Statement highlighting how many small vehicles will have to be used to how many large ones. The roads on the Westfield estate are not suitable for the proposed HGV's. There is a health and safety risk for residents, their properties and vehicles because of tight bends and any vehicles that will be parked on the roads. Councillors are concerned about the potential damage that could be caused to play area immediately adjacent to the site, how will this be protected?

1.4.2 NYCC Highways

Have studied the application to vary condition 13 and happy to except the variation to condition 13. A reworded condition 13 is recommended to that included as part of the previous approval.

1.4.3 Yorkshire Water Services Ltd

No response within the statutory consultation period.

1.4.4 Danvm Internal Drainage Board

The application may increase the impermeable area to the site and the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

1.4.5 North Yorkshire Police Architectural Liaison Officer

No response within the statutory consultation period.

1.5 Publicity

- 1.5.1 The application has been advertised by site notice and neighbour notification letter which has resulted in three letters of objection being received. Planning concerns have been raised in regards to:

- This size of lorry will have difficulty negotiating the roads on Westfield Estate, let alone the narrow entrances to the sites to be developed;
- Noise from the lorries;
- Concerns regarding vibration damage to the existing houses i.e. cracking to walls/plaster, possible damage to foundations and to drainage.

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.
SP5:	The 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:	Development including creation of a new access

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 the Development
2. Highways Safety
3. Residential Amenity

2.6 Principle of the Development

2.6.1 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

2.6.2 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the development with the proposed variation of condition 13 (HGV) of planning permission 2015/1240/FUL would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if the condition was retained.

2.6.3 The previous planning permission approved, subject to conditions and according with relevant policies in place at the time was for the proposed demolition of existing

garage block and the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking on the garage site accessed from Westfield Road at parking court behind 18-34, Westfield Road, Eggborough. The proposal was assessed against the relevant policies contained within the Selby District Core Strategy Local Plan and Selby District Local Plan (2005).

2.6.4 Therefore, the policy context for the determination of the current application has not changed since the previous approval. The requirement for this application is due to the highways condition imposed which restricted, during construction, the weight limit of HGVs to 7.5 Tonnes. This condition would require the delivery of hardcore to the site on smaller vehicles which would result in a significant number of vehicle movements (up to 75) in the area during construction. The proposed amendment would allow deliveries on larger vehicles of heavier weight and would reduce the number of vehicle movements to approximately 15.

2.6.5 As such, the amendments to the scheme are as follows:

- Increase in the weight limit of HGV's to facilitate the practical and safe removal / delivery of materials for the site to enable a safer and more realistic operating strategy.

2.6.6 These impact arising from these amendments is considered in the next part of the report.

2.7 Highway Safety

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 applicant has provided a supplementary statement which provides additional information for the application. In this statement, it states that "To transport hardcore with a restriction of 7.5 tonnes (unladen) would not make it a safe operation as there is approximately 300T of hardcore to be brought on to the site."

2.7.3 It adds that "The typical lorries that bring in hardcore are 20T Unladen. If we were restricted to 7.5T Unladen then deliveries would need to be brought in in via 1T bags via merchant lorries to deliver the required hardcore in the period required which would increase the number of movements of vehicles at the site." The figures given in the supplementary statement states that 75 movements would be required at the current weight limit and 15 movements would be required with the proposed variation. In addition, a Banks Man would be on site to guide all large vehicle deliveries and a speed restriction would be implemented on site.

2.7.4 The supplementary statement concludes that "...the redevelopment of this site will not result in an increase in traffic movements....then the existing road network will be able to cope with the traffic being generated by the redevelopment."

2.7.5 The comments contained within the letters of objection have been noted with concerns raised in regards to the size of the lorries which would have difficulty

negotiating the roads on Westfield Estate, noise of the lorries and the narrow entrances to the sites to be developed.

- 2.7.6 The Highways Officer has been notified of the application and have stated that they "...have studied the application to vary condition 13 and are happy to accept the variation to condition 13" and recommend a reworded condition which would allow deliveries to be undertaken on larger vehicles.
- 2.7.7 In light of the Highways Officer's comments above, it is therefore considered that the variation of condition 13 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.

2.8 Residential Amenity

- 2.8.1 Policy ENV1(1) of the Local Plan requires development to take account of the effect upon the amenity of adjoining occupiers and it should be given significant weight as it is consistent with the aims of the NPPF to protect residential amenity. One of the principles of the Core Strategy and NPPF is to ensure that a good standard of amenity is achieved.
- 2.8.2 The key consideration in respect of residential amenity on this application is considered to be the potential of the proposal to result in noise levels which are over and above those that would normally be acceptable.
- 2.8.3 The supplementary statement submitted with the application advises that the proposal would reduce the number of vehicle movements to and from the site and as such, it is considered that the impact of the proposed development would be reduced through the reduction in vehicular movements.
- 2.8.4 The comments contained within the letters of objection have been noted with concerns raised in regards to the impacts of vibration damage to the existing houses and noise. It is considered that although the proposal would increase the weight of vehicles that could make deliveries of concrete and screed and roof joists to the site, all other deliveries are required to be on vehicles which are no more than 7.5 tonnes as previously approved. In addition, a balance has to be struck between ensuring materials are delivered to the site and the impact on residential properties from these deliveries. In this instance, the significant reduction in the number of movements of delivery vehicles is considered to result in a reduced impact on residential amenity compared to the current weight limit of delivery lorries.
- 2.8.5 In light of the comments that have been received as part of the notification of the application and having taken into consideration the proposed variation, it is considered reasonable and proportionate to insert an additional condition to those originally included on application 2015/1240/FUL in regards to hours of working for building works and the transportation of materials to and from the site. This would allow an element of additional control of noise during the hours which are outside of normal working hours and would further protect the amenity of nearby occupants of residential properties.

2.8.6 As such, it is considered 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 Conclusion

2.9.1 The application proposes the variation of condition 13 of planning permission 2015/1237/FUL which stated:

“During construction works there shall be no:

- (i) Heavy Goods Vehicles exceeding 7.5 tonnes except for the delivery of roof joists permitted to arrive, depart, be loaded or unloaded.”*

2.9.2 North Yorkshire County Council Highways Officer has assessed the submitted information and has suggested the condition is amended to read as follows:

“During construction works there shall be no:

- (1) Heavy Goods Vehicles exceeding 7.5 tonnes except for:
 - a) the delivery of roof joists, and*
 - b) the delivery of materials (concrete, aggregates, hardcore and screed) by the use of 6m³ concrete vehicles, not exceeding 20 Tonnes (unladen) weight.**
- (2) On the days of delivery parking restrictions are required to be but in place on streets leading to the site with the provisions of alternative parking arrangements for residents which shall be submitted to and approved in writing by the Local Planning Authority prior to the first delivery of materials to the site.”*

2.9.3 Given the representations received following notification of the application, it is considered reasonable to include an additional condition in relation to restricting the hours of construction works in order to protect the amenity of local residents.

2.9.4 The proposed variation of condition 13 (HGV's) is considered to be acceptable and the principle of the development was firmly established under application 2015/1240/FUL which permitted the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the site.

2.9.5 As such, having assessed the proposals against the submitted information, relevant policies and having taken into account the responses from neighbours and relevant consultees, the proposed variation of condition is considered to be acceptable in respect of the impact on highway safety and residential amenity.

2.9.6 It is therefore concluded that the variation of condition is acceptable subject to conditions and the inclusion of an additional condition. Given no conditions have been discharged, the conditions included as part of the decision notice of the original application are recommended to be included.

2.10 Recommendation

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

01. The development for which permission is hereby granted shall be begun no later than 10 February 2019.

Reason:

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

02. Prior to the commencement of development details of the external materials shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

03. Prior to the commencement of development details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved scheme before the dwellings hereby approved are brought into use.

Reason:

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

04. Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. 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, or within such longer period as may be agreed in writing with the Local Planning Authority. 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.

05. Notwithstanding the provisions of Class A and Class E of 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, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policy ENV1 of the Selby District Local Plan.

06. 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.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and in accordance with Policies SP15, SP16 and SP19 of the Core Strategy.

07. Unless otherwise approved in writing by the Local Planning Authority 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 and in accordance with Policies SP15, SP16 and SP19 of the Core Strategy.

08. 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.

09. Prior to occupation of the dwellings hereby permitted, 2No 240 litre bins and 3No 55litre boxes for household waste and recycling shall be provided for each dwelling.

Reason:

To provide satisfactory provision for household waste and recycling.

10. 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) Individual vehicle crossings to dwellings shall be constructed in accordance with the approved details and/or Standard Detail number A1.
- (ii) 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 T1 and T2 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.

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 45 metres measured along both channel lines of the major road Westfield Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres 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 T1 and T2 of the Selby District Local Plan and in the interests of road safety.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved 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 T1 and T2 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.

13. During construction works there shall be no:

- (1) Heavy Goods Vehicles exceeding 7.5 tonnes except for:
 - a) the delivery of roof joists, and

- b) the delivery of materials (concrete, aggregates, hardcore and screed) by the use of 6m³ concrete vehicles, not exceeding 20 Tonnes (unladen) weight.
- (2) On the days of delivery parking restrictions are required to be but in place on streets leading to the site with the provisions of alternative parking arrangements for residents which shall be submitted to and approved in writing by the Local Planning Authority prior to the first delivery of materials to the site.

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and to avoid conflict with vulnerable road users.

14. 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 T1 and T2 of the Selby District 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. The development hereby permitted shall be carried out in accordance with the plans/drawings submitted with application 2015/1240/FUL which are listed below:

- Location Plan: LOC01
- Planning Layout: PL002-P1
- Planning Layout: PL003-P3
- Floor Plan as proposed: PL004-P1
- Elevations as proposed: PL005-P2
- General: PL006-P2

Reason:

For the avoidance of doubt.

21. With the exception of internal works, the building works required to carry out the development allowed by this permission and the transport of materials to/from the site must only be carried out within the following times:

07:30 – 18:00 Monday to Friday

08:00 – 13:00 Saturdays

No working or transportation of materials on Sundays or Public Holidays

Reason:

In order to protect the amenity of the adjoining residential properties in accordance with Policy ENV1 of the Local Plan.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in a 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 2016/1023/FUL and associated documents.

Contact Officer: Calum Rowley (Senior Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/1024/FUL

Address: Westfield Grove, Eggborough

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PROJECT New Housing Scheme Eggborough South			
TITLE Site Location Plan			
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Report Reference Number 2016/1024/FUL

Agenda Item No: 6.5

To: Planning Committee
Date: 12 October 2016
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1024/FUL (8/37/338B/PA)	PARISH:	Eggborough Parish Council
APPLICANT:	Selby District Council	VALID DATE:	24 August 2016
		EXPIRY DATE:	19 October 2016
PROPOSAL:	Section 73 application to remove/vary condition 13 (HGV) of approval 2015/1237/FUL Proposed erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the garage site accessed from Westfield Grove		
LOCATION:	Parking Court behind 2-10 Westfield Grove, Eggborough, Goole, East Yorkshire		

This application has been brought before Planning Committee as the applicant is Selby District Council and the proposal does not fall within the scheme of delegation.

Summary:

The application proposes the variation of condition 13 of planning permission 2015/1237/FUL which stated:

“During construction works there shall be no:

- (i) Heavy Goods Vehicles exceeding 7.5 tonnes except for the delivery of roof joists permitted to arrive, depart, be loaded or unloaded.”*

North Yorkshire County Council Highways Officer has assessed the submitted information and the condition is amended to read as follows:

“During construction works there shall be no:

- (1) Heavy Goods Vehicles exceeding 7.5 tonnes except for:*

- a) *the delivery of roof joists, and*
 - b) *the delivery of materials (concrete, aggregates, hardcore and screed) by the use of 6m³ concrete vehicles, not exceeding 20 Tonnes (unladen) weight.*
- (2) *On the days of delivery parking restrictions are required to be but in place on streets leading to the site with the provisions of alternative parking arrangements for residents which shall be submitted to and approved in writing by the Local Planning Authority prior to the first delivery of materials to the site.”*

Given the representations received following notification of the application, it is considered reasonable to include an additional condition in relation to restricting the hours of construction works in order to protect the amenity of local residents.

The proposed variation of condition 13 (HGV's) is considered to be acceptable and the principle of the development was firmly established under application 2015/1237/FUL which permitted the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the site.

As such, having assessed the proposals against the submitted information, relevant policies and having taken into account the responses from neighbours and relevant consultees, the proposed variation of condition is considered to be acceptable in respect of the impact on highway safety and residential amenity.

It is therefore concluded that the variation of condition is acceptable subject to conditions and the inclusion of an additional condition. Given no conditions have been discharged, the conditions included as part of the decision notice of the original application are recommended to be included.

Recommendation

This planning application is recommended to be APPROVED subject to the conditions detailed in Paragraph 2.10 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is currently used as parking with 10no garages that served the site having been demolished. There is currently an area of amenity grass on the northern part of the site. The entrance and exit to/from the site is taken off Westfield Grove.

1.1.2 To the north the site abuts the boundary of the rear gardens of properties fronting on to Westfield Avenue which are predominantly two storey dwellings. To the east are two storey dwellings fronting Westfield Grove and to the west are single storey bungalows which front Kellington Lane. To the south are playing fields and a children's play area.

1.1.2 There is a mix of two storey and single storey dwellings in the surrounding area which are constructed with external brick with pantiles.

1.2. The Proposal

- 1.2.1 The proposal seeks a variation of condition 13 (HGV) of planning approval 2015/1237/FUL (8/37/338/PA).
- 1.2.2 The proposal seeks to increase weight limit of HGV's to facilitate the practical and safe removal / delivery of materials for the site to enable a safer and more realistic operating strategy.
- 1.2.3 No conditions appended to the original permission for this site have been discharged and works have not commenced on site. As such, these conditions have not changed and have been included within the conditions listed in paragraph 2.10.

1.3 Planning History

- 1.3.1 An application (2015/1237/FUL) for the proposed erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the garage site accessed from Westfield Grove at parking court behind 2-10 was approved on 10 February 2016.

1.4 Consultations

1.4.1 Parish Council

Councillors do not agree with the ratios in the Supplementary Statement highlighting how many small vehicles will have to be used to how many large ones. The roads on the Westfield estate are not suitable for the proposed HGV's. There is a health and safety risk for residents, their properties and vehicles because of tight bends and any vehicles that will be parked on the roads. Councillors are concerned about the potential damage that could be caused to play area immediately adjacent to the site, how will this be protected?

1.4.2 NYCC Highways

Have studied the application to vary condition 13 and happy to except the variation to condition 13. A reworded condition 13 is recommended too that is included as part of the previous approval.

1.4.3 Yorkshire Water Services Ltd

No response received.

1.4.4 Danvm Internal Drainage Board

No response received.

1.4.5 North Yorkshire Police Architectural Liaison Officer

No response received.

1.5 Publicity

- 1.5.1 The application has been advertised by site notice and neighbour notification letter which has resulted in three letters of objection being received. Planning concerns have been raised in regards to:

- This size of lorry will have difficulty negotiating the roads on Westfield Estate, let alone the narrow entrances to the sites to be developed;
- Concerns regarding vibration damage to the existing houses i.e. cracking to walls/plaster, possible damage to foundations and to drainage;
- Concerns over the boundary fencing to the rear of the properties on Kellington Lane which would provide an area for fly tipping, would facilitate activity from vandals and intruders and would also create a gap between the rear of 58 Kellington Lane and the application site.

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.
SP5:	The 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:	Development including creation of a new access

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 the Development
2. Highways Safety
3. Residential Amenity

2.6 Principle of the Development

2.6.1 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

2.6.2 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the development with the proposed variation of condition 13 (HGV) of planning permission 2015/1237/FUL would be contrary to the provisions within the

development plan or whether there are reasonable grounds for refusal if the condition was retained.

2.6.3 The previous planning permission approved, subject to conditions and according with relevant policies in place at the time was for the proposed erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the garage site accessed from Westfield Grove at parking court behind 2-10, Westfield Grove, Eggborough. The proposal was assessed against the relevant policies contained within the Selby District Core Strategy Local Plan and Selby District Local Plan (2005).

2.6.4 Therefore, the policy context for the determination of the current application has not changed since the previous approval. The requirement for this application is due to the highways condition imposed which restricted, during construction, the weight limit of HGVs to 7.5 Tonnes. This condition would require the delivery of hardcore to the site on smaller vehicles which would result in a significant number of vehicle movements (up to 75) in the area during construction. The proposed amendment would allow deliveries on larger vehicles of heavier weight and would reduce the number of vehicle movements to approximately 15.

2.6.5 As such, the amendments to the scheme are as follows:

- Increase in the weight limit of HGV's to facilitate the practical and safe removal / delivery of materials for the site to enable a safer and more realistic operating strategy.

2.6.6 These impact arising from these amendments is considered in the next part of the report.

2.7 Highway Safety

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 applicant has provided a supplementary statement which provides additional information for the application to vary condition 13 of the original approval. In this statement, it states that "To transport hardcore with a restriction of 7.5 tonnes (unladen) would not make it a safe operation as there is approximately 300T of hardcore to be brought on to the site."

2.7.3 It adds that "The typical lorries that bring in hardcore are 20T Unladen. If we were restricted to 7.5T Unladen then deliveries would need to be brought in in via 1T bags via merchant lorries to deliver the required hardcore in the period required which would increase the number of movements of vehicles at the site." The figures given in the supplementary statement states that 75 movements would be required at the current weight limit and 15 movements would be required with the proposed variation. In addition, a Banks Man would be on site to guide all large vehicle deliveries and a speed restriction would be implemented on site.

- 2.7.4 The supplementary statement concludes that "...the redevelopment of this site will not result in an increase in traffic movements....then the existing road network will be able to cope with the traffic being generated by the redevelopment." It is noted that this movement of traffic would only be during the construction phase of the development and the original and proposed amended condition states this explicitly.
- 2.7.5 The comments contained within the letters of objection have been noted with concerns raised in regards to the size of the lorries which would have difficulty negotiating the roads on Westfield Estate and the narrow entrances to the sites to be developed.
- 2.7.6 The Highways Officer has been notified of the application and have stated that they "...have studied the application to vary condition 13 and are happy to accept the variation to condition 13" and recommend a reworded condition which would allow deliveries of concrete and screed during the construction phase to be undertaken on larger vehicles.
- 2.7.7 In light of the Highways Officer's comments above, it is therefore considered that the variation of condition 13 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.

2.8 Residential Amenity

- 2.8.1 Policy ENV1(1) of the Local Plan requires development to take account of the effect upon the amenity of adjoining occupiers and it should be given significant weight as it is consistent with the aims of the NPPF to protect residential amenity. One of the principles of the Core Strategy and NPPF is to ensure that a good standard of amenity is achieved.
- 2.8.2 The key consideration in respect of residential amenity on this application is considered to be the potential of the proposal to result in noise levels which are over and above those that would normally be acceptable.
- 2.8.3 The supplementary statement submitted with the application advises that the proposal would reduce the number of vehicle movements to and from the site and as such, it is considered that the impact of the proposed development would be reduced through the reduction in vehicular movements.
- 2.8.4 The comments contained within the letters of objection have been noted with concerns raised in regards to the impacts of vibration damage to the existing houses as well as the potential for anti-social behaviour through fly tipping and vandalism. It is considered that although the proposal would increase the weight of vehicles that could make deliveries of concrete, screed and roof joists to the site, the significantly reduced number of movements of delivery vehicles would reduce the impacts on residential amenity and on balance, the impact on residential amenity is considered to be reduced through this variation. In addition, this application is for a variation of condition only with landscaping details, including boundary treatments subject to a separate discharge of conditions application in accordance with the conditions attached to the previous planning permission for the site.

- 2.8.5 However, in light of these comments and taken note of the proposed variation, it is considered reasonable and proportionate to insert an additional condition to those originally included on application 2015/1240/FUL in regards to hours of working for building works and the transportation of materials to and from the site. This would allow an element of additional control of noise during the hours which are outside of normal working hours and would further protect the amenity of nearby occupants of residential properties.
- 2.8.6 As such, it is considered 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 Conclusion

- 2.9.1 The application proposes the variation of condition 13 of planning permission 2015/1237/FUL which stated:

“During construction works there shall be no:

- (i) Heavy Goods Vehicles exceeding 7.5 tonnes except for the delivery of roof joists permitted to arrive, depart, be loaded or unloaded.”*

- 2.9.2 North Yorkshire County Council Highways Officer has assessed the submitted information and has suggested the condition is amended to read as follows:

“During construction works there shall be no:

- (1) Heavy Goods Vehicles exceeding 7.5 tonnes except for:
 - a) the delivery of roof joists, and*
 - b) the delivery of materials (concrete, aggregates, hardcore and screed) by the use of 6m³ concrete vehicles, not exceeding 20 Tonnes (unladen) weight.**
- (2) On the days of delivery parking restrictions are required to be but in place on streets leading to the site with the provisions of alternative parking arrangements for residents which shall be submitted to and approved in writing by the Local Planning Authority prior to the first delivery of materials to the site.”*

- 2.9.3 Given the representations received following notification of the application, it is considered reasonable to include an additional condition in relation to restricting the hours of construction works in order to protect the amenity of local residents.
- 2.9.4 The proposed variation of condition 13 (HGV's) is considered to be acceptable and the principle of the development was firmly established under application 2015/1237/FUL which permitted the erection of 5 No. new 2 bedroom bungalows, plus the provision of additional parking following demolition of existing garages on the site.
- 2.9.5 As such, having assessed the proposals against the submitted information, relevant policies and having taken into account the responses from neighbours and relevant

consultees, the proposed variation of condition is considered to be acceptable in respect of the impact on highway safety and residential amenity.

- 2.9.6 It is therefore concluded that the variation of condition is acceptable subject to conditions and the inclusion of an additional condition. Given no conditions have been discharged, the conditions included as part of the decision notice of the original application are recommended to be included.

2.10 Recommendation

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

01. The development for which permission is hereby granted shall be begun no later than 10 February 2019.

Reason:

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

02. Prior to the commencement of development details of the external materials shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

03. Prior to the commencement of development details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved scheme before the dwellings hereby approved are brought into use.

Reason:

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

04. Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. 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, or within such longer period as may be agreed in writing with the Local Planning Authority. 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.

05. Notwithstanding the provisions of Class A and Class E of 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, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policy ENV1 of the Selby District Local Plan.

06. 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.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and in accordance with Policies SP15, SP16 and SP19 of the Core Strategy.

07. Unless otherwise approved in writing by the Local Planning Authority 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 and in accordance with Policies SP15, SP16 and SP19 of the Core Strategy.

08. 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.

09. Prior to occupation of the dwellings hereby permitted, 2No 240 litre bins and 3No 55litre boxes for household waste and recycling shall be provided for each dwelling

Reason:

To provide satisfactory provision for household waste and recycling.

10. 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) Individual vehicle crossings to dwellings shall be constructed in accordance with the approved details and/or Standard Detail number A1.
 - (ii) 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 T1 and T2 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.

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 45 metres measured along both channel lines of the major road Westfield Grove from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres 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 T1 and T2 of the Selby District Local Plan and in the interests of road safety.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved 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 T1 and T2 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.

13. During construction works there shall be no:
- (1) Heavy Goods Vehicles exceeding 7.5 tonnes except for:
 - a) the delivery of roof joists, and
 - b) the delivery of materials (concrete, aggregates, hardcore and screed) by the use of 6m³ concrete vehicles, not exceeding 20 Tonnes (unladen) weight.
 - (2) On the days of delivery parking restrictions are required to be but in place on streets leading to the site with the provisions of alternative parking arrangements for residents which shall be submitted to and approved in writing by the Local Planning Authority prior to the first delivery of materials to the site..

Reason:

In accordance with Policies T1 and T2 of the Selby District Local Plan and to avoid conflict with vulnerable road users.

14. 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 T1 and T2 of the Selby District 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. The development hereby permitted shall be carried out in accordance with the plans/drawings submitted with application 2015/1237/FUL which are listed below:

- General: LOC02
- Location Plan: PL001-P1
- Existing Plans: PL002-P1
- Proposed Plans: PL003-P2
- Floor Plan as proposed: PL004-P1
- Elevations as proposed: PL005-P2
- General: PL007-P1

Reason:

For the avoidance of doubt.

21. Notwithstanding the details contained within drawing number PL003-P2 submitted with application 2015/1237/FUL, a pedestrian walkway between the southern boundary and the boundary of plot P.01 shall be provided prior to the occupation of the dwellings hereby permitted.

Reason:

To provide satisfactory means of pedestrian access for household waste and recycling.

22. With the exception of internal works, the building works required to carry out the development allowed by this permission and the transport of materials to/from the site must only be carried out within the following times:

07:30 – 18:00 Monday to Friday

08:00 – 13:00 Saturdays

No working or transportation of materials on Sundays or Public Holidays

Reason:

In order to protect the amenity of the adjoining residential properties in accordance with Policy ENV1 of the Local Plan.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in a 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 2016/1024/FUL and associated documents.

Contact Officer: Calum Rowley (Senior Planning Officer)

Appendices: None

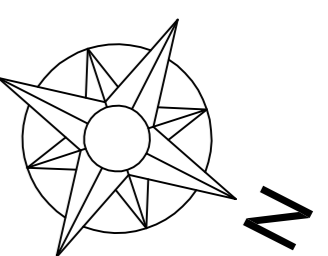


APPLICATION SITE

Item No: 2015/0580/EIA

Address: Staynor Hall, Abbots Road, Selby

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OPRMARREF	House Type	Bedrooms	Configuration	Parking Type	Numbers	Floor Area
					Dwelling	SqM
MN	Morden	2	Md/End Terrace	Space	3	548 1,644
AV	Ayckle	2	Flat	Space	4	615 2,460
AI	Aidan Affordable	2	Flat	Space	6	648 3,888
MS	Maseley	3	Md/End Terrace	Space	5	739 3,695
HE	Henley	3	Semi	Space	1	781 761
HE	Henry Affordable	3	Semi / Detached	Space	3	781 2,283
RO	Rosford	3	Semi / Detached	Integral Garage	5	870 4,250
GR	Gerrards	3	Detached	Space	1	899 1,898
CA	Clayton Corner	3	Md/End Terrace	Space	2	1,068 3,204
ES	Esrick	4	Detached	Integral	1	1,119 1,119
OA	Oakhurst	4	Detached	Integral	1	1,340 2,680
TI	Tiverton	3	Detached	Integral	3	1,388 4,194
MA	Marborough	4	Detached	Double	2	1,513 3,026
ED	Edingham	5	Detached	Integral	2	1,570 3,140
PC	Pearchurch	5	Detached	Integral Double	1	1,767 4,120
					44	41,208
					0	0
					0	0
					0	0
					0	0
					0	0
					44	41,208

Mix	ALL UNITS
13	29.5%
17	38.6%
11	25.0%
44	100.0%



Key

- Type 3 - 1800mm High Open Boarded Timber Fence
- Type 5 - 1200mm High Timber Lap Panel Fence
- Type 2 - 1800mm High Screen Wall / Fence
- Type 10 - 600mm High Knee Rail Fence
- 1800mm Acoustic High Reflective Timber Barrier
- Denotes Blocked Paved Surfaces. All other Hard Landscaped areas to be Tarmac.
- Denotes Affordable Units
- * Denotes Visitor Parking Bays
- VP Denotes Landscaping Beds
- Denotes Street Trees
- Denotes Soft Landscaping Areas

EXTERNAL MATERIALS KEY

PERSIMMON HOMES:-

- A Range 'A' - Red
Main Facing: Edenhall Thornwick Multi with bucket handle pointing finish
Rooftile: Norrstone Derrie MkII Basalt Grey
Feature Brick: Main Body Brick
Below dpc: Main Body Brick
- B Range 'B' - Red
Main Facing: Edenhall Edmorton Stock with bucket handle pointing finish
Rooftile: Norrstone Derrie MkII Matt Black
Feature Brick: Main Body Brick
Below dpc: Main Body Brick
- C Range 'C' - Buff
Main Facing: Edenhall Slington Stock with bucket handle pointing finish
Rooftile: Norrstone Derrie MkII Antique Red
Feature Brick: Main Body Brick
Below dpc: Main Body Brick

Note:

Brick Types selected to match adjacent housing phrases

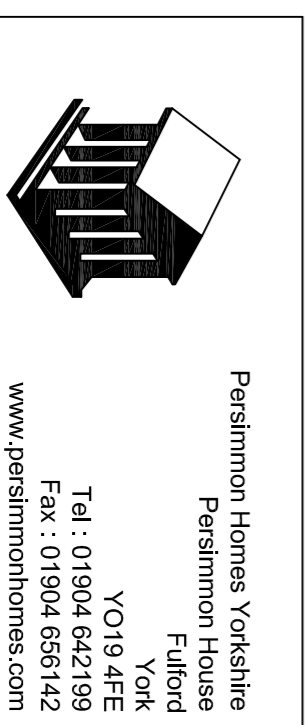
STREET TREES

- H Pyrus calleryana 'Chanticleer' Standard 8-10cm Girth Trunk
- K Sorbus aucuparia 'Joseph Rock' Selected Standard 10-12cm Girth Trunk

Revisions	
E	30/09/16 Parking Amendment to LPA comments.
D	19/09/16 Layout amended to LPA comments
C	08/09/16 Parking numbers amended
B	07/06/16 Layout amended for Council
A	31/05/16 Parking Space amendments

Development
Staynor Hall, Selby
Phase 3 - Commercial Area

Drawing Title
Proposed Site Layout



Scale: 1:500 @ A1	Drawn: GWH	Date: July 2014
File: S:\Development\Staynor Hall - Phase 3\Architect\Commercial Land		

Drawing No. Central/001	Rev E
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Report Reference Number 2015/0580/EIA

Agenda Item No: 6.6

To: Planning Committee
Date: 12th October 2016
Author: Tom Webster (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/0580/EIA 8/19/1011AZ/PA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes	VALID DATE:	30 May 2015
		EXPIRY DATE:	1 November 2016
PROPOSAL:	Reserved Matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (C0/2002/1185)		
LOCATION:	Staynor Hall, Abbots Road, Selby		

This application has been brought before Planning Committee because the proposal comprises Environmental Impact Assessment (EIA) development and a Supplementary Environmental Statement has submitted as part of this application.

Summary:

This is a Reserved Matters application (access, appearance, landscaping, layout and scale) for the erection of 44 dwellings, a community centre, retail units, associated car parking, roads and drainage infrastructure

The application site is located within land allocated for housing and sits under the extant outline consent for 1200 homes plus community and retail facilities. The proposal is therefore compliant with Policy SP2A(c) of the Core Strategy.

As part of the submission of details with this application, a Supplementary Environmental Statement (SES) has been submitted. Previously, an Environment Statement (ES) was submitted as part of the outline application (C0/2002/1185) in 2002. In the period between the original ES being submitted and the time that this application has been made, there have been a number of changes to environmental assessment methodologies. Therefore, it was considered appropriate by both parties (the applicant and the Local Planning Authority) that a new supplementary ES should accompany all future reserved matters applications.

The SES has been reviewed by the appropriate technical officers. These technical officers have confirmed that the submitted SES has adequately identified all of the potential environmental effects of the proposed scheme and that the appropriate mitigation measures are proposed and, subject to the imposition of appropriate planning conditions, the scheme is appropriate.

The proposal is considered to be reflective of the character and appearance of the area and will integrate with the parcels of land already consented. It is also considered that the scheme would 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 significant issues being raised by the Council's Waste and Recycling Officer and the conditions detailed in Paragraph 3.0 of this report.

1. Introduction and Background

1.1 The Site

- 1.1.1 The application site, known as Staynor Hall, comprises 55ha of land that is located on the southern edge of Selby between Abbot's Road residential area and the Selby Bypass. It is 1.5km away from Selby Town Centre.
- 1.1.2 On the 6 June 2005 Outline planning permission (ref: CO/2002/1185) was granted for 1,200 dwellings (4 existing to be demolished), employment space, public open space, shopping and community facilities.
- 1.1.3 The outline consent allowed for the development to be built out in a number of phases (phases 1-4, with phases 3 being sub-divided into a series of smaller parcels). Since the outline permission was granted a number of reserved matters applications have been submitted and approved and a significant amount of building work has taken place (685 dwellings); to date, phases 1 and 2 have been built, as have parcels 3A, 3B and 3C.
- 1.1.4 This reserved matters site covers 2.6ha of land, has an irregular shape, and is located close to the centre of the overall development. It is bounded to west by the school land, and will eventually be bounded to the north, east and west by residential properties in parcels known as 3 F and 3 H. An application for residential development on parcel 3F has recently been submitted.

1.2 The Proposal

- 1.2.1 The submission is a Reserved Matters application (access, appearance, landscaping, layout and scale) for the erection of 44 dwellings, a community centre

and retail units, associated car parking, roads and drainage infrastructure. The development would have a residential density of 17 dwellings per hectare (gross). The building heights across the parcel range from 2 to 3 storeys.

- 1.2.2 Although there are no character areas as such, there are a number of different buildings types. The size of the properties range from 2 to 5 bedrooms.
- 1.2.3 The community centre, which is located to the west of the site, has a pitched roof that is split into two levels. The tallest point is 10.5m high and it has an overall floorspace of approximately 304sqm.
- 1.2.4 There would be two retail units at ground floor level that, together with the community centre would frame the car park.
- 1.2.5 There would be 85 associated parking spaces, which would be delivered through on plot garages, driveways, parking strips and a car park for the Community centre. In addition to this, there would also be 4 visitor parking bays distributed throughout the rest of the site. This parcel would be accessed via the main tertiary road that links up with the A63 bypass.

1.3 **Planning History**

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application:

2015/0579/REM (PER -28.10.2015) Reserved matters application for the erection of 150 dwellings following outline approval CO/2002/1185

2005/0320/FUL (PER - 10.11.2005) Proposed erection of 12 dwellings with associated garages (variation of Phase 1 (Plots 205 & 214-236) of outline permission 8/19/1011C/PA)

2005/0446/FUL (PER - 24.06.2005) Formation of temporary vehicular access onto Bawtry Road to serve a temporary sales office

2005/0830/REM (PER - 10.11.2005) Reserved matters for outline application 8/19/1011C/PA, for the erection of 70 dwellings and associated works fronting Bawtry Road

2005/1014/FUL (PER - 18.11.2005) Erection of 149 dwellings (revision to Phase 1 of previously approved application 8/19/1011C/PA)

2005/1020/FUL (REF - 21.11.2005) Proposed erection of 79 dwellings (revision to Phase 1 of previously approved application 8/19/1011C/PA)

2005/1369/FUL (PER - 11.01.2006) Proposed erection of a general purpose agricultural building

2005/1473/FUL (PER - 06.03.2006) Resubmission of previously refused application 8/19/1011H/PA relating to a further amendment to Phase 1

2005/1508/FUL (PER - 03.03.2006) Proposed revision to Phase 1 for erection of 105 dwellings on previously approved application 8/19/1011C/PA

2006/0647/FUL (APPRET - 13.01.2009) Proposed substitution of house types on previously approved scheme 8/19/1011J/PA

2006/0657/FUL (PER - 18.08.2006) Application for substitution of house type to plot 15 from Gloucester to Windermere

2006/0700/FUL (REF - 30.06.2006) Proposed temporary access with creation of dropped kerb and 6 car parking spaces and use of existing double garage as temporary sales office

2006/1487/FUL (INPW - 29.11.2006) Erection of 62 dwellings (amendment to previously approved application 8/19/1011F/PA to alter dwelling types and numbers excluding Plots 1-12 and 17-22)

2007/0106/REM (PER - 26.03.2007) Approval of reserved matters Phase 2 for the erection of 60no dwellings and associated works at

2008/0258/FUL (PER - 18.04.2008) Proposed erection of an electrical substation

2009/0957/DPC (COND - 21.07.2011) Discharge of conditions 33 (lopping/felling of trees) and 34 (archaeological investigation) in relation to approval 8/19/1011C/PA (CO/2002/1185) for 1200 dwellings

2010/0841/DPC (COND - 21.07.2011) Discharge of planning conditions 4 (materials), 14 (wheel cleaning facilities) and 17 (provision of vehicle parking) at Phase 3A and 3B of approved application 8/19/1011C/PA for outline permission for the erection of 1200 dwellings

2011/0066/DPC (COND - 26.10.2011) Discharge of conditions 9, 13, 21, 22, 23, 25 & 32 of outline approval 8/19/1011C/PA (CO/2002/1185) for the erection of 1200 dwellings and associated works

2011/0562/ADV (REF - 19.07.2011) Consent to display 1no. advertising sign

2013/0511/DEM (PER - 14.06.2013) Prior notification for demolition of building

2013/0983/REM (PER - 05.12.2013) Reserved matters application for the erection of 155 dwellings to include access following outline approval CO/2002/1185 (8/19/1011C/PA) at Phase 3 J and 3H

2014/0708/MAN (PER - 07.08.2014) Application for a non-material amendment following approval of 2013/0983/REM Reserved matters application for the erection of 155 dwellings to include access following outline approval CO/2002/1185 (8/19/1011C/PA) at Phase 3 J and 3H

2014/0709/REM (PER - 03.09.2014) Reserved matters application for the erection of one residential dwelling following outline approval CO/2002/1185 (8/19/1011C/PA) on Phases 3 H and 3 J

2014/1186/COD (COD - 07.01.2015) Request for written confirmation of conditions of planning approval 8/19/1011C/PA (CO/2002/1185) (ref 7 Jesse Close)

2015/0452/REM (PCO -) Reserved matters application for the erection of 201 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4

2015/0455/REM (PCO -) Reserved matters application for the erection of 44 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2000 sqm of shops) together with associated footpaths, cycleway roads, engineering at Phase 4a

CO/2002/1185 (PER - 06.06.2005) Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000 sq.m. of shops), together with associated footpaths, cycleways, roads, engineering

1.4 Consultations

1.4.1 North Yorkshire Highways

Requested the following amendments be made:

- There needs to be an additional parking bay for the retail units
- The car park for the community area should be redesigned so that it can accommodate enough turning space for the lorry's that will deliver goods to the retail units. The present arrangement would be very awkward and potentially unsafe.
- Each of the 3 bedroom properties should have two car parking bays. As such, an additional parking bay should be provided for plots 24, 25, 27 and 36.

Officer comments: All of these amendments have been made to the satisfaction of the Highways Officer. Crucially, the delivery bay will now be located next to the retail units, so that there is a large enough area for the lorries to turn around and the deliveries do not have to cross the car park.

1.4.2 Internal Drainage Boards

No objection to the proposal, but have recommended that a condition be applied that ensures that the discharge rate of the surface water run be restricted to 1.4l per se/ha and that there are no obstructions within 7m of the watercourses without consent from the IDB.

1.4.3 Environmental Agency

No objections raised, but have recommended a condition be attached that controls the finished floor levels (see condition 1).

1.4.4 Lead Officer -Environmental Health

The Environmental Health officer has raised the following concerns:

Despite the air quality section of the EIA being dated June 16 it refers to Local Air Quality Management Technical Guidance LAQM.TG(09), rather than the 2016 version which was published in April.

States the likelihood is that remodelling of the submitted assessment to match the DEFRA mapped predictions of pollutant concentrations (a different methodology was used) will still indicate that no new exposure to levels above the Air Quality Strategy Objectives will occur but the significance of the effect may increase from negligible to slight or moderate. The Environmental Statement in states that as the impact significance was determined as negligible, mitigation measures are not required after the construction phase. However it is pointed out that the Statement also says that "Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures" The EH officer would suggest good design includes the provision of EV charging points especially where the properties include a garage and would request that the applicant considers this or the provision of other mitigation measures for air quality.

Noise

In the initial response, the EH officer referred to a number of areas where she did not consider that she had had sufficient information to agree the proposed layout of the area and if mitigation is required to protect NSR's.

In the Supplementary Environmental Statement in paragraph D1.2 it states that the chapter should be read in conjunction with the Noise Impact Assessment in Appendix D1 which is prepared in relation to Phases 4, 4A and 3. However, in Appendix D1 no mention is made of Phase 3. Likewise the Supplementary Environmental Statement makes no mention of Phase 3 until the Summary and Conclusions where it suggests that the operation of the community facilities in Phase 3 may significantly impact the environment and Noise Sensitive Receptors. .

The EH officer, therefore, reiterates her comments that this additional information in relation to phase 3 which is mentioned in the supplementary statement is provided together with mitigation proposals when an impact is identified.

There are a number of issues in relation to noise which the EH officer has detailed below where she does not have sufficient information to agree to the proposed layout of this area.

- Noise from the adjoining planned school affecting Plot 44. Requests details of the noise to be generated by the school and the predicted internal levels of this property and those in the private garden space.
- Noise from the Community Centre affecting surrounding residential. Requests predictions of the noise to be generated by the centres activities and the mitigation that shall be employed so determining the impact on the proposed surrounding residential units.
- Noise from the Retail Units affecting the surrounding and attached residential. Please provide predictions of the noise to be generated by the retail activities and the mitigation that shall be employed so determining the impact on the proposed surrounding residential units.
- Noise from the main estate road affecting the residential properties on the edge of the development and their private garden space.

1.4.5 Yorkshire Water

Have raised no objection and deferred their comments to the IDB

1.4.6 Waste and Recycling Officer

The Senior Contract officer has raised the following issues:

- In larger new developments that create new roads the layout has to safely accommodate vehicles making waste collections each week.
- The proposed layouts of larger scale developments should include swept path diagrams indicating satisfactory vehicle manoeuvrability within the site to be developed, and demonstrate that it has been designed to include an efficient collection round based upon vehicle dimensions in the table below. There are concerns around the access for an RCV to plots 1 to 10 and the waste officer would appreciate it if a swept path diagram could be provided for this area.
- Confirmation of bin storage areas for the apartments in plots 1 to 6 and separate bin storage areas for both the commercial and residential plots 7 to 10 is also required. Collection vehicles must be able to get within 20 meters of communal bin storage areas. As well as identifying the storage areas, the developer should also identify the route that collection crews will be able to take to safely move large containers from the storage areas to the collection vehicles.
- Selby District Council operates a kerbside waste collection service whereby residents must present waste for collection. Collection vehicles will not travel along private drives or use them for turning, and must be able to gain access to within 10 metres of the designated presentation point for collection at any individual property curtilage. Presentation points should be identified for plots 29 to 41 in a location which is accessible to collection crews and where bins and boxes do not cause an obstruction for residents or other vehicles. The current collection service allows for 2 x wheeled bins per property one week (refuse and green waste) and 3 x 55 litre kerbside recycling boxes per property the following week.
- To allow safe access, all roads and other areas that are to be used by the collection vehicle must be designed to withstand the full weight of the heaviest vehicle used, which is 26 tonnes when fully loaded. All development layouts should allow for the largest vehicle used by Selby District Council to be accommodated. The dimensions are as follows:

Length	10 metres
Width	2.8 metres
Height	5.8 metres
Weight when fully loaded	26 tonnes

1.4.7 North Yorkshire Fire & Rescue Service

No comments received.

1.4.8 North Yorkshire Heritage Services

There are still outstanding mitigation measures for this part of the site. The mitigation should comprise an archaeological strip, a map and record for plots 37-44 to be undertaken in advance of the development, including site clearance and top soil stripping, to be followed by appropriate analysis, reporting and archive information.

1.4.9 Selby Town Council

No comments received.

1.4.10 North Yorkshire County Council – Flood Risk Management

As the site is within both Flood Zone 2/3 and the administrative boundary of Selby Area IDB, on this occasion we defer to the comments of Selby Area IDB, the Environment Agency and Yorkshire Water. Adoption of the SuDS by Yorkshire Water will allow the planning authority to fulfil the requirement to ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

1.2 **Publicity**

1.2.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper. Two letters of objection were received. The issues raised are as follows:

Object

- 1) Will the access road be directly outside the Staynor Avenue houses? The reasons for the objections are that an increase in traffic flow on an already highly used road will have an increased effect on our access to our property. This road is the main entrance to Selby College for staff and students attending courses at said college.
- 2) The road is used by others to drop/pickup said staff/students as well as busses using the Staynor Avenue for the same reasons. There are ongoing issues with the drains outside our houses due to the weight of the said busses, although the bus companies refute they are the cause of this problem. The use of heavy plant machinery and implied use of Lorries using this as an access route will further impinge this effect see number 2 for further issues of heavy plant machinery and increase of Lorries and potential affect.
- 3) There are also concerns relating to potential structural damage to neighbouring properties relating to any pile-driving which may have to be undertaken whilst digging the footings for proposed properties. These properties on Staynor Avenue have already been subjected to these practices from the new estate being built further away from us on land subjected to flooding. The proposed site of the new development in the field directly behind Staynor Avenue shows signs of water-logging and may therefore suggest that pile-driving may be required to stabilise the properties proposed prior to building upwards. Neighbouring properties have been subject to the effects of vibration whilst this practice is being done further on the new estate being built. It is therefore anticipated that the Council's provision of an independent structural engineer, paid for by either the Council or the developers, to ascertain any damage incurred to neighbouring properties will be as a direct result

of these buildings being built. Further it would be expected any potential damage/repairs to be made good by a third party at no cost to local residents.

- 4) It is further asked that the boundary line is left accessible to allow maintenance of the property. Whilst it is appreciated that neighbours have no right to loss of view over land it would be appreciated that the newly developed properties do not directly face onto neighbouring properties. The properties built further up on the Abbots Road estate have been built with little or no regard or consideration of this in mind to their occupants.
- 5) A further question relates to the woodland area within the proposed development and the wildlife living within. The abundance of natural bluebells within the wooded area suggests that the wood can be considered as ancient woodland. Living within the said area are (to name but a few) are badgers, foxes, visiting and established herd of roe deer, owls, woodpeckers, nesting red kites, have any considerations even made.
- 6) Loss of views of the existing fields.

2. Report

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

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are as follows:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
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

The relevant Selby District Local Plan Policies are:

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

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

2.6 Key Issues

2.6.1 The key issues in the determination of this application are as follows:

1. Environmental Statement
2. Principle of Development
3. Climate Change
4. Layout, Scale and Design
5. Landscape Features
6. Flood Risk and Drainage
7. Impact on Residential Amenities
8. Impact on the Highway Network
9. Nature Conservation Issues
12. Recreational Open Space
13. Community Facilities
14. Archaeology
15. Affordable Housing
16. Other Issues

2.7 Environmental Statement

2.7.1 Environmental Impact Assessment (EIA) is a structured process for identifying the likely significant environmental effects of a development. The Town and Country Planning (Environmental Impact Assessment) (England) Regulations, 2011 (the EIA Regulations) set out the relevant procedures.

- 2.7.2 Previously, an Environment Statement (ES) was submitted as part of the outline application (C0/2002/1185) in 2002. In the period between the original ES being submitted and the time that this application has been made, there have been a lot of changes to environmental assessment methodologies. Therefore, it was considered appropriate by both parties (the applicant and the Local Planning Authority) that a new supplementary ES should accompany all future reserved matters applications.
- 2.7.3 As such, a Supplementary Environmental Statement (SES) has been submitted in support of the proposed development.
- 2.7.4 The submitted SES considers the environmental implications of this application along with Phases which has already been implemented. It comprises the main report, appendices, further information, clarifications and non-technical summary and sets out the background to the submission and updated policy context. The likely significant environmental effects assessed in the SES are as follows:
- Dust and Air
 - Noise and Vibration
 - Hydrology and Drainage
 - Transport
 - Landscape and Visual Impacts
 - Ecology and Nature Conservation
 - Ground contamination
 - Heritage and Archaeology
 - Socio-Economics
- 2.7.5 The SES has been reviewed by the appropriate technical officers. These technical officers have confirmed that the submitted SES, with the exception of noise and air quality, has adequately identified all of the potential environmental impacts arising from the proposed scheme and that, subject to the imposition of appropriate planning conditions, proposal would have a negligible impact on the receiving environment.

2.8 Principle of Development

- 2.8.1 Outline Planning Permission for the site has already been granted with a number of Planning Conditions and a Section 106 Agreement to control the development. This proposal is a Reserved Matters scheme for 44 dwellings pursuant to the above Outline Planning Permission.
- 2.8.2 The principle of proposed residential development was firmly established through the granting of outline planning permission and cannot be revisited under the reserved matters stage. In addition access to the site was also approved as the outline stage.
- 2.8.3 The following section will go on to consider and assess the reserved matters of appearance, landscaping, layout and scale against the appropriate policy tests in so far as they relate to the reserved matters.

2.9 Climate Change

- 2.9.1 Relevant policies in respect of climate change include Policy SP15 “Sustainable Development and Climate” of the Core Strategy.
- 2.9.2 In relation to SP15 (b) whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It must be acknowledged that the proposal is for a Reserved Matters scheme where access was considered at the outline planning permission stage and the design parameters have therefore to some extent already been previously prescribed. It is however considered that parts (c), (d), (e), (f) & (g) of the policy have been complied with by virtue of the outline planning permission and the obligations under the section 106 agreement. Taking account of the above it is considered that it would be unreasonable to impose requirements of parts (a), (b) and (h) at this stage. The proposals ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is therefore limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of SP15 (B) (a), (b) and (h) of the Core Strategy.
- 2.9.3 Part (h) of Policy SP15 (B) refers specifically to the requirement to fulfil part (a) of Policy SP16 of the Core Strategy. Policy SP16 (c) requires development schemes to employ the most up to date national regulatory standard for code for sustainable homes which the proposed development would do through Building Regulations. Therefore, having had regard to policy SP15 (B) and SP16 (a) & (c) it is considered that the proposal is acceptable.

2.10 Layout, Scale and Design

- 2.10.1 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.
- 2.10.2 Significant weight should be attached to Local Plan Policies ENV1 and ENV3 as they are consistent with the aims of the NPPF.
- 2.10.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.10.4 The layout provides for a mixture of detached, semi-detached, terraced properties and flats arranged around estate roads and a cul-de-sacs predetermined at the Outline Planning Stage. The properties are a mixture of two and three storey dwellings and flats of a similar design, scale and appearance to those already approved on previous phases of the development as a whole. A plan that was submitted shows how there will be a mix of materials spread throughout the site. They are considered appropriate and as having regard to the context of the existing development.
- 2.10.5 The community centre and two retail units form a hub along the western side of the site. The community centre, with its split pitch roof creates visual interest and allows

for high level windows so the building will receive significant amounts of daylight and sunlight.

2.10.6 The retail units have modest sizes facia and sub-facia, which means that any shop sign/logo will be of a modest scale and create a neat appearance for the hub.

2.10.7 Car parking provision equates to one space per 2 bed dwelling, two spaces for the majority of 3 bed dwellings and three spaces plus for the 4 bed dwellings. This provision is considered to achieve an appropriate balance between providing adequate provision and car parking not dominating the street scene. The layout of the scheme provides for a mix of 2-5 bedroom. The precise breakdown of units shown can be seen in the table below.

Housing mix– Table 1

	Number
2 Bed Apartment	10
2 Bed House	6
3 Bed House	15
4 bed House	11
5 Bed House	2
Total Units	44

2.10.8 The proposals are considered to provide an appropriate mix of housing to meet local housing needs in accordance with Policy SP8 of the Core Strategy.

2.10.9 The design and layout of the proposed scheme generally provides for the main elevations of dwellings facing the street scene with open green frontages. It is noted that some dwellings have been designed to consist of double frontages or windows inserted to create more active frontages. This is a welcome addition to the layout and is supported.

2.10.10 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 must 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.

2.10.11 The proposed layout has ensured that dwellings have active frontages and the dwellings are positioned so that car parking areas have natural surveillance. It is acknowledged that details of landscaping and boundary treatments have not been submitted alongside the planning permission. However with any permission granted a condition would be attached to request this information before development commences to ensure that private space for each plot is clearly demarcated

through appropriate boundary treatment so that occupants can distinguish their defensible private space.

2.10.12 The Police Architectural Liaison Officer raises concern with regard to uncontrolled access from front to rear gardens and recommends that access to all rear gardens should be controlled by the use of lockable gates and/or fencing to a minimum height of 1.8m. The access between properties to rear gardens is uncontrolled however as outline planning permission and reserved matters have been approved it is considered unreasonable to impose such requirements at this stage given that individual owners can control security of the properties through insertion of appropriate gating as they wish. Reference is also made to ensuring that all ground floor windows are secure presumably by the use of appropriate locks and the use of security lighting for all external doors and, if applicable, car parking and garage areas however these are not considered to be matters that should be controlled by the Planning System. On balance taking account of the above it is considered that the layout has achieved a balance between minimising crime through layout considerations and providing a visually pleasing street scene. Comments in regards to landscaping are noted. However, no plans have been submitted in regards to individual plot planting which can be secured via a condition to ensure that this detail is submitted to the local planning authority before development commences. Comments would be sought from the Police Liaison Officer on the landscaping and boundary treatments when this is received through the discharge of conditions application.

2.10.13 The Council's Waste and Recycling Officer has requested additional information from the applicants that can show that bins can safely be emptied. At the time of writing this report, this information has not been received from the applicants and it will be provided as part of the update note at Committee.

2.10.14 In this context the Layout, Scale and Design of the proposed development is considered as far as reasonable in the context of an amended reserved matters proposal acceptable subject to no objections being received from the Council's Waste and Recycling Officer in accordance with Policy ENV 1 (4) of the Local Plan and policies SP8 and SP19 (a), (b) & (h) of the Core Strategy.

2.11 Landscape Features

2.11.1 Relevant policies in respect to landscape features include Policy SP19 "Design Quality" of the Selby Core Strategy.

2.11.2 The residential properties will be bounded by a mixture of hard and soft landscaping, which will create calming and welcoming streetscenes and is supported by the Council officers.

2.11.3 There has been some information submitted in relation to type of species that will be used in the boundary treatments. The landscape plan shows provision for *Pyrus calleryana* and *Sorbus aucuparia* trees spread out across the site, and *Escallonia* shrubs along the boundaries of the community centre car park. However, given that the site frames the main tertiary road for the wider site, it is considered that it is necessary to secure an additional level of planting to ensure that the scheme integrates with the rest of the development and serves as an attractive frontage to the road. This information will be secured via a planning condition (see condition 3)

to ensure these details are submitted and agreed before development commences to ensure that suitable boundary treatment and landscaping would be utilised.

2.11.4 Overall, though, the approach to planting and landscaping is considered to enhance the overall environment softening the transition between built development in accordance with Policy SP19 (e) of the Core Strategy.

2.12 Flood Risk and Drainage

2.12.1 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.

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

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

2.12.4 This parcel is located within Flood Zone 2 and 3a. Flood Zone 2 comprises of land assessed as having between a 1 in 100 and 1 in 1,000 and between a 1 in 200 and 1 in 1,000 annual probability of river and sea flooding respectively. Flood Zone 3a comprises land assessed as having between a 1 in 100 or greater and 1 in 200 or greater annual probability of river and sea flooding respectively.

2.12.5 The Flood Risk Vulnerability Classification of the PPG defines a residential use as 'more vulnerable'. Table 3 of the PPG defines a more vulnerable use in Flood Zone 2 as being appropriate and a more vulnerable use in Flood 3a as only being appropriate if the Exception Test is passed. The NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.' The PPG defines areas at risk of flooding as land within Flood Zone 2 and 3a. The application site is therefore an area at risk of flooding where development should be directed away from areas at highest risk. A Sequential Test and Exception test would therefore normally be required along with a Site Specific Flood Risk Assessment. However, the proposal is an amended reserved matters scheme, and the principle of development cannot be revisited, therefore a sequential and exception test are not required.

2.12.6 The drain on the site is an agricultural field drain system that combines flows from Staynor Wood Drain, Common Drain, and Oakney Wood Drain. These drainage ditches historically acted as storage channels once river levels were raised restricting gravity flows to the river. Surface water from the development has been restricted to agricultural rates of discharge (maximum of 400 litres per second). In addition, it is important to note that this reserved matters scheme includes the previously approved flood risk mitigation measures to raise floor levels a minimum of 600 mm above the lowest levels of the site and to consider flood proofing measures of the buildings.

2.12.7 The SES also makes it clear that the current development has no impact on this outfall rate and there will be no detriment on the measures implemented for dealing with foul and surface water flows.

- 2.12.8 Additionally, the SES concludes that the “flooding from the proposed drainage network has been mitigated as far as is reasonably possible by modelling networks to cater for the 100 year + 30% increase in rainfall for the climate change event. This is a considerable benefit to the site, and its catchment, upstream and downstream.”
- 2.12.9 The Environment Agency has raised no objections to this Reserved Matters scheme. It is considered that any approval should be subject to the imposition of a condition to ensure that the development is carried out in accordance with the mitigation measures contained within the submitted Flood Risk Assessment/ Drainage Statement. The development is therefore considered to be in accordance with the advice contained within the NPPF and the NPPG with regard to Flood Risk considerations.
- 2.12.10 The Internal Drainage Board (IDB) has also been consulted and have raised no objection but would like the discharge rate of the surface water to be controlled, and requested that a condition be attached that ensures that the discharge rate of the surface water run be restricted to 1.4l per se/ha and that there are no obstructions within 7m of the watercourses without consent from the IDB. Since the proposal is in line with the terms agreed under outline consent a condition is not required here, however, an informative will be added to ensure that the applicants are aware of the IDB comments and that they liaise with them prior to commencement of the site.
- 2.12.11 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.

2.13 Impact on the Highway Network

- 2.13.1 Policies ENV1 (2), T1 and T2 of the Selby District Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements.
- 2.13.2 The Outline Planning Permission permitted two principal accesses from Bawtry Road with a third off Abbot's Road. This proposed phase of the scheme would be served from the proposed internal road which has already been approved. Car parking provision is considered to be adequate achieving one space per 2 bed dwelling, two spaces for the majority of 3 bed dwellings and two spaces plus for the 4 bed dwellings. This provision is considered to achieve an appropriate balance between providing adequate provision and car parking not dominating the street scene. The development incorporates a network of footpaths.
- 2.13.3 A Transport Assessment was submitted to accompany the previously approved Reserved Matters Scheme. This Transport Assessment concludes that Public Transport provision in the area is reasonably good.
- 2.13.4 North Yorkshire Highways Officers have been consulted and requested one additional parking bay, which has been supplied on a revised plan. The highways officer also requested a revised community centre car park layout to ensure that the

delivery bay is located next to the retail units. This amended has also been made and the highways officer is satisfied.

2.13.5 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 policies ENV 1 (2), and T2 of the Local Plan.

2.14 Impact on Residential Amenities

2.14.1 Policy ENV1 (1) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the impact proposals would have on the amenity of neighbouring occupiers. The NPPF also requires amenity to be taken into account.

2.14.2 The separation distances between existing and proposed dwellings and within the site are acceptable. There are instances where distances are below standards that would normally be expected but it is considered that they are sufficiently mitigated against with the position of boundary treatment, side gables and windows etc. Impacts of the construction of the proposed residential development can be controlled by condition.

2.14.3 The SES study concludes that restricting delivery times and setting limiting noise levels for plants will ensure there are no effects once mitigation measures are in place.

2.14.4 The Environmental Health Officer has been consulted on the proposals and is of the view that the noise assessment and the conclusions of the SES do not go far enough. The Environmental Health Officer has raised concerns in respect to noise from the primary school, the new community centre, the retail units and from traffic in the area affecting the residential amenity of the residents of the proposed dwellings. The Environmental Health officer has also requested that some bespoke mitigation measures are put in place to ensure that the air quality remains at negligible.

2.14.5 Taking each point in-turn, firstly, the majority of the residential units are not in close proximity to the school as they are screened by the community centre and car park. Furthermore, a condition will be attached that requires a further noise assessment, the conclusions of which, will determine what level of mitigation are required e.g. double and triple - glazed windows, and what is appropriate provision of fences and bund that will act as a buffer. Secondly, it is noteworthy that, in planning terms, it is good practice to have residential units in close proximity to community centres and retail units as this ensures that there is a sense of community, the that these uses are viable. It also represents sustainable development as it reduces journey time and the need for the car. It is also considered that the impacts of these uses can be mitigated by condition restricting their hours of use. Thirdly, a condition is recommended that requires the applicants to put bespoke mitigation measures in place to ensure that there is good air quality in place.

2.14.6 In terms of construction impacts of the proposed residential development, the impacts of this work are controlled by Condition 22 of the extant Outline Planning Permission and it is therefore unnecessary to impose such measures again. It is

noted that, in the SES statement, the report recommends that the construction work is limited to the following hours:

08:00 to 18:00 hours Monday to Saturday

08:00 to 13:00 hours Saturday

And only pre-approved occasional work on Sunday and Bank/Public Holidays

2.14.7 The proposed development is therefore considered not to cause significant detrimental impact on the residential amenities of the area in accordance with policy ENV 1 (1) of the Local Plan and the NPPF.

2.15 Nature Conservation Issues

2.15.1 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.

2.15.2 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.

2.15.3 As part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. The Nature Conservation Plan obligation for phase 3 pursuant to the above Section 106 Agreement has been discharged and as such the nature conservation issues have been considered by the existing Section 106 Agreement attached to the Outline Planning Permission. The Nature Conservation Plan is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme. Furthermore phase 3 has not been identified as an area of the site that there is a presence of protected species.

2.15.4 The SES has concluded that the layout of the development has fully taken into account the presence of habitats and features of interest for reptiles, bats and birds and has minimised impacts where necessary. Assuming that mitigation is in place (the nature conservation plan is secured through the S106 Agreement), impacts associated with the proposed development are predicted to be not significant; the proposal is therefore compliant with relevant policy and guidance.

2.16 Recreational Open Space

2.16.1 Policy RT2 of the Selby District Local Plan refers to Public Open Space and the requirements for its provision. The Master Plan illustrates how open space is to be accommodated across the whole of the site. It proposes a total open space provision of 21 hectares. This includes both informal and formal open space together with the retention of Staynor Hall Plantation. This phase of the development does not provide any Recreational Open Space provision however this is as set out on the Masterplan and as such the scheme is considered to be in accordance with policy when viewing the scheme as a whole.

2.17 Community and Retail Facilities

- 2.17.1 The NPPF recognises the major importance of social infrastructure in supporting expected growth and meeting the needs of growing and diverse populations.
- 2.17.2 Community facilities enhance the sustainability and inclusiveness of communities (NPPF paragraph 70) by providing spaces where people and groups can meet and access a range of important local services. This includes day care and drop-in centres, libraries, advice and support centres, community meeting facilities and community halls, as well as arts and cultural facilities.
- 2.17.3 The proposed development includes the physical provision of a new community centre, and two retail units, which will form a hub and will collectively bring tremendous social benefits to the whole development. Paragraph 5.4 of the SES records that “during operation, a moderate adverse impact was identified in respect of the new community facilities associated with fixed plant and deliveries. Restricting delivery times and setting limiting noise levels for plant will ensure there are no effects once mitigation measures are in place.” Following this advice, a condition will be attached to any permission granted to restrict the levels of noise and the hours of use. Subject to the imposition of these conditions, these uses are welcomed and accord with the principals of the outline permission and the NPPF.

2.18 Archaeology

- 2.18.1 The Supplementary Environmental Statement has identified the need for further mitigation in Phase 3 (Plots 37-44), which are located within the Zone of Archaeological Sensitivity as outlined in the ES (2002). The mitigation would comprise agreeing a detailed specification to enable the full recovery of environmental and archaeological data through preservation by record. This would include a programme of archaeological monitoring and recording on all below ground works in the area of Plots 37 to 44 in Phase 3. With the mitigation in place, the impact will be neutral. The NYCC Historic Environment Officer has been consulted on the proposals and has confirmed they have no objections subject to conditions attached to any permission granted. It is therefore considered that subject to a condition attached to any permission granted, the proposal accords with 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.

2.19 Affordable Housing

- 2.19.1 Policy SP9 of the Core Strategy relates to Affordable Housing provision. As part of the Outline Planning Permission a Section 106 Agreement was entered into. This included a number of aspects including the provision of affordable housing. The Section 106 Agreement required the submission of an affordable housing scheme prior to the commencement of development of each remaining phase and required the scheme to be based on a number of criteria.
- 2.19.2 Affordable Housing is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme. Furthermore the Affordable Housing Plan is governed by the existing Section 106 Agreement attached to the Outline Planning Permission.

2.19.3 In light of the above it is considered that the proposals are acceptable with respect to affordable housing provision having had regard to Policy SP9.

2.20 Other Issues

2.20.1 Two residents have written in objecting to the scheme. The objections (collectively) relate to loss of views of the existing agricultural fields, increased noise levels through construction/piling, increased transport levels, a maintenance strip and would like assurances that the ecology of the site, particularly in the wood, will be retained.

2.20.2 The principle of this development in this location was established through extant outline consent and the Highways Authority supports this level of development.

2.20.3 In terms of ecology of the site, the mitigation measures put in place through the agreed nature conservation management plan will ensure that the same level of ecology will be enjoyed. This is supported by the supplementary ES that accompanied this report.

2.20.4 With regards to impacts through construction and piling, the objector is approximately 390m away from the nearest dwelling on this site. Therefore, any impacts are considered to be negligible.

2.21 Conclusion

2.21.1 This Reserved Matters scheme proposes the erection of 44 dwellings on the Staynor Hall Development whereby the principle of residential development of this allocated site has already been established through the granting of Outline Planning Permission. A number of issues are not for consideration at this Reserved Matters stage as they are governed by the Section 106 Agreement attached to the Outline Planning Permission including Affordable Housing.

2.21.2 The Design, Scale and Layout of the proposed scheme are considered to be acceptable and fully in accordance with the terms of the Outline Planning Permission. The proposed scheme is considered to be fully in accordance with the advice contained within the NPPF with regard to Flood Risk considerations. Impacts of acknowledged importance such as residential amenity and the impact on the highway network are considered acceptable. The Reserved Matters scheme is therefore considered to comply with the provisions of the Development Plan and those of the Core Strategy. There are no other material considerations that are considered to be of sufficient weight to warrant refusal of this Reserved Matters Scheme. The Reserved Matters Scheme is therefore recommended for approval subject to conditions.

3.0 Recommendation

This planning application is recommended to be APPROVED subject to no significant issues being raised by the Council's Waste and Recycling Officer, and conditions detailed below:-

1. The development hereby permitted shall be carried out in accordance with the

following requirements, unless otherwise approved in writing by the Local Planning Authority:

- 1) Finished Floor Levels (FFLs) for the development in Flood Zone 3 should be set a minimum of 600mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.
- 2) Finished Floor Levels for development in Flood Zone 2 should be set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

The applicant should also consider the use of flood resilient / flood proof construction techniques, some examples of which are detailed as follows:

- Solid floor construction e.g. continuous concrete ground floor slab minimum of 150mm thick reinforced with mesh on lapped and topped 1200 gauge visqueen damp proof membrane (dpm).
- Electricity supply cables to enter building from roof level and wired downwards; electric sockets to be positioned at least 600mm above floor level.
- Flood sensitive equipment raised 600mm above floor level.
- Tanking of external walls to 600mm above proposed ground floor level and continuous with floor dpm.
- Anti flood valves on internal building drainage.
- Water tight external door construction to minimum of 600mm above proposed floor level.
- Ceramic tiles or lime based plaster should be used on the internal face of the external walls at ground floor level.
- Water resilient ground floor coverings should be considered, such as clay tiles.
- Waterproof seal between cladding and floor slab

Reason:

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

2. The materials to be used in the construction of the exterior walls and roof(s) of the development shall be in accordance with the approved details on the Materials Layout drawing number Central/001 Rev E dated 30 September 2016, and only the approved materials shall be utilised, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan and policy SP19 of the Core Strategy.

3. The reserved matters hereby approved shall not be implemented other than in accordance with the environmental standards and mitigation measures as set out in the Supplementary Environmental Statement (June 2016) and these shall be maintained in that condition for the duration of the development.

Reason:

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

4. No development shall commence until a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. 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 to the rights of control by the Local Planning Authority in the interests of in order to comply with Policy ENV1 of the Selby District Local Plan.

4. No development shall commence until details of the means of site enclosure are submitted to and approved 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 allow the Local Planning Authority to control the development detail in order to ensure that the proposals are in keeping with the character and appearance of the area to comply with Policy ENV1 of the Selby Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan.

5. Opening hours for the retail units identified on drawing hereby approved drawing reference: AY-R/A3-Planning/01, shall not be outside the hours

07:00 to 23:00 hours.

08:00 to 22:00 hours Sunday and Bank/Public Holidays

Reason: To protect the amenity of the adjoining and nearby properties (Policy ENV1 of the Selby District Local Plan.)

6. Opening hours for the Community Room identified on drawing reference: Proposed Community Centre 003, hereby approved shall not be outside the hours of

07:00 to 23:00 hours Monday to Saturday

08:00 to 22:00 hours Sunday and Bank/Public Holidays

Reason: To protect the amenity of the adjoining and nearby properties (Policy ENV1 of the Selby District Local Plan.)

7. There shall be no goods delivered to the retail units outside the hours of 07:00 - 22:00 Monday to Friday, 08:00 -13:00 Saturday and 08:00 to 10:00 on Sundays/Bank Holidays.

Reason: To protect the amenity of the adjoining and nearby properties (Policy ENV1 of the Selby District Local Plan.)

8. 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 1 – 44 without the prior written consent of the Local Planning Authority.

Reason: In order to retain the character of the site and to protect the amenity of adjoining and nearby properties (Policy ENV1 of the Selby District Local Plan.)

9. No development shall take place until the applicant, their agent, or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Development within areas identified for archaeological investigation in the approved written scheme shall not commence until the archaeological fieldwork in those areas has been completed and the Local Planning Authority has confirmed in writing that the archaeological fieldwork has been completed satisfactorily. The archive report and publication shall be submitted to the Local Planning Authority within 6 months following completion of the archaeological investigations

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.

10. Prior to the commencement of development, a noise insulation scheme detailing the acoustic noise insulation performance specification of the building above the retail units and adjacent to the community building (having regard to the building fabric, glazing and ventilation) shall be submitted in writing to the local planning authority. The purpose of the scheme is to ensure that the scheme shall achieve internal noise levels recommended in British Standard 8233:2014. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be retained as such.

Reason: To protect the amenity of the adjoining and nearby properties (Policy ENV1 of the Selby District Local Plan.)

11. The use of the community room shall not commence until full details of the proposed signage has been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out as approved.

12. A further noise assessment is required, prior to the commencement of development, to provide clarification as to what the impacts will be from the school, commercial and community units and the surrounding roads. The conclusions will need to make clear what mitigation measures are required.

Reason: To ensure that the appearance of the external surfaces is appropriate (Policy ENV1 of the Selby District Local Plan.)

13. The development shall be carried out in accordance with the following plans:

(Plans to be inserted into the decision notice)

Reason:

For the avoidance of doubt.

Informative:

Prior to the commencement of development you are advised that you will need to liaise with the IDB and Yorkshire Water to discuss the discharge rate of surface and foul water, and to acknowledge the request from the IDB that there are to be no obstructions within 7 metres of the edge of a watercourse are permitted without consent from the IDB.

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 references 2015/0580/EIA and associated documents.

Contact Officer: Tom Webster, Principal Planning Officer

Appendices: None

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.

Planning Committee 2016-17



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