



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 7 DECEMBER 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 a correct record the minutes of the Planning Committee meeting held on 9 November 2016 (pages 1 to 6 attached).

6. Planning Applications Received

- 6.1 2015/1413/OUT - 37 Low Street, Sherburn In Elmet
(pages 8 - 29 attached)
- 6.2 2016/0951/FUL - Ings View Farm, Main Street, Thorganby
(pages 30 - 55 attached)
- 6.3 2016/0515/OUT - Land adjacent to Southlands, Broach Lane, Kellington (pages 56 - 80 attached)
- 6.4 2015/0351/FUL - Pear Tree House, Hull Road, Cliffe, Selby,
(pages 81 - 114 attached)
- 6.5 2016/0978/FUL - Land off Barff Lane, Brayton
(pages 115 - 146 attached)

7. Reconsideration of Previously Considered But Still Pending Applications (pages 147 - 151 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meeting
Wednesday 11 January 2017

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.

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 9 November 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), D Peart, I Chilvers, J Deans, Mrs S Duckett (substitute for B Marshall) D White (substitute for C Pearson), and D Mackay.
Apologies for Absence:	Councillors B Marshall and C Pearson.
Officers Present:	Kelly Dawson, Senior Solicitor, Jonathan Carr, Lead Officer – Planning, Fiona Ellwood, Principal Planning Officer, Keith Thompson, Senior Planning Officer, Calum Rowley, Senior Planning Officer and Janine Jenkinson, Democratic Services Officer.
Public:	18
Press:	1

32. DISCLOSURES OF INTEREST

All councillors declared that they had received correspondence in relation to the following applications:

- 2015/1217/FUL – Staynor Hall Development, Bawtry Road, Selby.
- 2015/1272/FUL – Staynor Hall Development, Bawtry Road, Selby.
- 2016/0491/MLA – The Laurels, York Road, Barlby, Selby.

33. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that agenda Items 6.2 – 2015/1217/FUL – Staynor Hall Development and 6.3 – 2015/1272/FUL – Staynor Hall Development had been

withdrawn from the agenda due to representations being received which referred to matters that required further consideration.

34. SUSPENSION OF COUNCIL PROCEDURE RULES

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

RESOLVED:

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

35. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 12 October 2016 and the Planning Sub-Committee meeting held on 24 October 2016.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 12 October 2016 and the Planning Sub-Committee meeting held on 24 October 2016, as correct records, and they be signed by the Chair.

36. PLANNING APPLICATIONS RECEIVED

**36.1 Application: 2016/0783/FUL
 Location: Saxon, Holme
 Coldhill Lane
 Saxton, Tadcaster
 Proposal: Proposed erection of a new
 dwelling.**

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined two further letters of representation that had been received and amendments to the report, including revised conditions.

Members were advised that the application had been brought before the Planning Committee due to the number of representations received, contrary to the Principal Planning Officer's recommendation. The application had also been brought before the Committee in the context of the 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 Supplementary Planning Document (SPD) from development under ten residential units. The Committee was informed that following the Court judgement, the proposal was now contrary to the provisions of the Development Plan.

The Committee was advised 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.

36.5 **Application:** **2016/0989/COU**
 Location: **Hornington Manor, Oxton Lane, Bolton Percy**
 Proposal: **Proposed change of use of agricultural land to self-catered holiday accommodation comprising of 8 No. mobile shepherds' huts.**

The Senior Planning Officer introduced the application and referred the Committee to the information provided in the Update Note. The Update Note outlined a consultation response from the Council's Environmental Health Officer, and one further letter of objection. The Senior Planning Officer confirmed that having considered the contents of the letter, the points raised had already been considered and there were no changes to the report and the Officer's recommendation remained.

Members were informed that the application had been brought before the Planning Committee as the Senior Planning Officer considered that although the proposal was contrary to Policy RT11 of the Local Plan, little weight should be given to Policy RT11 because of the clear conflict of Policy RT11 with Policy SP13 of the Core Strategy and the core planning principles set with the National Planning Policy Framework (NPPF), all of which were more up to date than Policy RT11 of the Selby District Local Plan and which acknowledged tourism development, was appropriate, in principle within the open countryside. Members were advised that these considerations outweighed the conflict with RT11 of the Local Plan.

The Senior Planning Officer informed the Committee that the proposed scheme was not considered to cause a significant detrimental impact on the character of the open countryside and all matters of acknowledged importance were considered acceptable subject to appropriate conditions being attached to any approval.

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

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 2.15 of the report.

37. KELLINGLEY COLLIERY REDEVELOPMENT

The Committee was provided with a presentation by Barton Wilmore that outlined a forthcoming application which sought to re-develop the site of the former Kellingley Colliery. Members were informed that amendments to the briefing note had been made and were set out in the Officer Update Note.

Councillors were invited to ask questions in relation to the proposed re-development.

Questions in relation to the following issues were raised:

- The approach to slurry ponds.
- Recruitment / training opportunities for local residents.

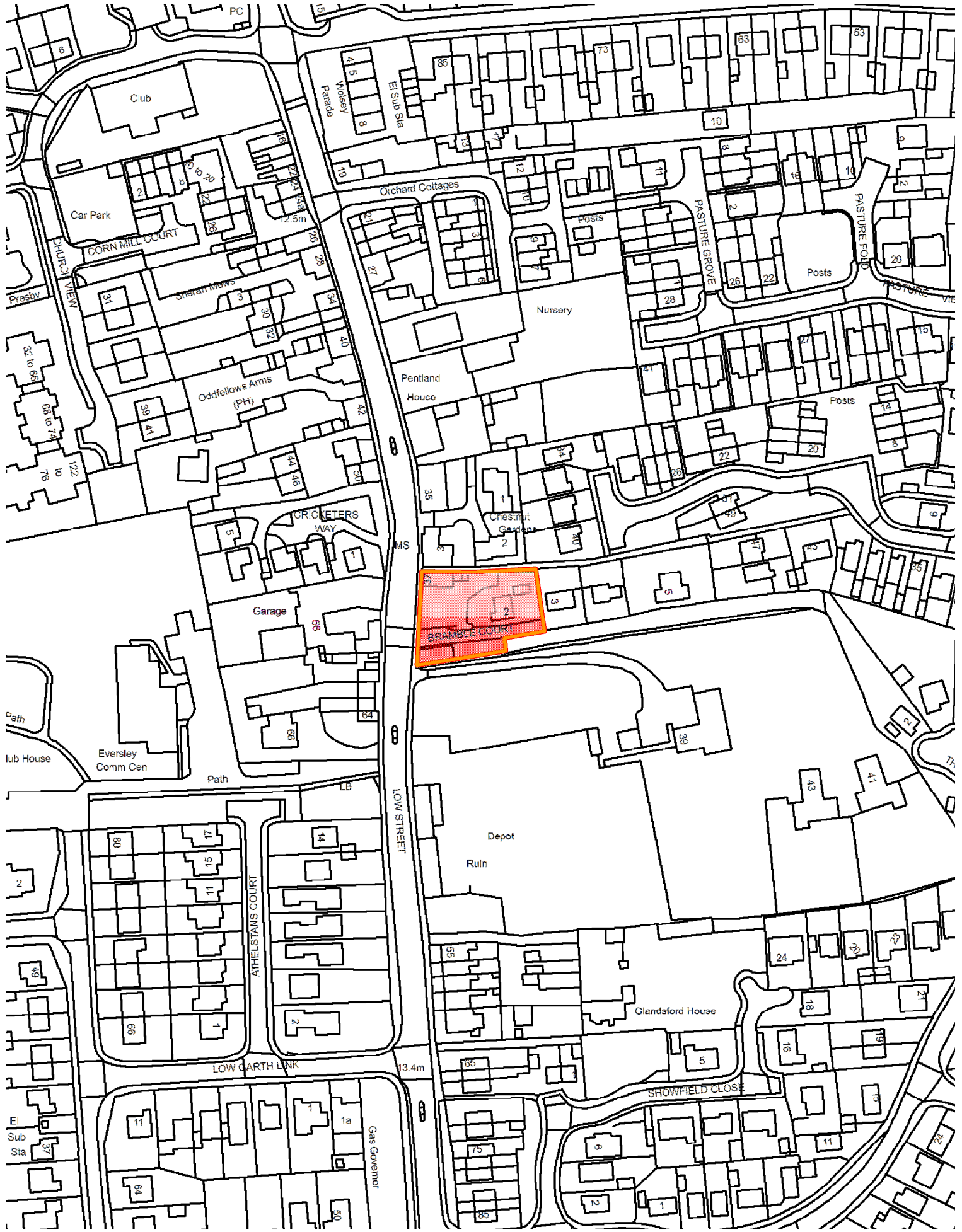
- How methane would be managed.
- Details of how the consultation had been undertaken with neighbouring local authorities, including Wakefield Council and North Yorkshire County Council.
- Section 106 / Community Infrastructure Levy (CIL) contributions.
- Pedestrian, cycle and public transport access arrangements.
- Provision of retail units and other facilities.
- Traffic / Highway impact.

RESOLVED: To note the presentation provided.

The Chair closed the meeting at 3.15 p.m.

Items for Planning Committee
7 December 2016

Ref	Site Address	Description	Officer	Page
2015/1413/OUT	37 Low Street Sherburn In Elmet	Outline application with all matters reserved for the demolition of two dwellings and the erection of seven new dwellings.	CALU	8-29
2016/0951/FUL	Ings View Farm Main Street Thorganby	Proposed demolition of existing single storey outbuildings and erection of two storey dwelling and double garage in the conservation area.	JENY	30-55
2016/0515/OUT	Land adjacent to Southlands, Broach Lane, Kellington	Outline planning permission (all matters reserved) for the erection of a residential development.	TOWE	56-80
2015/0351/FUL	Pear Tree House, Hull Road, Cliffe, Selby.	Proposed single storey dwelling	SIEA	81-114
2016/0978/FUL	Land off Barff Lane Brayton	Proposed residential development of 53 dwellings including access and associated infrastructure.	SIEA	115-146

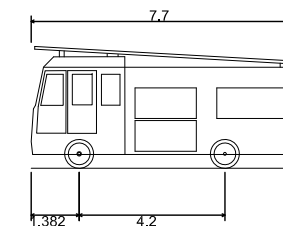
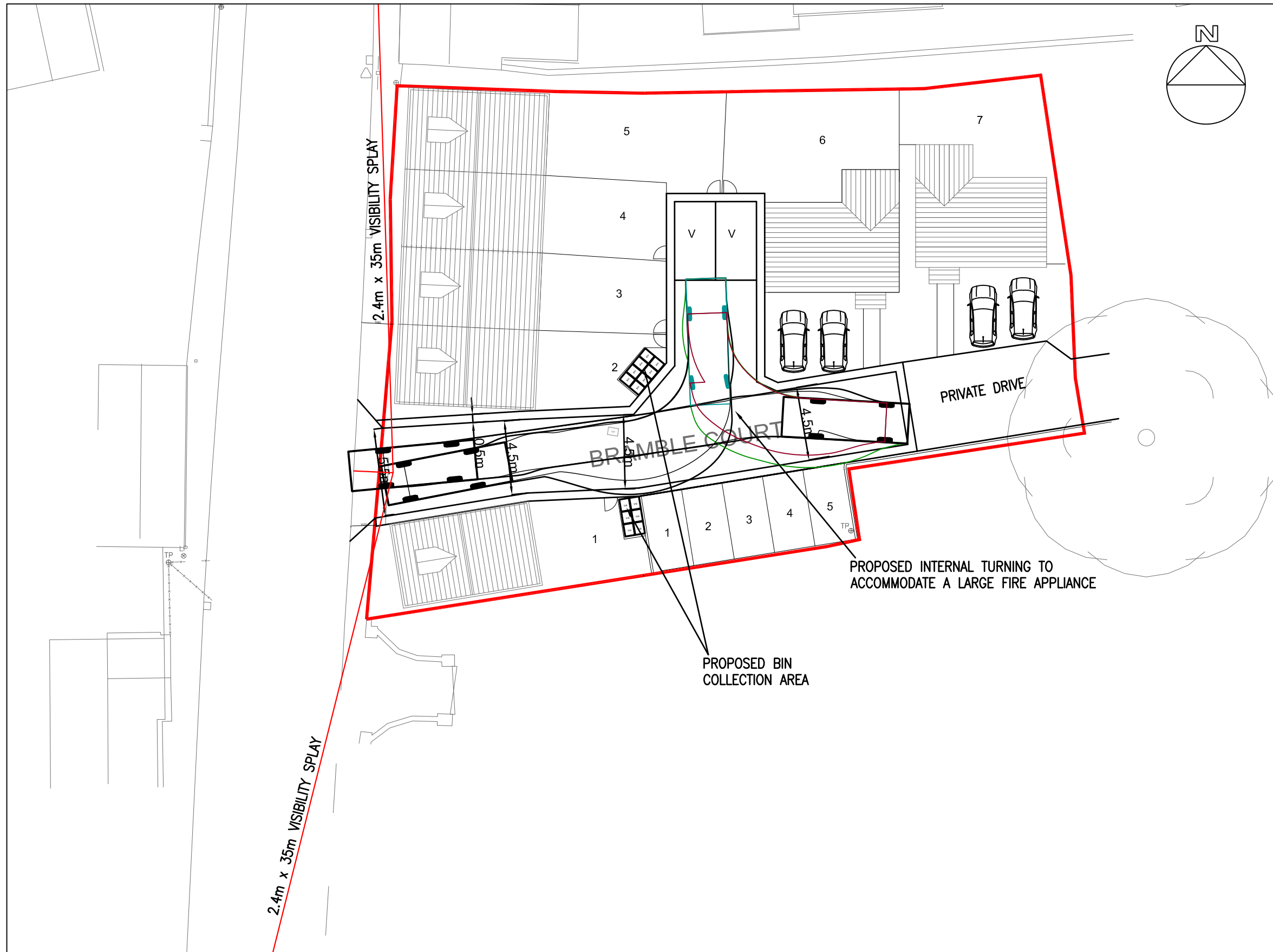


APPLICATION SITE

Item No: 2015/1413/OUT

Address: 37 Low Street, Sherburn in Elmet

This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656



Dennis Sabre Fire Tender (LWB)	
Overall Length	7.700m
Overall Width	2.430m
Overall Body Height	3.512m
Min Body Ground Clearance	0.397m
Track Width	2.380m
Lock to Lock Time	5.00s
Kerb to Kerb Turning Radius	7.400m

**AMENDED
DRAWING**

RECEIVED
12.04.2016
BUSINESS SUPPORT

REV	DATE	DESCRIPTION

	JOB	DWG	REV
	1125	01	
SCALE:		1:250 @A3	
DATE:		April 2016	
UNIT 2, THE OFFICE CAMPUS, PARAGON BUSINESS PARK, RED HALL COURT, WAKEFIELD WF1 2UY			

- GENERAL NOTES:**
- THIS DRAWING SHOWS THE PROVISIONAL/DETAILED DESIGN ONLY AND IS SUBJECT TO LOCAL AUTHORITY APPROVAL. THIS DRAWING SHOULD NOT BE SCALED FOR SETTING OUT PURPOSES.
 - THIS DRAWING IS BASED ON A TOPOGRAPHICAL/ORDNANCE SURVEY PROVIDED BY OTHERS.

PROPOSED RESIDENTIAL DEVELOPMENT
BRAMBLE COURT, LOW STREET,
SHERBURN IN ELMET



Report Reference Number: 2015/1413/OUT

Agenda Item No: 6.1

To: Planning Committee
Date: 7 December 2016
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/1413/OUT (8/58/496G/PA)	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Mr Peter Rucklidge	VALID DATE:	5th January 2016
		EXPIRY DATE:	1st March 2016
PROPOSAL:	Outline application with all matters reserved for the demolition of two dwellings and the erection of seven new dwellings.		
LOCATION:	37 Low Street Sherburn In Elmet North Yorkshire LS25 6BB		

This application has been brought before Planning Committee as it is being recommended for approval contrary to Policy SP9 and there are more than 3 objections contrary to the Officer recommendation to approve the application.

Summary:

The application proposes outline planning permission with all matters reserved for the erection of 7no. dwellings including the demolition of two existing properties. The site is located within the defined development limits of Sherburn in Elmet at the heart of the village.

The principle of the proposed development is considered to be acceptable having regard to Policy SP2A(a) and SP4(a) of the Core Strategy Local Plan given the location of the development within the defined development limits of a Secondary Village. However, these policies are considered to be out of date in so far as they relates to housing supply and the Council acknowledges that it does not have a 5 year housing land supply.

As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable

development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

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

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

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

Recommendation

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

1. Introduction and background

1.1 The Site

1.1.1 37 Low Street is a detached two storey property that sits adjacent to Low Street but at right angles to the road and parallel to the footpath that runs along the northern boundary. There are a series of outbuildings associated with number 37.

1.1.2 The site has an open aspect with an existing point of access that serves dwellings to the rear – Bramble Court. Number 2 is sited approximately 30m back from the road frontage and is a modern two storey brick dwelling. Number 37, the outbuildings and number 2 Bramble Court would be demolished as part of this proposal. On the southern side of the existing access is a single storey barn.

1.1.3 There are residential properties of differing ages and styles to the north east and west. To the south of the site is the recently completed Aldi store site.

1.2 The proposal

1.2.1 Outline application with all matters reserved for the demolition of two dwellings and the erection of seven new dwellings.

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 An Outline application (Planning Reference: 2015/0214/OUT) with all matters reserved for the demolition of an existing dwelling and erection of seven new dwellings, conversion of existing building (37 Low Street) into two dwellings and relocation of Bramble Court road was withdrawn on 2th December 2015.
- 1.3.3 A Full application (Planning Reference: 2007/0211/FUL) for the conversion, extension and new build to create residential development for five dwellings was granted approval on 3rd April 2008.
- 1.3.4 A Full application (Planning Reference: CO/1994/1014) for the erection of a two storey extension to existing offices/ stores and erection of a detached dwelling was granted approval on the 6th January 1995.
- 1.3.5 A Full application (Planning reference: CO/1993/09390 for the erection of dwelling on plot c was granted approval on 9th July 1993.
- 1.3.6 A Full application (Planning Reference: CO/1992/0994) for the erection of two detached dwellings and alterations to existing vehicular access was granted approval on the 3rd November 1992.

1.4 Consultations

1.4.1 Parish Council

26 May Response:

The new layout places the houses front directly on to Low Street. There were concerns over the limited numbers of parking spaces which potentially could lead to cars parking on Low Street. Highways also objected because the Refuge Lorry was unable to turn round.

This Council objects on the grounds of over development, lack of parking spaces and the lack of space for the Refuge Lorry to turn round.

25 January Response:

This development abuts onto and impacts upon a footpath public which runs between Low Street and Fairway. Demolition of the existing property will result in movement to the step at the Low Street entry of the footpath. The house either side of the footpath makes it very dark on a night time and this can be considered a safety hazard. This council recommends that the following conditions are attached to any permission granted;

- 1) The existing footpath must remain passable with minimum disruption during construction/demolition
- 2) The existing step at the Low Street end should be removed and replaced with a gentle ramp for disabled access to local authority standards and with agreement from the Highways authority.
- 3) Lighting should be incorporated to the north side of plot 5 to light the footpath without encroaching upon it.

1.4.2 Public Rights Of Way Officer

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

1.4.3 Historic Environment Records Officer

The proposed development lies in an area of archaeological interest and potential at the southern end of the medieval settlement of Sherburn in Elmet. Whilst the previous land use on the application site may have already disturbed any archaeological deposits some features may survive. Previous archaeological work at The Spinney in 2003 identified significant surviving archaeological deposits ranging in date from the Neolithic through to the post-medieval period. Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141).

In order to secure the implementation of such a scheme of archaeological mitigation recording it is advised that a condition is attached to any permission granted.

1.4.4 NYCC Highways

An amended drawing 1125/01 which removes highway concern and it is recommended that conditions are attached to any permission granted.

1.4.5 Selby Area Internal Drainage Board

Comments not received.

1.4.6 Yorkshire Water Services Ltd

Comments not received.

1.4.7 Environmental Health

This department has no comments to make regarding this application.

1.4.8 WPA Environmental (Council's Contaminated Land Advisors)

Consider that the report meets the requirements of an adequate Phase 1 Desktop Study/Preliminary Risk Assessment and agree with the report's recommendations that further site investigation should be carried out, and would therefore recommend that several contaminated land conditions should be applied. This is to ensure that intrusive site investigation is carried out, followed by any necessary remediation, prior to the commencement of development on site. The preliminary risk assessment element of the conditions can be considered as having been met by the reviewed desktop study.

1.5 **Publicity**

1.5.1 The application was advertised by site notice and neighbour notification letters were issued. Four letters of objection were received with concerns raised in respect of:

- The newly shown reversing area circle will not in reality work unless the car parking area is empty of cars;
- The site is not large enough to allow for a development of this size and manoeuvring of utility vehicles;

- Loss of direct sunlight to neighbouring properties and also loss of privacy due to more than one building overlooking;
- There is not enough off-road parking to the development and no turning circle which will result in vehicles reversing in to Low Street;
- The development of Chestnut Court has resulted in numerous residents parking their cars on the main road and in front of the proposed development;
- The development is opposite the now demolished Cliffe garage which is being redeveloped with housing also. These new developments will result in cars being parking on both sides of the road and at this point, Low Street will become a single carriageway;
- Access and exit to existing properties will become dangerous due to on-street parking;
- Double yellow lines are required outside neighbouring properties to protect visibility splays;
- The height of a 3 storey development will be totally out of character with the rest of the street;
- The boundary between the application site and neighbouring property is to be demolished and responsibility lie with 37 Low Street, can it be ensured that a 2 metre wall is constructed to replace the existing;
- The white building which would be demolished has been the home for a colony of bats for years which continue to live in this property;
- Windows on the southern elevation will have light blocked by the existing fir trees which are at a height of 7.5 metres. Lopping of these trees is not an option;
- A main sewer from low Street runs through Bramble Court and it is understood that no building can take place within 3 metres of a main sewer.

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

SP5 - The Scale and Distribution of Housing

SP9 - Affordable Housing

SP15 - Sustainable Development and Climate Change

SP16 - Improving Resource Efficiency

SP18 - Protecting and Enhancing the Environment

2.3 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

ENV2 - Environmental Pollution and Contaminated Land

T1 - Development in Relation to Highway

T2 - Access to Roads

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

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

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

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

2.5 Key Issues

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

- 1) The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
- 2) The impacts of the proposal:
 - a) Visual impact on the Character and Form of the locality
 - b) Impact on Residential Amenity
 - c) Impact on the Highway
 - d) Drainage, Flood Risk and Climate Change
 - e) Impact on Nature Conservation and Protected Species

- f) Affordable Housing
 - g) Land Contamination
- 3) Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

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

- 2.6.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.6.2 Relevant policies in respect of the principle of this proposal include Policies SP2, SP4 and SP5 of the Core Strategy.
- 2.6.3 The application site lies within the defined development limits of Sherburn in Elmet which is identified as a Local Service Centre where further housing, employment, retail, commercial and will take place appropriate to the size and role of the settlement.
- 2.6.4 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016, that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF.
- 2.6.5 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 2.6.7 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Specific policies in this framework indicate development should be restricted.”

2.6.8 The examples given of specific policies in the footnote to paragraph 14 indicate that the reference to specific policies is a reference to area specific designations including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. The site does not fall within the scope of these specific policies and therefore are not considered in this report.

2.6.9 In respect of sustainability, the settlement is well served by local services and is considered to be a sustainable location. Furthermore, most of these services and facilities are in walking distance from the application site.

2.6.10 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The proposal would provide jobs during the construction period and through local spending by new residents within the village.

Social

The proposed dwelling would provide housing which is needed within the District and is within a sustainable location in an urban area.

Environmental

The proposed dwellings would be located in an area considered to be at the lowest risk of flooding and the dwellings would also be required to meet the latest building regulations standards.

The above factors weigh in favour of the development.

2.6.11 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies. The impacts of the proposal are considered in the next section of the report.

2.7 The Impacts of the Proposal

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

2.8 Impact on the character and form of the locality

- 2.8.1 Relevant policies in respect to design and the impacts on the character of the area include 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.
- 2.8.2 Significant weight should be attached to Local Plan Policy ENV1 as it is consistent with the aims of the NPPF.
- 2.8.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.8.4 The comments received within the letters of objection in respect of scale are noted. However, the application is in outline form with all matters reserved and as such, scale is not a consideration at this stage.
- 2.8.5 Notwithstanding this an indicative layout plan has been submitted which illustrates how the applicant considers the site could accommodate five dwellings along the frontage and two new detached dwellings to the rear. The plan depicts a row of four terraced dwellings fronting directly onto the pavement on the north side of and utilising the existing point of access to Bramble Court. On the opposite side of the access a single property that matches the design of the four terraced properties is shown. To the rear are proposed two modern detached dwellings. All proposed dwellings depicted are two storey with dormer windows on the five dwellings fronting the pilot.
- 2.8.6 The character and appearance of the local area is varied comprising a range of house types, development forms and materials but the nearest properties are brick and slate with some architectural merit. In the immediate area there are several properties that front directly onto the pavement and the indicative plans follow this principle. The supporting statement indicates that the external materials and design would be of a suitable style and materiality for the village and surrounding area, taking particular consideration of the existing residential properties in the immediate area.
- 2.8.7 Having had regard to the indicative layout provided, the surrounding context of the site and taking this aspect in isolation there is nothing to suggest that an appropriate appearance could not be achieved at reserved matters stage.
- 2.8.8 Policy SP8 of the Selby District Core Strategy Local Plan (2013) states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. The Strategic Housing Market Assessment carried out in 2009 is the most up to date strategy. As this proposal is an outline scheme which is seeking to establish if the principle of development is acceptable there are limited details to what the proposed housing mix (or more accurately housing type, as this is for one dwelling) would comprise of. However officers consider that an appropriate housing type could be achieved at reserved matters stage taking into account the housing needs identified within the Strategic Housing Market Assessment.

- 2.8.9 In terms of landscaping the existing site has limited provision and it is considered that suitable provision could be provided appropriate to the development proposed and the area as part of the reserved matters application(s).
- 2.8.10 Given this it is considered that the proposals demonstrate that the site could incorporate appropriate landscaping in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.
- 2.8.11 Having had regard to all of the above elements it is considered that an appropriate design could be achieved at reserved matters stage so as to ensure that no significant detrimental impacts are caused to the character of the area in accordance with Policies ENV 1(1) and (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.9 Impact on Residential Amenity

- 2.9.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.
- 2.9.2 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.
- 2.9.3 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 2.9.4 The comments received in respect of loss of light, overlooking and other residential impacts have been considered and again it reiterated that the application is in outline only with all other matters for future consideration.
- 2.9.5 The application is in outline with all matters reserved but the indicative plan shows that appropriate separation distances and amenity spaces can be achieved. However, in view of the separation distance between existing and proposed dwellings, the proposed development is not considered to cause a significant detrimental impact on the residential amenities of the neighbouring properties and it is therefore considered that the amenity of the adjacent residents would be preserved in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF.
- 2.9.6 The application site is not in a location which would be subject to significant noise impacts from roads or other sources within close proximity to the site. This phase of the development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration.
- 2.9.7 Having taken into account the matters discussed above it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

2.10 Impact on the Highway

- 2.10.1 Relevant policies in respect of highway safety include Policies ENV1 (2) and T1 of the Selby District Local Plan.
- 2.10.2 Significant weight should be attached to Local Plan Policies ENV1 and T1 as they are broadly consistent with the aims of the NPPF.
- 2.10.3 The comments received from objectors in relation to parking, visibility splays and proposed access are noted. NYCC Highways have commented on the proposals and have confirmed that there are no objections to the proposals. However, these recommended conditions cannot be appended to this application with access and layout considered at reserved matters stage.
- 2.10.4 As such, it is considered that an appropriate scheme in respect of highway consideration can be brought forward in accordance with Policies ENV1 (2), T1 and T2 of Selby District Local Plan, Policy SP19 of the Core Strategy and the NPPF with respect of transport.

2.11 Drainage, Flood Risk and Climate Change

- 2.11.1 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.
- 2.11.2 The application site is located within Flood Zones 1. The NPPF states that Flood Zone 1 is of low probability of flooding. This zone comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). All types of use are appropriate in this zone.
- 2.11.3 In terms of drainage the application states that foul drainage would be provided by means of package sewage treatment plants discharging, subject to Environment Agency agreement, to watercourses. Yorkshire Water and the Selby Area Internal Drainage Board have not responded to the consultation.
- 2.11.4 As such, it is considered that the proposed scheme is considered to be acceptable in terms of flood risk and drainage provision, subject to the inclusion of a condition requiring details of foul and surface water drainage as appropriate.

2.12 Impact on nature conservation, protected species and the open countryside

- 2.12.1 Relevant policies in respect to nature conservation include Policies ENV1(5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy. Policy ENV1 should be afforded substantial weight as it is broadly consistent with the aims of the NPPF.
- 2.12.2 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 2.12.3 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. Although one

objector has raised concerns regarding bats living within one of the buildings, no evidence of bats on site have been presented.

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

2.12.5 The site is not within a designated SSSIs, or area protected under the Birds and Habitats Directives. The site is not known to provide habitat for protected species. There are no sites designated for nature conservation within 400m of the site. It is not anticipated that any hedgerows would be classed as important under the Hedgerow Regulations 1997 assessment.

2.12.6 Having had regard to all of the above it is considered that subject to approval of reserved matters, there is no reason why the proposal would not accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF.

2.13 Affordable Housing

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

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

2.13.3 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 application has to be determined at committee in accordance with the scheme of delegation.

2.14 Land Contamination

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

2.14.2 A Phase One Report has been submitted and has been assessed by the Councils Contamination Consultants (WPA). It has been confirmed that the proposals are acceptable subject to conditions attached to any permission granted.

2.15 Developer Contributions

- 2.15.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, recreation open space, healthcare and waste and recycling are required. These policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy
- 2.15.2 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded limited weight given it conflicts, in part, with the Council's Community Infrastructure Levy Charging Rates, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.
- 2.15.3 Policy RT2 c) states that for schemes of more than 4 dwellings up to and including 10 dwellings, through a commuted sum payment to enable the district council to provide new or upgrade existing facilities in the locality. However, this would now be sought through CIL.
- 2.15.4 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via a condition.
- 2.15.5 Having had regard to the above the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.16 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 2.16.1 A weighing up exercise is required which assesses the harms against the benefits of the scheme. The benefits of the scheme have been outlined in this report.
- 2.16.2 The harm of the proposal is that it would not provide an affordable housing contribution required through Policy SP9 and the Affordable Housing Supplementary Planning Document to meet the objectively assessed affordable housing need in the district. Little weight should be attributed to this harm given the amended guidance in the PPG in respect to affordable housing and tariff style contributions.
- 2.16.3 In assessing the proposal, the development would bring economic, social and environmental benefits to the village of Sherburn in Elmet and there would not be a significant impact on the amenity of neighbouring residential properties or the character of the area. Having assessed the proposal, it is considered that there are no significant harms from the development and as such, any adverse impacts of the development do not demonstrably outweigh the benefits of the application and therefore, the proposal is considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

2.17 Conclusion

- 2.17.1 The application proposes outline planning permission with all matters reserved for the erection of 7no. dwellings including the demolition of two existing properties. The site is located within the defined development limits of Sherburn in Elmet at the heart of the village.
- 2.17.2 The principle of the proposed development is considered to be acceptable having regard to Policy SP2A(a) and SP4(a) of the Core Strategy Local Plan given the location of the development within the defined development limits of a Secondary Village. However, these policies are considered to be out of date in so far as they relates to housing supply and the Council acknowledges that it does not have a 5 year housing land supply.
- 2.17.3 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.
- 2.17.4 It is considered that an acceptable proposal could be designed so that it would achieve an appropriate layout and appearance at reserved matters stage so as to respect the character of the local area, and not significantly detract from highway safety and residential amenity. The proposals are also considered to be acceptable in respect of, the impact on flooding, drainage and climate change, protected species, contaminated land and affordable housing.
- 2.17.5 In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.
- 2.17.6 Having regard to all of the above, it is considered that there would be no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The proposal is therefore considered acceptable when assessed against the policies in the NPPF.

3.0 Recommendation

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

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

- (ii) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

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

Reason:

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

- 03. 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.

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

Reason:

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

- 05. 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.

Reasons:

To ensure the development is provided with satisfactory means of foul water drainage.

- 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.

- 07. 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 existing access shall be improved to give a minimum carriageway width of 5.5 metres and that part of the access extending 6 metres into the site shall be constructed in accordance with the approved details and/or Standard Detail number E6d.
- b) Any gates and barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and any door or window shall not be able to swing over the existing highway.
- c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

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

Reason:

In accordance with 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

08. No part of the development shall be brought into use until the existing access on to Low Street has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

INFORMATIVE

These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

Reason:

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

09. 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 1125/01). 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 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

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

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e) Measures to control the emission of dust and dirt during construction
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works
- g) HGV routing

11. 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.

12. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Reason:

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

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

Reason:

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

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

Reason:

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

15. 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.

16. 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.

17. 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.

18. 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.

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

(to be inserted when the decision is issued).

Reason:

For the avoidance of doubt

Informative:

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

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

3.1.3 Equality Act 2010

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

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

3.2 Financial Issues

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

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2015/1413/OUT and associated documents.

Contact Officer: Calum Rowley, Senior Planning Officer

Appendices: None



APPLICATION SITE

Item No: 2016/0951/FUL

Address: Ings View Farm, Main Street, Thorganby

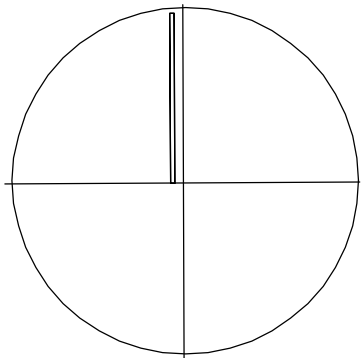
This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656

**AMENDED
DRAWING**

Tamarisk

Old Post Office

Rose Cottage



Ings View Farm

6.6m

Der

Fir Tree House

Ings View Cottage

Yew Tree Farm

- NOTES:
- DO NOT SCALE FROM THIS DRAWING.
 - 1. This drawing is copyright of sjd Architects Ltd. No part of this drawing may be reproduced in any material form without the written permission of sjd Architects Ltd. WARNING the doing of an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution.
 - 2. All dimensions to be verified on site prior to any shop or site works being commenced.
 - 3. Any discrepancies to be reported to the Architect BEFORE any work is put in hand.
 - 4. This drawing must be read in conjunction with relevant consultants and specialists drawings.
 - 5. This drawing must be read in conjunction with the drawings specified.
 - 6. sjd Architects Ltd accepts no liability to third parties arising out of the unlawful reproduction or use of this drawing.



- 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

04.11.2016

BUSINESS SUPPORT

PLANNING

REV	DATE	DETAILS
B	03-11-16	RED LINE AMENDED
A	28-10-16	RED LINE AMENDED

sjd Architects Ltd

Tanners Bank Design Studio
Aislaby Road
Eaglescliffe
Stockton-on-Tees
TS16 0JJ

01642 780129
sjdarch@btconnect.com
www.sjdarchitects.co.uk

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: 1597-16-202





Report Reference Number 2016/0951/FUL (8/12/47N/PA)

Agenda Item No: 6.2

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

APPLICATION NUMBER:	2016/0951/FUL	PARISH:	Thorganby Parish Council
APPLICANT:	Mandale Homes Ltd	VALID DATE:	12th August 2016
		EXPIRY DATE:	7th October 2016
PROPOSAL:	Proposed demolition of existing single storey outbuildings and erection of two storey dwelling and double garage in the conservation area		
LOCATION:	Ings View Farm Main Street Thorganby York North Yorkshire YO19 6DA		

This matter has been brought to Planning Committee in the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to this judgement the Council was able to seek a contribution for Affordable Housing under Policy SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) for development under 10 units. However, following the recent Court Judgement the proposal is contrary to the provisions of the Development Plan, but there are material considerations which would justify approving the application. In addition, more than 10 letters of representation have been received, which raise material planning considerations and officers would otherwise determine the application contrary to these representations.

Summary:

The application seeks planning permission for the proposed demolition of existing single storey outbuildings and the erection of a detached two storey dwelling and detached double garage.

The principle of the proposed development is considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy given the proposal is for the redevelopment of previously developed land within the defined development limits of a Secondary Village. However, these policies are considered to be out of date in so far as

they relate to housing supply as the Council acknowledges that it does not have a 5 year housing land supply.

As such the proposal for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

Having assessed the proposals against the relevant policies, it is considered the proposals are acceptable in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species and land contamination.

It is considered that the proposed demolition of existing single storey outbuildings and the erection of a detached two storey dwelling and detached double garage would preserve the character and appearance of the Thorganby Conservation Area and would make a positive contribution to local character and distinctiveness of Thorganby Conservation Area.

In light of the recent Court of Appeal Judgement in relation to the West Berkshire Case, the scheme is considered contrary to Policy SP9 of the Core Strategy Local Plan as an Affordable Housing contribution cannot be required. However, due to this judgement, there are material considerations which would justify approving the application.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 2.15 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The development limit boundary runs through the application site, such that the majority of the application site including the location of the proposed dwelling and garage would be located within the defined development limits of Thorganby, which is a Secondary Village, as identified in the Core Strategy, while part of the proposed access would be located outside the defined development limits of Thorganby and would therefore be located within the open countryside. The application site is also located within the Thorganby Conservation Area.

1.1.2 The application site comprises two outbuildings, which would be demolished as part of the proposal. To the north, south and east of the application site is residential development and to the west of the application site is a field which is currently being developed to provide seven dwellings under planning permission reference 2015/0684/FUL.

1.1.3 The application site is located within Flood Zone 1.

1.2 The Proposal

- 1.2.1 The application seeks planning permission for the demolition of existing single storey outbuildings and erection of a detached two storey dwelling and detached double garage.
- 1.2.2 The proposed detached two storey dwelling would measure a maximum of 12.4 metres in width by a maximum of 6.1 metres in depth and would have a pitched roof to a maximum height of 6.1 metres above ground floor level.
- 1.2.3 The proposed dwelling would benefit from a detached garage to the west which would measure a maximum of 6.3 metres in width by a maximum of 6.3 metres in depth and would have a pitched roof to a maximum height of 4.6 metres above ground floor level.
- 1.2.4 The proposed dwelling would also benefit from a vehicular access onto Main Street to the south east, and would have an area of hardstanding to the west and an amenity area to the rear.

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 An application (reference: 2007/1502/FUL) for the proposed conversion of outbuildings into 2 dwellings and the erection of a detached dwelling in the garden area was withdrawn on 14.02.2008.
- 1.3.3 An application (reference: 2008/0286/FUL) for the conversion of outbuildings into 2 dwellings and the erection of a detached dwelling in the garden area was permitted on 13.05.2008.
- 1.3.4 An application (reference: 2012/0889/FUL) for the erection of a dwelling was permitted on 25.01.2013.
- 1.3.5 An application (reference: 2013/0574/HPA) for a barn conversion and alterations and conservation area consent for partial demolition was permitted on 13.08.2013.
- 1.3.6 An application (reference: 2013/0585/FUL) for the erection of a detached dwelling (amendment to previously approved application 2012/0889/FUL) was permitted on 24.07.2013.
- 1.3.7 An application (reference: 2015/0684/FUL) for the erection of 7 dwellings and garages was permitted on 02.12.2015.
- 1.3.8 An Section 73 application (reference: 2016/0955/HPA) 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 was permitted on 17.10.2016.
- 1.3.9 A retrospective application (reference: 2016/1184/ADV) for advertisement consent to display of 1 No. hoarding sign is pending consideration.

1.4 Consultations

1.4.1 Parish Council

Strong objections raised:-

1. This is further overdevelopment of the site which is in a conservation area.
2. This would have a significant detrimental impact on the adjacent property Ings View Cottage as the new dwelling would be sited immediately adjacent to its boundary.
3. There are already major failings with the sewerage system in Thorganby and the additional dwelling would exacerbate this problem.
4. Further increase in bins/recycling bins being left out for collection on the street.
5. Concern regarding a further increase in traffic movements.
6. Concern that this could set a precedent for the development of outbuildings.

1.4.2 NYCC Highways

No objections, subject to four conditions relating to construction of roads and footways prior to occupation of dwellings, pedestrian visibility splays, provision of approved access, turning and parking areas and garage conversion to habitable room.

1.4.3 Contaminated Land Consultants

Having reviewed the Screening Assessment Form for the above site, it has been identified that a Phase 1 Desk Study was previously submitted for adjacent land at Ings View Farm under application 2015/0684/FUL, which concluded that the potential risks at the site warranted further site investigation. Based on this, as well as the use of the existing building on site for unknown storage, it is recommended that Selby contaminated land conditions CL1 - CL5 should be applied to this application so that a Phase 1 report, at the least, should be submitted for review for this application.

1.4.4 Yorkshire Water

If planning permission is to be granted, conditions should be attached to any permission granted.

The site shall be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage)

Drainage

Foul Water - The development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed with the statutory undertaker (foul water domestic waste should discharge to the 125mm diameter public combined vacuum sewer recorded in Main Street. The developer should note that the public sewer network serving Thorganby is vacuum driven. Owing to the criticality of this system any new connection shall be undertaken by Yorkshire Water utilising its powers under Section 107 Water Industry Act 1991.

Private Gravity Sewers - that may or may not have spare capacity available - are understood to be under construction, near to the site. You should contact the original developer for consent if you wish to utilise these sewers.

Surface Water - The local public vacuum sewer network does not have any capacity available to accept any discharge of surface water .

*It is understood that the site will drain surface water via soakaway.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991.

1.4.5 The Ouse & Derwent Internal Drainage Board

This application sits within the Ouse and Derwent Internal Drainage Board district. The Board does have various assets in the village in the form of Ings Drain and Thorganby Drain; these watercourses are known to be subject to high flows during storm events.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board area.

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

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

This application is for the demolition of existing single storey outbuilding and erection of two storey dwelling and double garage on the site. The development will create a larger impermeable area on the site and as a result has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

The Board notes that the application form indicates that the surface water from the development is to be disposed of via a soakaway. The Board welcomes this approach to surface water disposal however the application does not indicate if this is an existing facility or to be newly constructed for the purpose.

If the soakaway already exists the Board would suggest that the Local Authority seek confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the additional volume of water that will be generated by the development. It is not sufficient for the applicant to rely on anecdotal evidence of its past performance.

If the soakaway is to be newly constructed the Board recommends that the applicant be asked to carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain that the soil structure is suitable for a soakaway system. Should the testing prove to be successful the applicant should then submit a design for the soakaway, for approval by the Planning Authority, which would fully accommodate a 1:30 year storm event, with no overland run-off for a 1:100 year event plus a 20% allowance for climate change. If the testing of either an existing or newly created soakaway proves unsatisfactory then the applicant will need to reconsider their drainage strategy.

The Board suggests that any approval granted to the proposed development should include two conditions relating to drainage works to be agreed and effective soakaways.

1.4.6 North Yorkshire Bat Group

No response within statutory consultation period.

1.5 Publicity

1.5.1 All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press.

1.5.2 Seventeen letters of representation have been received as a result of this advertisement, with concerns raised in respect of the differences to the previous application, the principle of the development, the design and impact on the character and appearance of the Conservation Area, the impact on residential amenity, the impact on highway safety, drainage, insufficient infrastructure, and impact on protected species, such as bats and great crested newts.

2 Report

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

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.1.2 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
ENV25:	Control of Development in Conservation Areas
T1:	Development in Relation to the Highway Network
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.

2.1.4 Other Policies and Guidance

Affordable Housing Supplementary Planning Document

2.2 Key Issues

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

- 1) The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF
- 2) Policies in the NPPF which require development should be restricted
 - (i) Heritage Assets
- 3) Identifying the Impacts of the Proposal
 - a) Design and Impact on the Character and Appearance of the Area
 - b) Impact on Residential Amenity
 - c) Impact on Highway Safety
 - d) Flood Risk, Drainage and Climate Change
 - e) Nature Conservation and Protected Species
 - f) Land Contamination
 - g) Affordable Housing

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

- 2.3.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 2.3.3 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy", Policy SP4 "Management of Residential Development in Settlements" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 2.3.4 The development limit boundary runs through the application site, such that the majority of the application site including the location of the proposed dwelling and garage would be located within the defined development limits of Thorganby, which is a Secondary Village, as identified in the Core Strategy, while part of the proposed access would be located outside the defined development limits of Thorganby and would therefore be located within the open countryside.
- 2.3.5 Policy SP2A (b) of the Core Strategy states that "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".
- 2.3.6 Policy SP4 (a) of the Core Strategy states that, in Secondary Villages, "conversions, replacement dwellings, redevelopment of previously developed land,

filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads” will be acceptable in principle.

- 2.3.7 Policy SP4 (c) goes on to state that 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. Furthermore, criteria (d) refers to issues of scale. These are matters of detail rather than of principle and are dealt with later in this report.
- 2.3.8 In conclusion, as the proposal constitutes the “redevelopment of previously developed land”, it is considered that it meets the policy requirements of Policy SP2A (b) and SP4 (a) of the Core Strategy. Therefore, the proposal is acceptable in principle having had regard to housing policy in the development plan, and subject to meeting all other policy tests and normal planning considerations should be approved unless material considerations indicate otherwise.
- 2.3.9 Paragraph 47 of the NPPF states that Local Planning Authorities should “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Having regard to the above, the Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016, that it does not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF, and that Policies SP2, SP4 and SP5 of the Development Plan are out of date in respect of housing supply.
- 2.3.11 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
- 2.3.12 Paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development” and “for decision making this means, unless material considerations indicate otherwise,:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out- of- date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.”
- 2.3.13 The examples given of specific policies in the footnote to paragraph 14 indicate that the reference to specific policies is a reference to area specific designations

including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

2.3.14 The application site is located within the Thorganby Conservation Area. Conservation areas fall within the definition of designated heritage assets. Therefore, the proposal is subject to a range of policies within Section 12 of the NPPF which also indicate that development should be restricted. This will be dealt with later on in the report.

2.3.15 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The proposal would provide jobs in the construction of the proposed dwelling. The construction workers may also use the local services within the village.

Social

The proposed dwelling would provide a limited Community Infrastructure Levy (CIL) contribution to help support local services.

Environmental

The proposal would deliver a high quality home for local people and take into account environmental issues such as flood risk, climate change, nature conservation and protected species.

2.3.16 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies, subject to compliance with heritage policies within the NPPF. The impacts of the proposal are considered in the next section of the report.

2.4 Impact on Heritage Assets

2.4.1 The application site lies within the Thorganby Conservation Area. Whilst considering proposals which affect Conservation Areas a regard is to be made to S72 (1) of the Planning (Listed Building and Conservation Area Act) 1990 which states that with respect to any buildings or other land in a Conservation Area, of any powers, under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

2.4.2 Policy ENV25 of the Local Plan refers to development within or affecting a conservation area states that development will be permitted provided the proposal would preserve or enhance the character or appearance of the conservation area. Limited weight should be afforded to Policy ENV25 as it conflicts with the approach taken within the NPPF.

- 2.4.3 Relevant policies within the NPPF which relate to development within a Conservation Area include paragraphs 128, 131, 132 and 134.
- 2.4.4 Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The application is supported by a Heritage Statement which acknowledges that the heritage asset is Thorganby Conservation Area, assesses the significance of the heritage asset and assesses the potential impact of the demolition of the existing outbuildings and erection of a new dwelling and garage on the heritage asset.
- 2.4.5 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.4.6 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 2.4.7 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 2.4.8 The application site is located within the southern part of Thorganby Conservation Area, adjacent to its western boundary. A Heritage Statement has been submitted with the application, which acknowledges that the heritage asset is Thorganby Conservation Area. The Heritage Statement sets out that "the significance of the village derived from its linear form running from north to south". It goes on to note that "there is no established pattern of development, other than the linear road pattern" and that dwellings are "located intermittently along both the east and west side of Main Street" and are generally brick built.
- 2.4.9 The proposal involves the demolition of two existing outbuildings and the redevelopment of the site to provide a detached two storey dwelling and detached double garage. The Heritage Statement sets out that the proposal would only have a limited impact on the Conservation Area. The statement notes that the outbuildings to be demolished, although attractive buildings are not of any historical merit and as such, their loss would not have any significant impact on the Conservation Area. Furthermore, the statement sets out that the removal of the two outbuildings is to facilitate the redevelopment of the site to provide a dwelling and a

garage. The proposed new buildings would draw influence from surrounding buildings within the Conservation Area and would use suitable materials in their construction, which can be secured by way of condition, to ensure the proposal does not have a significant impact on the Conservation Area.

2.4.10 Having regard to the above, it is considered the proposal would preserve the character, appearance and significance of the Thorganby Conservation Area. It is considered that the proposal accords with Policy ENV25 of the Selby District Local Plan and the advice contained within the NPPF.

2.4.11 Therefore having had regard to Section 12 of the NPPF it is considered that the policy framework contained within this section does not indicate that this particular development should be restricted or refused.

2.5 Identifying the Impacts of the Proposal

2.5.1 It is considered that the main issues for consideration in the determination of an application of this nature are as follows:

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

2.6.1 Relevant policies in respect of design and impact on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policies SP4 and SP19 of the Core Strategy.

2.6.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design include paragraphs 56 to 64.

2.6.4 The application site comprises an existing area of garden land incorporating two outbuildings associated with the residential property to the north, Ings View Farm. To the north, south and east of the application site is residential development and to the west of the application site is a field which is currently being developed to provide seven dwellings under planning permission reference 2015/0684/FUL. The character of the area is largely linear in form, but does include dwellings and buildings set back from the road frontage at various distances. The existing properties surrounding the application site vary in terms of their size, scale and design, with a mixture of two storey and single storey elements and include farmhouses, conversion units and new build properties.

2.6.5 The proposed dwelling and detached garage would be surrounded by residential development to the north, south, east and west and given the variety of dwellings within the vicinity of the application site, comprising predominantly large two storey dwellings, it is considered that the size, scale, height and design of the proposed dwelling and garage would respect the character of the locality. Furthermore, the submitted application form states that the external construction of the proposed dwelling would be clamp bricks for the walls and clay pantiles for the walls, which is characteristic of the locality. In this context the proposed materials are considered acceptable and can be secured by way of condition.

2.6.6 From a site visit, it is noted that there are existing outbuildings and a hedge to the south east boundary of the application site and a hedge to the south west boundary

of the application site. No details have been submitted in respect of the boundary treatments to be retained and any proposed boundary treatments to the north west and north boundaries of the application site. It would be considered reasonable and necessary to attach a condition requiring details of the boundary treatments to be retained and erected within the application site to be submitted and approved prior to the commencement of the development.

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

2.7 Impact on Residential Amenity

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

2.7.2 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.

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

2.7.4 The comments of the neighbouring properties are noted regarding the impact of the proposal on the residential amenities of neighbouring properties.

2.7.5 The proposed dwelling would be set in from the common boundary with the neighbouring property to the south east, Ings View Cottage, which is a two storey dwelling with a pitched roof. The proposed dwelling would have an asymmetrical pitched roof, which would have a maximum height of 6.1 metres above ground level, and which would have a lower eaves height, of 4 metres above ground floor level, to the rear (south) elevation in order to reduce the scale of the building when viewed from Ings View Cottage. Given the size, siting and design of the proposed dwelling and its relationship to the neighbouring property to the south east, it is considered the proposed dwelling would not have an oppressive appearance or result in any adverse effects of overshadowing. Furthermore, no windows are proposed in the south east gable end of the proposed dwelling, and as such, it is considered the proposal would not result in any overlooking or loss of privacy for the occupiers of the neighbouring dwelling to the south east by comparison to the existing situation. However, it would be considered reasonable and necessary to attach a condition to any planning permission removing permitted development rights for the insertion of any windows in the south east elevation of the proposed dwelling in the interests of the residential amenity of neighbouring occupiers.

2.7.6 The proposed dwelling would have significant separation distances from other neighbouring properties and as such, it is considered the proposed dwelling would not have any significant adverse impacts on the amenities of any other

neighbouring residential properties. Furthermore, the proposed detached garage would be modest in size and scale and given its size, siting and design it is considered it would not have any significant adverse impacts on the amenities of any other neighbouring residential properties.

- 2.7.7 Subject to the aforementioned additional condition, it is therefore considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Local Plan and the advice contained within the NPPF.

2.8 Impact on Highway Safety

- 2.8.1 Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan.
- 2.8.2 Significant weight should be attached to Local Plan Policies ENV1, T1 and T2 as they are broadly consistent with the aims of the NPPF.
- 2.8.3 The proposed dwelling would benefit from a vehicular access onto Main Street, and would benefit from a detached garage and area of hardstanding to the west of the dwelling. The comments of the neighbouring properties are noted regarding highway safety and parking arrangements. However, North Yorkshire County Council Highways note that the removal of the outbuilding and the widening of the carriageway outside the proposed dwelling have addressed concerns regarding access, while the parking plan has identified that sufficient car parking is available for both the existing and proposed dwellings. Therefore, North Yorkshire County Council Highways raise no objections to the proposal subject to four conditions relating to construction of roads and footways prior to occupation of dwellings, pedestrian visibility splays, provision of approved access, turning and parking areas and garage conversion to habitable room.
- 2.8.4 Having regard to the above, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

2.9 Flood Risk, Drainage and Climate Change

- 2.9.1 Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy.
- 2.9.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.9.3 Relevant paragraphs within the NPPF, which relate to drainage, flood risk and climate change include paragraphs 94 and 95.
- 2.9.4 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 2.9.5 In terms of drainage, the application form states that foul sewage would be disposed of via mains sewer, while surface water would be disposed of via

soakaway. The comments of the neighbouring properties are noted regarding drainage. Yorkshire Water and the Ouse & Derwent IDB have not raised any objections to the proposal, subject to three conditions regarding the provision of separate systems of drainage for foul and surface water on and off site, for drainage works to be agreed and the suitability of soakaways as a suitable means of surface water disposal.

- 2.9.6 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. In this respect it is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.
- 2.9.7 Subject to the aforementioned conditions, it is therefore considered that the proposal is acceptable in terms of risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

2.10 Nature Conservation and Protected Species

- 2.10.1 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy.
- 2.10.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 2.10.4 A Bat, Breeding Bird and Barn Owl Survey, undertaken by MAB Environment and Ecology Ltd, has been submitted with the application. The survey concludes that the "proposed demolition work will not impact on bats or their roosts and no further survey work is required" and that there would be no impact on nesting birds and barn owl. However, the survey advises that "due to the presence of pipistrelle day roosting within another building on site, it is still recommended that demolition of buildings 3 and 4 follows the good working practices and precautionary working methods appended". The carrying out of the development in accordance with good working practices and precautionary working methods in respect of bats can be conditioned.
- 2.10.5 An Ecology Assessment and Addendum to the Ecological Assessment, both undertaken by MAB Environment and Ecology Ltd, has been submitted with the application. It is noted that these surveys were initially undertaken in support of an alternative proposal, for the erection of 7 dwellings (planning permission reference 2015/0684/FUL), within the grounds of Ings View Farm, in April 2015. However, the surveys include the application site and therefore it is considered acceptable to use the information contained within these reports to assess the impact on nature conservation and protected species.

- 2.10.6 The Ecology Assessment and Addendum to the Ecological Assessment conclude that “the site has low ecological value and the proposed work will not impact on any protected species or habitats”. Notwithstanding this, the assessments recommend that reasonable avoidance measures, as set out within the statements, should be followed. Furthermore, the Addendum to the Ecological Appraisal notes that to ensure that the site remains great crested newt free while the development is taking place, newt fencing will be placed around the entire perimeter of the site and the two access routes on to the site will have newt gates in place, which will be kept closed at all times. From a site visit, it is noted that these measures are already in place.
- 2.10.7 Given the above, it is considered the proposal would meet the tests set out in the Habitat Regulations 2010 and the proposed scheme is considered acceptable subject to conditions requiring the proposed scheme to be carried out in accordance with the Bat, Breeding Bird and Barn Owl Survey and the Ecology Assessment and Addendum to the Ecological Assessment submitted with the application. It is therefore considered that the proposal would not harm any acknowledged nature conservation interests and therefore accords with Policy SP18 of the Core Strategy, Policy ENV1 (5) of the Selby District Local Plan and the advice contained within the NPPF.

2.11 Land Contamination

- 2.11.1 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.
- 2.11.2 The application is supported by a screening assessment form. This has been assessed by the Council's Contaminated Land Consultant who notes that a Phase 1 Desk Study was previously submitted for adjacent land at Ings View Farm under application 2015/0684/FUL, which concluded that the potential risks at the site warranted further site investigation. The Council's Contaminated Land Consultant has therefore advised that contaminated land planning conditions should be applied to any planning permission granted to ensure that, at the least, a Phase 1 Desk Study/Preliminary Risk Assessment is carried out and submitted for review.
- 2.11.3 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

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

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

2.13 Benefits of the Proposal

2.13.1 In assessing the proposal, the development would bring economic, social and environmental benefits to Thorganby. Matters of acknowledged importance such design, effect upon the character of the area, impact on designated heritage assets, drainage and climate change, impact on highway safety, residential amenity, nature conservation and protected species, contamination, affordable housing are considered to be acceptable.

2.13.2 The proposals meet 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 the attached conditions.

2.14 Conclusion

2.14.1 The application seeks planning permission for the proposed demolition of existing single storey outbuildings and the erection of a detached two storey dwelling and detached double garage.

2.14.2 The principle of the proposed development is considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy given the proposal is for the redevelopment of previously developed land within the defined development limits of a Secondary Village. However, these policies are considered to be out of date in so far as they relate to housing supply as the Council acknowledges that it does not have a 5 year housing land supply.

2.14.3 As such the proposal for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

2.14.4 Having assessed the proposals against the relevant policies, it is considered the proposals are acceptable in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species and land contamination.

2.14.5 It is considered that the proposed demolition of existing single storey outbuildings and the erection of a detached two storey dwelling and detached double garage would preserve the character and appearance of the Thorganby Conservation Area and would make a positive contribution to local character and distinctiveness of Thorganby Conservation Area.

2.14.6 In light of the recent Court of Appeal Judgement in relation to the West Berkshire Case, the scheme is considered contrary to Policy SP9 of the Core Strategy Local Plan as an Affordable Housing contribution cannot be required. However, due to this judgement, there are material considerations which would justify approving the application.

2.15 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 within a period of three years from the date of this permission.

Reason:

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

02. Prior to the commencement of development, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. 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. The boundary treatments shall be implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter shall be retained as such.

Reason:

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

04. Notwithstanding the provisions of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no windows and/or new openings shall be placed in the south east elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential properties, having had regard to Policy ENV1 of the Selby District Local Plan.

05. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network.

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

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

06. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

INFORMATIVE

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

07. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (drawing number 1597-16-209). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with Policies ENV1, T1 and T2 of 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.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) the garage shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

09. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall

be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from greenfield sites taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

10. No development shall commence until details of the suitability of new soakaways, as a means of surface water disposal, has been ascertained in accordance with BRE Digest 365 and has been submitted to and approved in writing by the Local Planning Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, the peak run-off shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant shall submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals shall be ascertained. If the suitability is not proven the Applicant shall re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

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

Reason:

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

12. The development hereby permitted shall be carried out in accordance with the Ecology Assessment and Addendum to the Ecological Assessment and mitigation measures received by the Local Planning Authority on 4 November 2016 and 17 November 2016.

Reason:

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

13. The development hereby permitted shall be carried out in accordance with the Bat, Breeding Bird and Barn Owl Survey and mitigation measures received by the Local Planning Authority on 10 August 2016.

Reason:

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

14. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) 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.

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 listed below:

Location Plan, Drawing No. 1597-16-201 B, received 4 November 2016.
Existing Site Plan, Drawing No. 1597-16-202 B, received 4 November 2016.
Proposed Site Plan, Drawing No. 1597-16-203 B, received 4 November 2016.
Existing Plans and Elevations, Drawing No. 1597-16-204, received 10 August 2016.
Proposed Plans and Elevations, Drawing No. 1597-16-205 A, received 4 November 2016.
Garage Plans and Elevations, Drawing No. 1597-16-206 A, received 4 November 2016.
Proposed Plot Plan, Drawing No. 1597-16-209, received 4 November 2016.

Reason:

For the avoidance of doubt.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

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

3.1.3 Equality Act 2010

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

3.2 Financial Issues

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

4. Conclusion

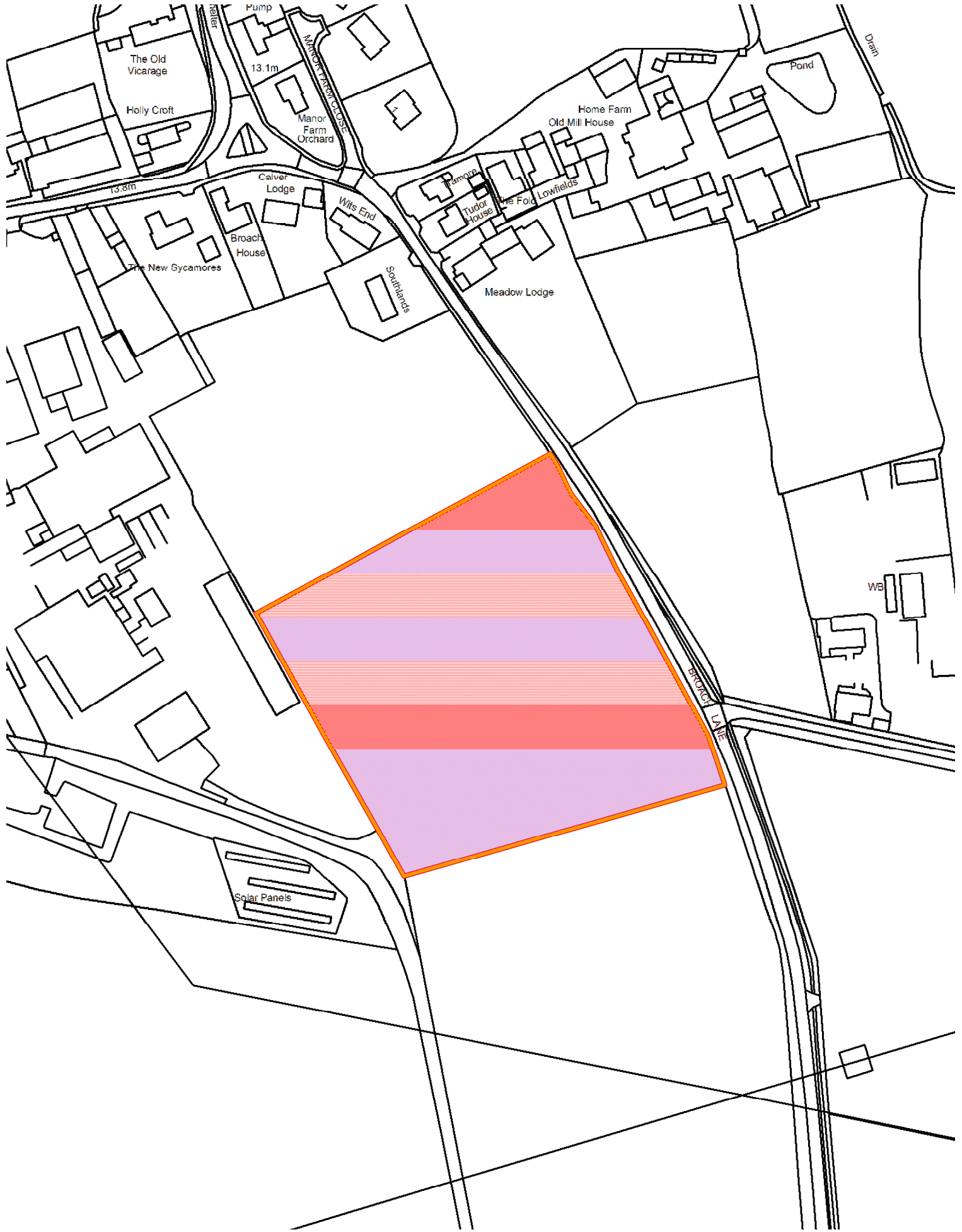
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0951/FUL and associated documents.

Contact Officer: Jenny Tyreman, Planning Officer

Appendices: None



APPLICATION SITE

Item No: 2016/0515/OUT

Address: Broach Lane, Kellington

This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656

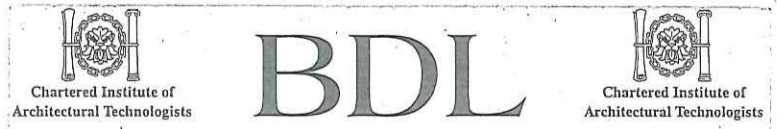


KELLINGTON

LAND OFF BROACH LANE

Scheme A

1/1250



Building Design (UK) Limited
 CHARTERED ARCHITECTURAL TECHNOLOGISTS

Tayson House, Methley Road, Castleford, West Yorkshire, WF10 1PA
 Telephone: 01977 604737 E-mail: bduk@aol.com Fax: 01977 604778

RECEIVED
 05 May 2016
 BUSINESS SUPPORT

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

APPLICATION NUMBER:	2016/0515/OUT 8/53/283/PA	PARISH:	Kellington Parish Council
APPLICANT:	R and DD Developments	VALID DATE:	18 May 2016
		EXPIRY DATE:	8 December 2016
PROPOSAL:	Outline planning permission (all matters reserved) for the erection of a residential development.		
LOCATION:	Land adjacent to Southlands, Broach Lane, Kellington		

This matter has been brought to planning committee as there are more than 10 representations that are contrary to the officer recommendation.

Summary:

An indicative layout that accompanies this application shows 45 dwellings and a spine road on this site. What this plan demonstrates is that this amount of development, on this parcel of land, would result in clear and avoidable harm and would be contrary to national and local planning policies.

The development would be contrary to national and local planning policies because the amount of development would result in poor quality living arrangements for the future occupiers (by virtue of unacceptable noise levels from the 24 hr use of the carrot and parsnip factory buildings on the adjoining M.H.Poskitt Ltd farm site). It would also be contrary to national and local planning policy because it would result in the permanent loss of vital open countryside and the creeping coalescence of adjoining settlements, as well as serving as a potential barrier to economic growth (at Poskitts).

The harm cannot be justified by reference to housing supply. Whilst housing is a welcome and clear benefit; there is no policy support for its delivery at the expense of the local context, the future ability of a local employer to expand, and the amenities of future occupiers.

The proposal's non-compliance with national and local planning policies is not outweighed by housing delivery considerations and is contrary to the saved policies of the Local Plan, the Core Strategy and the principles of the NPPF.

Recommendation

This planning application is recommended to be REFUSED for the reasons outlined in Paragraph 2.20 of the Report.

1. Introduction and Background

1.1 The Site

- 1.1.1 The proposed application site is an agricultural field within open countryside; it sits outside the defined development limits of Kellington, which is a Designated Service Village and has a score of 3 in Background Paper 5 of the Core Strategy Local Plan. This means it is considered to be less sustainable' location.
- 1.1.2 The application comprises a site are of 2.08 hectares.
- 1.1.3 The application site is currently an arable field that is in active use.
- 1.1.2 Along the eastern side of the boundary, which abuts Broach Lane, trees and hedging are sporadically located. It is proposed that these elements of the boundary line will be retained and enhanced.
- 1.1.3 The land to the north of this application site which is part of the same field was recently awarded outline consent for 4 dwellings following an appeal decision on the 22 June 2016. It also has a separate planning permission for residential use up to 1 dwelling.
- 1.1.5 The western boundary line is framed by a big factory building belonging to Poskitts Farm, that is currently used as a packhouse. To the south of the site is another arable field, separated by a mature hedge.
- 1.1.6 The site is located within Flood Zone 1.

1.2. The Proposal

- 1.2.1 The application seeks outline consent for a residential development with all matters reserved for future consideration.
- 1.2.2 An indicative layout plan is submitted with the application which illustrates how the site could be accessed and laid out with 45 dwellings that would be served by two access points leading from Broach Lane.
- 1.2.3 The indicative plan also shows that the proposed dwellings running along the western boundary will be separated from Poskitt Farm by an acoustic bund and fencing.

1.3 Planning History

- 1.3.1 Although there is no planning history on this part of the arable field, as mentioned in paragraph 1.1.3, there have been two recent planning applications seeking to develop the neighbouring land to the north of the site. The details of these applications are as follows:
- 1.3.2 An outline application with all matters reserved (Planning Reference: 2015/0546/OUT) for a residential development on land adjacent was refused on 15th October 2015 for the following reasons: -
 - 1. *In the absence of adequate supporting information within a suitably defined timescale, the Local Planning Authority is unable to assess the impact of noise arising from the MH Poskitt site on the amenities of the future occupants of the*

proposed development and to ensure that a good standard of amenity can be secured.

2. *The application fails to propose affordable housing as required by Policy SP9 of the Selby District Core Strategy and therefore fails to contribute to the objective of creating sustainable, inclusive and mixed communities promoted by paragraph 50 of the NPPF.*

1.3.3 Subsequently, the applicants appealed this decision, and their appeal was upheld by the Planning Inspector on the 22 June 2016.

1.3.4 Prior to the determination of the appeal, a separate application was submitted to the Council, which also sought Outline consent for residential land (again accompanied by an indicative plan showing four dwellings), which was approved on the grounds that the application addressed the previous reasons for refusal.

1.35 The following planning history, although not related to this specific piece of land, is relevant to the assessment of this proposal.

A full application (reference 2011/1142/FUL) for the erection of General Purpose Agricultural Building was granted permission on the 10 January 2012

A full application (reference 2011/1174/FUL) for the erection of a lean to extension to existing general purpose agricultural building was granted permission on the 24 January 2012

A full application (reference 2010/0950/FUL) for the erection of an extension to existing general purpose agricultural building was granted permission on the 1 November 2010

A full application (reference 2009/0142/FUL) for the erection of an extension to ban agricultural building was granted permission on the 15 April 2009

A full application (reference 2006/1592/FUL) for the erection of a general purpose agricultural storage building for H M Poskitt Farmers & Growers was granted permission on the 23 January 2007

A full application (reference 2005/0963/FUL) for the erection of a parsnip wash and store shed with pit and ramp for loading was granted permission on the 4 November 2005

A full application (referenced CO/1976/21969) for the erection of an agricultural shed was granted permission in 1976.

1.4 Consultations

1.4.1 Kellington Parish Council

The Parish Council have submitted two letters of objection:

Objection letter one: Kellington Parish Council have consulted widely across the community and it is clear that the overwhelming majority of residents are opposed to this proposal.

The applicant already has outline permission for four bungalows outside of the development limits and promised nearby residents that he 'would not be applying for any more'

Although approving these four bungalows, the planning committee noted that the southern end of the village is predominantly 'frontage development' and that this would need to be taken into account when the detailed application was submitted.

In the officer's report it was clearly stated that these four bungalows would set a new clearly defensible boundary. That was also confirmed, orally, at the planning committee by both the planning officer and solicitor. So Selby DC now need to defend that defensible boundary.

The PC are discombobulated that, in their response, the Policy and Strategy Team ignore the outline permission given by Selby District Council for 27 dwellings to the rear of Manor Garth, Kellington earlier this year. Along with the 11 dwellings they do mention, this means there is already permission for 38 dwellings.

They also state:

'As a guide, the Council consulted on various growth options for the DSVs as part of the development of PLAN Selby in July/August 2015 and at this point the research indicated minimum growth options of between 16-26 dwellings for Kellington.'
So, it is ludicrous for them to say that a further '45 dwellings, is considered to be appropriate.'

Whilst 16-26 is a minimum growth option, surely 83 is far too many?

The southern part of Kellington is predominantly 'frontage development' of individually built dwellings. To stick an estate at this end of the village would adversely impact upon the historic character and nature of the community. It would threaten the gap between the separate communities of Kellington and Eggborough.

Selby DC need to defend the new defensible boundary that they agreed in May and reject this application.

Objection Letter two: The principle of the development is unacceptable as it will be an intrusive addition to the character and form of the village and open countryside. There is also not enough information to assess highways safety or the impacts on potential protected species living on the site.

1.4.2 Eggborough Parish Council

Eggborough Parish Council object to the above planning application.

If this application was to go ahead it would threaten the gap between the two distinct communities of Kellington and Eggborough, which Eggborough Parish Council wish to see maintained.

This site lies well outside the development limits of Kellington.

The northern part of Kellington comprises of traditional frontage development of mixed dwellings. To stick an estate on it would adversely impact on the nature, form and character of the community

1.4.3 Education Directorate North Yorkshire County Council

Please see the attached pro-forma regarding a s106 developer contribution levy should this be appropriate outside of CIL charging arrangements. This is based on the proposed 45 2+ bedroom properties a shortfall of school places would not arise as a result of this development and a developer contribution would not, under s.106 arrangements, be sought

for primary education facilities. This contribution would be £nil. A developer contribution would not be sought for secondary school facilities at this time.

Please note that should the density of the site change we would recalculate this based on data available at the time of request. This may show an increase the amount the contribution sought and in some circumstances generate the requirement for additional land. [Officers would advise members that the ability to seek contributions towards education has been superseded by the introduction of CIL].

1.4.4 Natural England

Natural England has no comments to make on this application.

1.4.5 North Yorkshire Highways

When the application was first submitted, the Local Highway Authority objected to the proposal on the following grounds.

The proposed footway does not connect the site to the village, which would mean that occupants would be displaced on to the narrow verge or carriageway compromising highway safety. Given the size of the development this is not considered acceptable. Unless the footway can be connected to the village, the Highway Authority would recommend that Planning Permission is REFUSED.

Note: The applicants have subsequently amended their plans to include new pavements and a pedestrian crossing.

The Local Highway Authorities have reviewed this revised plan, discussed the issues on site with the applicant and made the following comments:

“The build out would allow the site to be connected to the village through incorporating a footway and pedestrian dropped crossing. This addresses previous concerns about pedestrians being connected to the village. The build out would also help reduce speeds into the village. Therefore, the Highways Authority would support the proposed traffic calming at this location. The remaining carriageway width at the build out will be 3.5m which is sufficient for larger vehicles to navigate through the traffic calming measures”.

1.4.6 North Yorkshire Fire & Rescue Service

No objections to the proposal.

1.4.7 Sustainable Drainage Systems

The sustainable drainage systems officer has requested the following information:

- A plan showing exceedence flow routes is required.
- Details showing that there are clear arrangements in place for on-going maintenance over the lifetime of the development. Maintenance proposals for the SuDS

1.4.8 Danvm Drainage Commissioners Shire Group Of IDBs

The above application lies within the IDB district & indicates that:

There will be an increase to the surface water run-off to the site of approximately 1.24ha and the proposal is to discharge surface water through a sustainable drainage system using soakaways.

The IDB as a Consultee give the following comments/recommendations:

Detailed plans of surface water discharge have not been submitted with the application; please take into consideration the following comments:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

1.4.9 Lead Officer -Environmental Health

The Environmental Health officer, when first consulted on the application, objected to the proposal on the grounds that future occupiers would have poor quality amenity space due to the noise of the neighbouring factory site, which would also potentially stymie the ability for growth of the company due to noise complaints from future residents.

The environmental health officer also stated that the information contained within the noise report was not sufficient to carry out a thorough BS4142:2014 assessment.

Update

In response to these comments that applicants submitted a more detailed noise assessment, which has been reviewed the Environmental Health Officer.

Environmental Health Officer's response:

The officer remains of the view that this proposal would result in poor quality living arrangements (due to noise) for many of the future residents, and it may restrict future business on the neighbouring premises contrary to the aims of paragraph 123 of the NPPF.

A site visit, and dialogue with the manager of Poskitts, has confirmed that changes to the neighbouring Poskitts site, have taken place over the summer which have increased the noise levels. This means that the April 2016 noise report (Clover Acoustics) that the applicants submitted as part of their application, is now out of date. The changes are a new packing machine in the Carrot factory and a bagging machine under the lean to. The site owner has confirmed that the site, following these improvements, is now louder than previously. The on - site workers wear ear defenders.

1.4.10 Yorkshire Water

The local public sewer network does not have capacity to accept any discharge of surface water from the site.

It is noted that the submitted Flood Risk Assessment and Surface Water Drainage Strategy (prepared by Earth-Tech Solutions - Report ETS/474_01 dated May 2016) confirms; Sub-soil conditions support the use of soakaways.

Alternatively, the developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse is located to the east of the site.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991.

1.4.11 Council's Contaminated Land Consultant

A conceptual site model table is presented in the report. Potential sources, pathways and receptors have been identified. Risk classifications have been assigned to each potential contaminant linkage. No risk classification matrix has been provided for context.

The report concludes that there are a number of potential contaminant linkages are present at the site. The report states that the overall contamination risk at the site is moderate. The report recommends that a Phase 2 site investigation should be undertaken.

The report is not compliant with technical guidance since no risk classification matrix has been presented to give context to the risk assessment in the conceptual site model.

The report should be amended to include a risk classification matrix such as that found in CIRIA C552, in order to provide context for the risk ratings and explain the consequences of the potential risks identified. This will allow for the appropriateness of the conclusions and recommendations to be properly assessed by WPA.

Selby District Council should apply contaminated land conditions CL1 – CL5 to ensure that a revised Phase 1 Report, as well as any necessary further investigation works, are completed prior to the commencement of development on site.

1.4.12 North Yorkshire County Council Heritage Officer

The Heritage Officer has checked the Historic Environment Record and confirmed that there are no known sites of archaeological significance within the application area or its immediate environs. Although any greenfield site has some archaeological potential there is no evidence to make a case to justify archaeological involvement with this proposal. The Heritage officer therefore raises no objection to the application and has no further comments to make.

1.4.13 Yorkshire Wildlife Trust

The Design and access statement suggests that the trees and hedges within the site will be retained and enhanced which the Trust would support.

The site is less than 1km from the large Site of Importance for Nature Conservation (SINC) Beal Carrs and enhancement which would support this SINC would be particularly valuable.

Other potential enhancements for biodiversity would include designing the SUDS with biodiversity in mind and native planting and wildflowers for open areas. As the topsoil is likely to be very enriched from agricultural use, topsoil stripping and lowering the level of nutrients would be important if wildflower areas are included in the design.

See Planning for a Healthy Environment-good practise guidance for green infrastructure and biodiversity, which can be downloaded from <http://www.ywt.org.uk/planning>.

1.4.14 Designing Out Crime Officer

The Designing Out Crime Officer has provided advice which highlights any crime and disorder issues in the vicinity of the proposed development, and identifies design solutions that will help to reduce vulnerability to crime, if and when a more detailed proposal is drawn up.

1.4.15 Planning Policy

The policy officer's comments are as follows:

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

The Council has conceded in appeal APP/N2739/W/16/3144900 of October 2016 that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Having had regard to paragraph 49 of the NPPF, it is considered that Policy SP2 is out of date in so far as it relates to housing supply. However, in assessing the proposal, the development would not bring economic, social and environmental benefits to the village of Kellington.

1.5 **Publicity**

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper. 29 letters of objection were received, and 15 letters of support were submitted to the Council. The issues raised can be summarised as follows:

Object

- *Over the summer, Poskitt's have installed a new processing plant, which has increased the noise levels coming from this site, which should be taken into account as part of the assessment of this scheme.*
- *They would like the gap between Kellington and Eggborough to be retained*
- *People are very concerned about the loss of the character and would like the rural surroundings to be retained.*
- *There is concern that the development would lead to increased traffic.*
- *The development will strain on the local infrastructure, including sewage works*
- *It would exceed the previous growth option of 38 dwellings.*
- *Not enough affordable housing being provided.*
- *The development proposes a threat to pedestrians and cyclists.*
- *Loss of good quality arable land; there are better alternative sites on Eggborough that which are not as good quality agricultural use.*
- *Machinery noise and flooding issues from the adjoining farm would result in poor quality living arrangements.*
- *The proposal is in conflict with the local plan.*
- *The scale of the development would be overbearing*

Support

- *The development would provide increased trade to pubs and shops.*
- *It is a natural extension to the village.*
- *Kellington and Eggborough would not be joined together.*
- *Need houses to ensure future generations can remain in the area.*
- *The development would create better street lighting for Broach Lane.*
- *The local schools need more pupils to be sustainable.*
- *The site was previously identified as being suitable for housing.*

- *New footway and streetlights would be on the agenda.*
- *It would improve the view as you would see housing instead of industrial buildings across the field.*

2. Report

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

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are as follows:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	Scale and Distribution of Housing
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
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

2.6 Key Issues

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

1. The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
2. Identifying the impacts of the proposal.
 - a) Visual Impact on the Character and Form of the Locality
 - b) Layout, Design, Scale and Landscaping
 - c) Residential amenity
 - d) Impact on Employment use
 - e) Flood risk, drainage and climate change
 - f) Impact on highways
 - g) Affordable housing
 - h) Nature conservation and protected species
 - i) Land contamination
 - j) Loss of agricultural land
 - k) Recreational Open Space
 - l) Education/Healthcare/Waste and Recycling.
 - m) Recommendation
3. Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

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

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

2.7.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.

2.7.3 The application site is situated outside the defined development limits of Kellington which is a Designated Service Village. Policy SP2A(c) of the Core Strategy says:

"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

- 2.7.4 The proposal does not meet Policy SP2A(c) as it is not purely for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise. One such material circumstance is the NPPF.
- 2.7.5 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements.
- 2.7.6 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 2.7.6 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Specific policies in this framework indicate development should be restricted."

- 2.7.8 The examples given of specific policies in the footnote to paragraph 14 include those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

Sustainability of the Development

Access to Public Transport and amenities

- 2.7.9 In respect of sustainability, the application site is in close proximity to the defined development limits of the village of Kellington. Kellington is a Designated Service Village, as identified in the Core Strategy, and somewhere where there is scope for additional residential growth to support rural sustainability. The village contains services such as a primary school, two convenience stores, a post office, a pub, a hotel and bus services between Selby and Wakefield. These bus services run at 05.58 and 07.23 to Pontefract and Wakefield for morning commuters, with an additional two services before 9am to Pontefract. Last buses on the return journey are at 17.45 from Wakefield. Services generally run hourly in-between these times and on Saturdays; however, there is no Sunday service. These bus services link to train station services. A small number of employment opportunities exist within the village. The proposal is within approximately 1.5kms of Eggborough, which is a bigger settlement by population.
- 2.7.10 Kellington village has a score at Level 3 in Background Paper 5 of the Core Strategy Local Plan which is considered to be 'less sustainable'. Eggborough, despite having a larger population, is also ranked at Level 3 ('less sustainable').

2.7.11 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The proposal would provide jobs in the construction of the proposed dwelling. The construction workers may also use the local services within the village. However, having residential properties so close to noisy carrot and parsnip factory buildings that are sometimes in 24 hr use, could lead to complaints from future occupants, which might stymie the ability of Poskitts Ltd ability to grow as a company.

Social

The proposed dwelling would provide a Community Infrastructure Levy (CIL) contribution to help support local services and would provide affordable housing.

Environmental

The proposal, as explained in the other sections of this report, would fail to deliver high quality homes for local people and fails to adequately take into account environmental issues such as flood risk, climate change and nature conservation

The above factors weigh against the development.

2.7.12 The amount of development is not sustainable in this location and is therefore contrary to 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.

Previous Levels of Growth and the Scale of the Proposal

2.7.13 Core Strategy Policy SP4 designates levels of growth to settlements based on their infrastructure capacity and sustainability. It is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. Policy Officers have confirmed that Kellington has seen 7 dwellings in the settlement, since the start of the Plan Period in April 2011 and has extant approvals for 4 dwellings, giving a total of 11.

2.7.14 Core Strategy Policy SP4 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Kellington has exceeded its dwelling target. As a guide, Policy Officers have confirmed the Council consulted on various growth options for the DSVs as part of the development of PLAN Selby in July / August 2015 and at this point the research indicated minimum growth options of between 16-26 dwellings for Kellington.

2.7.15 Given the absence of a five year land supply, increasing the size of the Designated Service Village by 45 dwellings is not considered to be inappropriate in itself. However, for reasons set out elsewhere in this report, the amount of housing in this particular location is considered to be inappropriate.

2.7.16 Therefore, the principle of housing in this village is compliant with the NPPF, but the amount is contrary to the Policies and aims of the Core Strategy and the principles of the NPPF.

2.8 Identifying the Impacts of the Proposal

2.8.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole. This section looks at the impacts arising from the proposal.

2.9 Visual Impact on the Character and Form of the Locality

- 2.9.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policies SP18 “Protecting and Enhancing the Environment” and SP19 “Design Quality” of the Core Strategy.
- 2.9.2 The proposal is considered to be unacceptable as it would involve building on more than half of a large, exposed, field, permanently removing its current sense of openness.
- 2.9.3 There are a number of vantage points from Broach Lane that allow clear views of the field and the factory and farm buildings beyond. The size and scale of the proposed development would remove these views and result in the urbanisation of open countryside. As the application site and Broach Lane are cheek by jowl, this loss of openness would be particularly acute.
- 2.9.4 Whilst there is planning permission, secured via appeal, that establishes the principle of four new dwellings on the northern part of this site (just below Southlands Bungalow) it is noteworthy that the Inspector allowed it on the basis that it was a modest take-up of land that, given its proximity to Southlands Bungalow and the care home across the road, would be seen within the context of the village. In paragraph 21 of his decision letter he made the following comment:
- “Whilst the appeal site is outside of the settlement limits of Kellington, it is a modest area of land, read within the context of the MH Poskitt Ltd site and the care home opposite. Moreover, the proposal would be well contained and would assist in providing a transition from the open countryside to the village context of Kellington.”*
- 2.9.5 This application, which will potentially deliver 45 dwellings, is significantly bigger than 4 residential dwellings. The developable land area is 2.08ha instead of 0.45ha; the two proposals are not comparable.
- 2.9.6 Developing this land in such an extensive manner would not be a rounding off of the village. It would fail to be a logical complement to the existing pattern of development and would affect its setting and permanently remove what is an attractive introduction to the village.
- 2.9.7 Developing this amount of the field, and with this amount of housing, would also significantly reduce the physical separation between the villages, Kellington and Eggborough and set a very bad precedent.
- 2.9.8 Kellington and Eggborough have their own identity and have developed independently over the past centuries. There is a clear separation between them and each village has a sense of its own distinct character.
- 2.9.9 It is vital that these separate identities are not lost and that the coalescence of unrelated settlements are resisted.
- 2.9.10 For the above reasons the development fails to accord with policies in respect to the impacts on the character and form of the locality include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policies SP18 “Protecting and Enhancing the Environment” and SP19 “Design Quality” of the Core Strategy.

2.10 Layout, Design, Scale and Landscaping

- 2.10.1 Relevant policies in respect to design include saved 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.
- 2.10.2 Significant weight should be attached to Local Plan policy ENV1 as it is 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. Paragraphs 126 to 141 of the NPPF relate to conserving and enhancing the historic environment.
- 2.10.4 The application is for outline consent with all matters reserved. Notwithstanding this, and as advised in the summary section, the applicant has submitted an indicative layout plan which illustrates how the applicant considers the application site could accommodate up to 45 dwellings with the provision for an internal access road.
- 2.10.5 It is also important to note that the number of houses is not capped in the draft section 106 agreement (which the applicants have offered up unilaterally). The absence of a cap on the amount of housing in the application description, and the accompanying section 106 agreement, opens the door to the applicants potentially seeking to deliver more units at the Reserved Matters stage (in the event of this Outline application being approved). Therefore, in the event of an approval, a clause would need to be inserted into the section 106 agreement that ensures that the amount of housing put forward at Reserved Matters stage is limited.
- 2.10.6 The Supporting Design and Access Statement states that the indicative proposal would result in a density of approximately 22 dwellings per hectare, although some of the site is taken up by the proposed access roads and an acoustic bund. The Design and Access Statement also stipulates that it is anticipated that the development would comprise a mixture of primarily two storey detached and semi-detached dwellings.
- 2.10.7 The character and appearance of the local area is varied; it comprises a wide range of house types, development forms and materials. The principle of two storey properties is supported, but to ensure that any new housing would be in keeping with the character and appearance of the area, a variety of materials and housing types would need to be provided.

The Layout

- 2.10.8 The indicative layout, if built out, would result in a scheme that delivers a significant amount of hardstanding and therefore an urbanisation of open countryside, along with a couple of properties that would have poor quality amenity space by virtue of small gardens.

Landscaping

- 2.10.9 In terms of landscaping, as limited information has been provided, further information is required which would need to be assessed during the reserved matters application process (in the event of an approval). As the site forms the majority of a large arable field it would need a comprehensive and meaningful landscape scheme in order to mitigate the substantial impacts of the development on the receiving environment. What can be seen from the indicative plan, though, is that a development with 45 units would not allow enough space to deliver strategic landscaping.
- 2.10.10 For the avoidance of doubt, any reserved matters application would need to comply with policies saved Policies ENV1 (1), (4) and ENV3 of the Selby District Local Plan, and Policies SP8 and SP19 “Design Quality” of the Core Strategy and the NPPF.

Housing Mix

- 2.10.11 The Design and Access Statement does not specify the proposed housing mix. Core Strategy Policy SP8 states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. Therefore, if this proposal is supported, it must meet the locally identified need.
- 2.10.12 For the avoidance of doubt, any reserved matters application would need to comply with policies saved Policies ENV1 of the Selby District Local Plan, and Policy SP8 “Design Quality” of the Core Strategy and the NPPF. With respect to the appearance and scale of the proposals, there is no detail at this stage with respect to the appearance of the properties.

Summary

- 2.10.13 Having had regard to all of the above elements it is considered that in terms of layout, design, scale and landscaping, only if there was a significant reduction in the number of housing and developable land could an appropriate design be achieved at Reserved Matters stage. What is proposed, albeit indicatively, would not be acceptable in terms of the requirements of Policies ENV 1(1) and (4) and ENV3 of the Local Plan, Policies SP8 and SP19 of the Core Strategy and the NPPF.

2.11 Residential Amenity

- 2.11.1 The relevant saved local plan Policies are ENV1(1), ENV2 and paragraph 200 of the Local Plan, 2005.
- 2.11.2 Acceptable noise levels are fundamental to the provision of a good quality living environment and for this reason people expect to live in homes where there is no observed adverse effect from noise (see Planning Practice Guidance (Noise)).
- 2.11.3 This is recognised by Selby District Council and reflected in Policies ENV1(1), ENV2 and paragraphs 200 of the Local Plan. The importance of having good levels of amenity for residential occupiers is also a core planning principle of the NPPF which seeks “good standard of amenity for all existing and future occupants of land and buildings”.
- 2.11.4 When assessing an application of this nature, consideration has to be given to the Noise Policy Statement for England and the Observed Effect Levels, as they relate to the adverse effects on health and quality of life; they both make clear that where domestic properties cannot open windows without being subjected to unacceptable noise levels the quality of life of those residents is affected.
- 2.11.5 The applicants noise assessment (prepared by Clover Acoustics in April 2016) demonstrates that the noise levels generated from the factory will have an impact on the ability of future residents ability to have an undisturbed night's sleep. Anything over 45dba is considered to result in sleep disturbance and the noise assessment shows that the maximum level, at night time, is 79dba. Although this figure is taken at the factory site itself, and the levels will reduce the further away you go from the factory, the separation distance between the factory and new houses would not be enough to avoid sleep disturbance levels. It is also worth noting that since this report was carried out, further improvement works have been made to the M.H. Poskitt's Ltd farm site in August (a new bagging area and a packing plant), which have increased the noise levels further still. This is confirmed by the Poskitts site manager and it has resulted in complaints from existing neighbours who live approximately 80m away.

- 2.11.6 The absence of 'noise' and 'hours of use' restrictions on the various buildings on the farm (that are in active commercial use), is also a material consideration and forms part of this assessment. Aside from two conditions (4 & 5) attached to the parsnip factory building decision notice (2005/0963/Full), which limits the noise levels to 5db, and requires for there to be roller shutters, none of the other buildings have any restrictions imposed on them. This means that significant amount of noisy activity can take place, 24hrs a day (the workers on site wear ear defenders). The reasons for these lack of restrictions is because there is limited amount of residential properties in the surrounding area.
- 2.11.7 In light of the above, significant measures would need to be put in place to mitigate the noise impacts of the Poskitt's site. The applicants have proposed to build an acoustic bund along the common boundary line (although no specific details are known about its height and size), and by using upgraded double glazing in the new houses. However, for the new residents to avoid sleep disturbance caused by external noise, they would need to keep the windows and doors shut. Whilst the applicants have submitted plans showing improved ventilation for the dwellings (through the use of acoustically attenuated trickle vents) the residents, particularly in the summer months, will still want/need to open their doors and windows.
- 2.11.8 The noise assessment concludes that the bund and accompanying fence would provide approximately 12dB screening attenuation. The Environmental Health officer does not consider this to be enough to ensure that the future occupiers are not affected by the noise from Poskitt's. Additionally, the houses most likely to be affected would be along the northern boundary as they are the closest properties to the carrot factory and a part of the Poskitts siter where scraping takes place. They would require a bund as well. However, it should be noted that Poskitts have installed temporary mitigation measures, in the form of a wall of hay bales (three bails high), and the sound still travels through, according to the Environmental Health officer and neighbouring occupiers.
- 2.11.9 As stated above, it is unrealistic to expect people to keep their windows shut on warm nights (and during all weathers if MH Poskitt Ltd expand the size of the business) as they will want to open their windows at some stage. Furthermore, the enjoyment of the gardens will be limited by the noise levels. Therefore, based on the evidence available, it can be surmised that future occupiers of this development would be subjected to unacceptable levels of noise disturbance. This scenario is a case in point that the amount of housing and size of development in this location is unacceptable.
- 2.11.10 It is noted that the Inspector who dealt with the appeal for 4 dwellings on the land to the north of this application site concluded that the proposal *"would not give rise to significant levels of noise and disturbance for future occupiers of the appeal proposal due to the intervening distances and the nature of the operations at the MH Poskitt Ltd site."* He was, however, concerned enough to impose a stringent noise mitigation condition. He wrote that *"I do consider it necessary and reasonable, however, to impose a condition to ensure that the noise mitigation measures are incorporated into the proposed development."* The condition he imposed is as follows:
- "Prior to the construction of the development hereby permitted, a scheme for protecting the development from noise shall be permitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of the dwellings hereby permitted. The agreed scheme shall be thereafter retained and maintained as such for the lifetime of the development hereby permitted."*
- 2.11.11 The difference between the appeal site and this application site is that the closest dwelling on the appeal scheme would be located 52m away from the boundary shared with MH Poskitt Ltd. The nearest residential property of this outline proposal (shown on the indicative plan) would be 10m, which is significantly closer and would feel the impacts of the 24hr commercial activity next door much more, which includes packing, bagging,

scraping and large JCBs moving around the site. In addition to this, and as recorded above, the noise levels from Poskitt's have increased since the Inspector's decision, back in March 2016.

2.11.12 In summary, the potential noise impacts upon a number of the properties suggested on the indicative plan are considered to be unacceptable and a development of this scale in this location is contrary to Policy ENV2 of the Selby District Local Plan 2005

2.12 Loss of employment

2.12.1 It is a strategic policy within the Selby Core Strategy Local Plan to improve job opportunities for local residents. Stimulating growth and creating job opportunities is also one of the main objectives of the Government.

2.12.2 In addition, Paragraph 123 of the NPPF states that planning decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

2.12.3 This proposal, if approved, has the potential to run counter to the aims of Selby District Council and the Government policy, as a residential development in this location has the potential to stymie any future development of the MH Poskitt Ltd site.

2.12.4 As made clear in the previous chapter (Residential Amenity), the provision of this amount of housing would not be an appropriate use of this site. The new packing and bagging installations on Poskitt's land has generated additional noise levels which has already raised complaints from neighbours 80m away. If Poskitt's wanted to expand their company in the future, and intensify the use of their land, their proposals would likely might be met with a significant amount of objections from the new residents.

2.12.6 Therefore, this aspect of the proposal fails to comply with Policy SP13 (Scale and Distribution of Economic Growth) of the Core Strategy and paragraph 123 of the NPPF.

2.13 Flood Risk, Drainage and Climate Change

2.13.1 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.

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

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

2.13.4 The application site is located within Flood Zone 1 which is at low probability of flooding. As such a Sequential Test and Flood Risk Assessment is not required to be submitted with the application.

2.13.5 The Sustainable Drainage consultant and the Danvm Drainage Commissioners Shire Group Of IDBs have both requested details of plans of the surface water discharge. Information relating to the on-going drainage maintenance has also been requested. This latter point could be dealt with through a reserved matters application, but it is critical that surface water discharge information is provided as part of this outline application as it is

needed to assess whether an adequate drainage system can be put in place to cope with up to 45 dwellings.

- 2.13.6 Therefore it is concluded that the information provided fails to comply with Policy ENV1(3), Policies SP15 and SP16 of the Core Strategy and the NPPF with respect to drainage, climate change and flood risk.

2.14 Impact on Highways

- 2.14.1 Policy in respect to highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and Paragraphs 34, 35 and 39 of the NPPF.

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

- 2.14.3 Although access is not being considered at this stage the applicants have suggested that access to the site would be taken from Broach Lane. Concerns have been raised by the Parish Council and local residents in regards to highway safety.

- 2.14.4 The indicative layout illustrates how the applicant considers access could be achieved from Broach Lane. Although the final location of the access point would need to be agreed at reserved matters stage (in the event outline consent is given) the accompanying indicative plan shows how the layout would be shaped by a loop road, which would provide two access points off Broach Lane.

- 2.14.5 Following detailed discussions with the Highways Authority, a revised highways plan has been submitted which demonstrates how the site will connect to the village and increase the 30mph zone, providing a safer introduction to the village. The applicants are now proposing two footpaths on either side of the road, along with a pelican crossing. In the event of an approval, a condition would need to be imposed to ensure that the applicants enter into a Section 278 Agreement with the Highways Authority.

- 2.14.6 Having had regard to the above it is considered that previous objections to the highways safety proposals have been overcome, and this part of the application accords with Policies ENV1 (2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.15 Affordable Housing

- 2.15.1 Meeting housing need, in particular through the provision of affordable housing, is a key national policy objective. The NPPF requires that local planning authorities should significantly boost the supply of housing by using their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework (paragraph 47). NPPF paragraph 50 requires that policies relating to affordable housing should be sufficiently flexible to take account of changing market conditions over time.

- 2.15.2 Selby District Strategic Housing Market Assessment (SHMA) 2009, which is supported by the draft 2016 SHMA, has demonstrated a need for affordable housing in the district that is pressing. For this reason, maximising affordable housing provision is a key priority for Selby District Council. This is set out in the Corporate Plan and the Affordable Housing Supplementary Planning Document (2014).

- 2.15.3 Selby Core Strategy Policy SP9 sets out the affordable housing policy context for the District and makes clear that the Council will seek to achieve a 40% affordable housing/60% market housing ratio.

- 2.15.4 Part B of this policy states that the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings (or sites of 0.3 ha) or more.
- 2.15.5 The applicants are proposing to deliver affordable housing as part of this proposal. The applicants have put an obligation in the S106 agreement that requires them to deliver up to 40% affordable housing, subject to the completion of a detailed viability assessment as part of any future reserved matters application.
- 2.15.6 Given the level of need for affordable housing in the district, and the potential for viability assessment to have a significant impact on the provision of affordable housing, it is vital that the viability of proposed developments is robustly and transparently appraised by an independent consultant, paid for by the applicant.
- 2.15.7 Subject to a comprehensive, independent, viability review, this aspect of the proposal complies with Policy SP9, the Affordable Housing Supplementary Planning Document and the NPPF.

2.16 Impact on Nature Conservation and Protected Species

- 2.16.1 Protected Species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 2.16.2 Relevant policies in respect to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy. These Local Plan policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 2.16.3 Natural England and the Yorkshire Wildlife Trust have been consulted on the proposals. Natural England have no comment to make and the Yorkshire Wildlife Trust have would welcome that the trees and hedges within the site would be retained and have suggested potential measures for enhancements for biodiversity.
- 2.16.4 Large parts of the application site are surrounded by mature hedging which are likely to be home to wildlife. The information provided by the applicant is insufficient to carry out a credible assessment of, what type of wildlife there is, and what the impacts of converting this arable field into residential development would be. The information also fails to demonstrate what mitigation measures there would be. In the event of approval, a condition would need to be imposed to ensure that this work is carried out in advance of a reserved matters application coming forward.
- 2.16.5 The proposed scheme therefore fails to accord is with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF.

2.17 Contamination

- 2.17.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.
- 2.17.2 The applicant has submitted a Phase 1 Contaminated Land report which has been reviewed by the Council's Contaminated Land Consultant. The Councils Contaminated Land has recommended that planning conditions are attached to any permission granted.
- 2.17.3 Therefore the proposals accords with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and paragraphs 120 and 121 of the NPPF.

2.18 Loss of Agricultural Land

- 2.18.1 Also requiring consideration is Policy SP18 of the Selby District Core Strategy, which states that the high quality and local distinctiveness of the natural and man-made environment will be sustained by steering development to areas of least environmental and agricultural quality.
- 2.18.2 There are two issues for consideration in the determination of this application within the remit of Policy SP18. The first is to define agricultural quality and, in particular, the highest quality: that which should be protected in its own right. The second is to consider sustainability within that context.
- 2.18.3 Looking at the comments received from local residents, it is noted that a number of them raised concerns about the loss of good quality arable land.
- 2.18.4 The agricultural land classification maps, originally introduced in 1966 and with their latest re-publication by Natural England in 2010, were drawn up for strategic purposes. They are not sufficiently accurate for use in the assessment of individual fields or sites, and any enlargement could be misleading. The maps show Grades 1-5, but Grade 3 is not subdivided, which is a critical dividing line between higher and lower quality agricultural land. Despite Natural England's confirmation that they were not drawn up for specific sites, this application site would appear to be within Grade 3: 'Good to Moderate'.
- 2.18.5 The NPPF defines the 'best and most versatile agricultural land' as being land in Grades 1, 2 and 3a of the Agricultural Land Classification. However, the NPPF goes on to state that "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 higher quality. Although the site area is 2.08 hectares, and planning permission has already been given consent to build on 0.45ha of the adjacent part of this field it is considered that there is sufficient usable agricultural land within the district to absorb the loss of this land without having a significant impact on the local economy.
- 2.18.6 Therefore, the proposal, in this instance, is compliant with policies SP13 and SP18 of the Selby District Core Strategy and the NPPF.

2.19 Recreational Open Space

- 2.19.1 The recreational open space requirements are set out in Policy RT2 b), which states that, for schemes of more than 10 but less than 50 dwellings there are four options for the provision of recreational open space, and that these are subject to negotiation.
- 2.19.2 The application provides an indicative layout but does not include an area of recreation open space. Given the scale and size of the land within the application site it is considered that an area of recreational open space could be accommodated. Recreational Open Space is also an important government priority. This is made clear in paragraph 73 of the NPPF which recognises the importance of access to high quality open spaces and sport and recreation opportunities to the health and well-being of communities.
- 2.19.3 In line with this, it is part of the strategic vision of the Council to ensure that the growing population in the district have access to appropriate levels of sports and recreational facilities so that maximum health benefits can be received.
- 2.19.4 It is recommended that an appropriate level of recreational open space should be provided on site and form part of any reserved matters application (in the event of this Outline application getting approval).

2.19.5 Although, no open space is shown on the indicative plan, a contribution for open space could be secured through a CIL tariff. Therefore, the proposal is still compliant with Policy RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.20 Education, Healthcare, Waste and Recycling

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

2.20.2 Having consulted North Yorkshire County Council Education they confirmed no education contribution would be required. However since the adoption of the Community Infrastructure Levy (CIL) a sum cannot be secured and the subsequent reserved matters application would secure a CIL payment which can be spent towards education provision in this area.

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

2.20.4 A contribution of £65 per dwelling towards waste and recycling is required and should be secured through obligation to the Section 106 agreement.

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

2.21 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.21.1 The development would bring some social benefits, as the proposed dwellings would provide a Community Infrastructure Levy (CIL) contribution to help support local services and would provide market and affordable housing.

2.21.2 In terms of economic benefits, the proposal would provide jobs in the construction of the proposed dwellings; the construction workers may also use the local services within the village. However, having residential properties so close to noisy carrot and parsnip factory buildings that are sometimes in use for 24hrs a day, could lead to complaints from future occupants, which might stymie the ability of Poskitts Ltd ability to grow as a company.

2.21.3 With regards to environmental benefits that the proposal might bring, as explained throughout this report, this scheme would fail to deliver high quality homes for local people, and it fails to adequately take into account environmental issues such as flood risk, climate change and nature conservation. It would also permanently remove an attractive introduction to the village and remove separation spaces between neighbouring villages.

2.21.2 Therefore it is considered that there would be adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. In short, the proposal is considered to be unacceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

2.22 Conclusion

2.22.2 The harm cannot be justified by reference to housing supply. Whilst housing is a welcome and clear benefit; there is no policy support for its delivery at the expense of the local context and the amenities of future occupiers.

2.22.3 The proposal's substantial non-compliance with national and local planning policies is not outweighed by housing delivery considerations. Therefore, the proposal is recommended for refusal.

2.23 Recommendation

This planning application is recommended to be Refusal for the following reasons:

01. The proposal would appear as an intrusive and incongruous development, divorced from and out of character with the form and layout of this part of the village. It would also result in the creeping coalescence of adjoining settlements and the permanent loss of open countryside. Therefore, the proposals would have a significantly harmful impact on the setting of the village and the character of the area contrary to Policies SP1, SP4 and SP19 of the Core Strategy and ENV1 of the Selby District Core Strategy Local Plan 2013.

02. The proposed scheme fails to provide sufficient information to assess the impact that the development would have on the existing ecology of the site and whether there would be an appropriate drainage system in place to accommodate a development of this size. The proposal therefore conflicts with saved Policies ENV1 (5) and ENV2 of the Local Plan, and policies SP1, SP15, SP16, SP18 and SP19 of the Selby District Core Strategy Local Plan 2013.

03. The applicants have not properly appreciated the sensitivity of the site. The proposal, by virtue of its siting and location next to the M.H.Poskitt's Ltd Farm, would result in future occupiers of this development having poor quality amenities due to unacceptable noise levels. The proposal, therefore conflicts, with saved Policies ENV1(1) and ENV2 of the Local Plan, and policy SP1 of the Selby District Core Strategy Local Plan 2013.

04. The proposal, by virtue of its proximity to the neighbouring M.H.Poskitt Ltd farm site, could result in the loss of employment opportunities by restricting M.H.Poskitt Ltd's ability to expand. The proposal is, therefore, contrary to policy SP13 of the Selby Core Strategy and paragraph 123 of the NPPF.

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 The proposal's non-compliance with national and local planning policies is not outweighed by housing delivery considerations and is contrary to the saved policies of the Local Plan, the Core Strategy and the principles of the NPPF.

5. Background Documents

5.1 Planning Application file references 2016/0515/OUT and associated documents.

Contact Officer: Tom Webster, Principal Planning Officer

Appendices: None

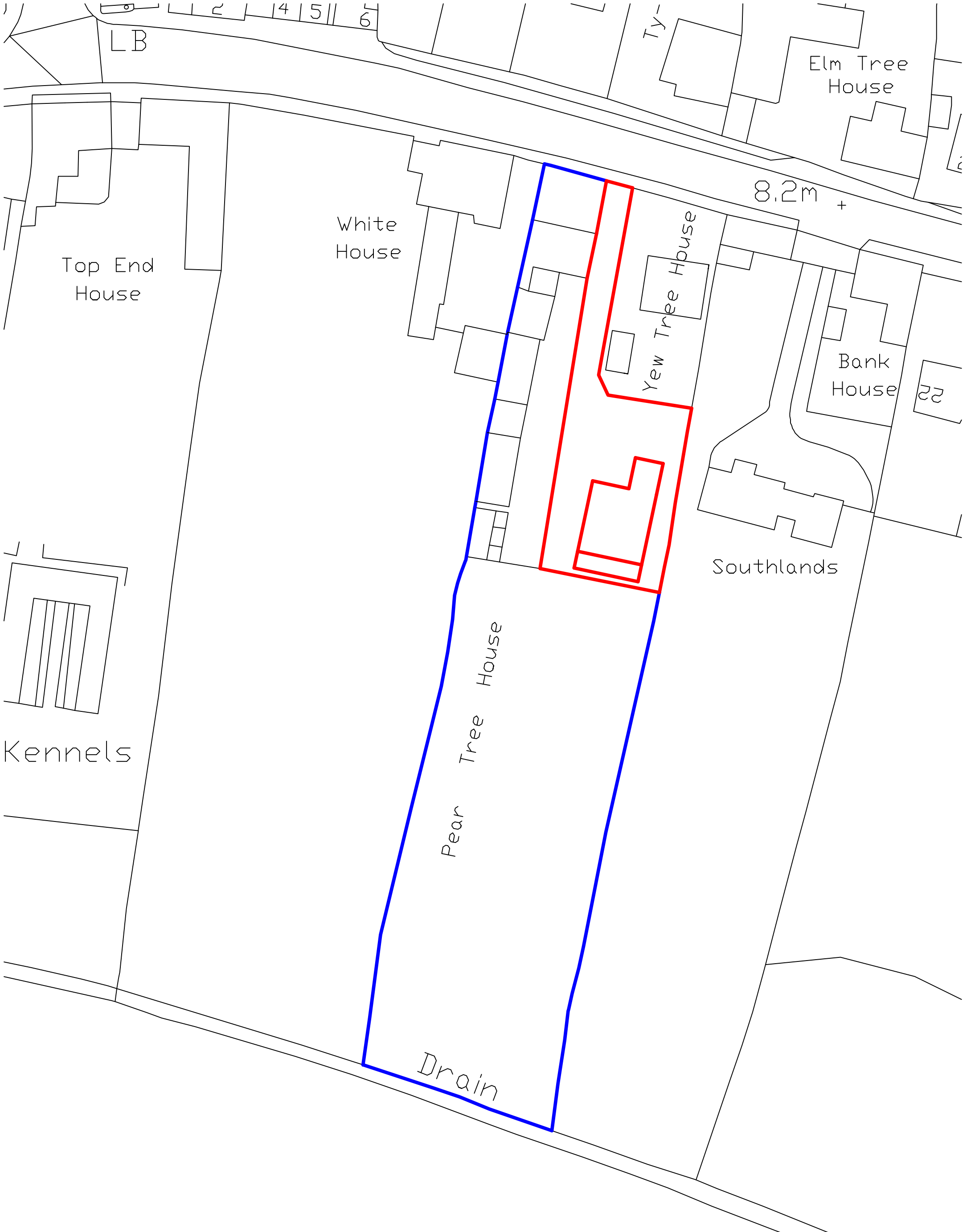


APPLICATION SITE

Item No: 2015/0351/FUL

Address: Pear Tree House, Hull Road, Cliffe

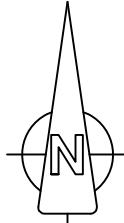
This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656



RECEIVED

07 Apr 2015

BUSINESS SUPPORT



1. All levels and dimensions to be checked on site before work commences and discrepancies must be brought to our attention immediately
2. Refer to figure dimensions do not scale!!!
3. If in doubt ASK before starting work
4. The practice disclaim any responsibility for any variation from this drawing made without their express written consent
5. Please ensure this is the correct drawing and no revisions have been made
6. This drawing and the information it contains is the copyright of Architectural & Creative Design and most not be used or reproduced without written authority

Copyright of Architectural & Creative Design www.architecturaldesign.co.uk			
Issue	Drawn by	CHK'd	App'd
Title: Site Plan		Drawing A3	
Client: Mr & Mrs Topping		Scale 1:500	
Architectural & Creative Design 1A Princess Road York YO32 5UE T 44 (0) 1904 490686 info@architecturaldesign.co.uk		Drawing No	
		Job No	Co.
		Drg.	Date
		0314A&CD04A	82



Report Reference Number: 2015/0351/FUL

Agenda Item No: 6.4

To: Planning Committee
Date: 7th December 2016
Author: Simon Eades (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/0351/FUL (8/17/221C/PA)	PARISH:	Cliffe Parish Council
APPLICANT:	Mr & Mrs Topping	VALID DATE:	26 April 2015
		EXPIRY DATE:	21 June 2015
PROPOSAL:	Proposed single storey dwelling		
LOCATION:	Pear Tree House, Hull Road, Cliffe, Selby, North Yorkshire, YO8 6NH		

Summary:

This application for a single storey dwelling has previously been refused planning permission for its failure to comply with the requirements of Policy SP4 of the Core Strategy. The applicant has appealed to the Planning Inspectorate and the matter is still before them. However, on Wednesday 19th October 2016 at a Public Inquiry for the Appeal at Hodgson’s Gate, Land East of Hodgson’s Lane, Sherburn in Elmet (Appeal Reference: APP/N2739/W/16/314490), the Council conceded that it does not have a 5 year housing land supply. This is a material planning consideration in the assessment of this appeal and the Inspectorate have asked the Planning Authority to review the case in the light of this.

Following the Council conceding that it does not have a 5 year housing land supply, officers reviewed all residential schemes which are currently at appeal with the Planning Inspectorate. Officers have assessed whether on these applications, we would come to the same conclusion if the Council no longer had a 5 year housing land supply. Following the review of this application it is now considered that this application would be recommended for approval as Policies SP2, and SP4 of the Core Strategy in so far as they relate to housing supply carry limited weight in the absence of a 5 year supply.

The original decision was a delegated decision as the officer recommendation was for refusal. However, if the recommendation had of been for approval the application would have been deferred to the Planning Committee for a decision, given the proposals are contrary to Policies SP4 and SP9 of the Core strategy. Therefore the application is brought back to Planning Committee to seek Members endorsement of a recommendation for approval, in the light of the changed circumstances regarding the 5 year supply. A copy of

the original report, detailing the original reasons for refusal is appended at the end of this report.

Policy SP4 sets out that only certain types of development will be acceptable within secondary villages conforming to the criteria specified in the Policy. There are however, now material planning considerations which outweigh this policy requirement, namely the lack of a 5 year supply of housing land that the site is considered to be in a sustainable location and although it would be in a backland position it would not be out of keeping with other similar development in the locality.

Matters of acknowledged importance, including flood risk, drainage, highways safety, land contamination, residential amenity and nature conservation have all been taken into account and having considered all material impacts of the proposed development the proposal is considered acceptable in these respects.

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

The proposal is therefore considered acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

This application is therefore brought back to Planning Committee with a recommendation that the Inspectorate be informed that due to the change in circumstances regarding the 5 year supply of housing land, members are now minded to approve the application. Following member's consideration of the report, their minded recommendation will then be sent to the Planning Inspectorate for this to be taken into account in assessing the appeal.

Recommendation

That the Inspectorate be informed that due to the change in circumstances regarding the 5 year supply of housing land, Members are now minded to approve the application subject to conditions detailed in Paragraph 2.17 of the Report.

1. Introduction and background

1.1 The Site

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

1.1.2 The surrounding area consists of a mixture of house types which vary in age, size, scale and design. There is a mixture of single storey and two storey detached, semi-detached and terraced dwellings in the immediate area and there are several instances of outbuildings and dwellings in backland locations behind existing frontage development,, in particular the dwellings of Whitwell Cottage, The Cornerstone and Southlands on Hull Road. The external materials of the surrounding properties vary in style, type and colours being a mixture of different

types of brick and render. With this being the case there are no uniform materials used for dwellings in the surrounding area.

- 1.1.3 The proposed dwelling would be sited in the rear garden of Pear Tree House which has a long “L” shaped back garden with outbuildings to the western side, immediately behind the Applicant’s property. For this reason the dwelling would be sited on the main area of garden to the property which is to the rear of Yew Tree House which fronts Hull Road. Immediately to the east of the site is the neighbouring property of Southlands which is a large detached property that is also situated in a backland setting relative to the frontage development on Hull Road. The site would be served by a vehicle access which runs between the applicant’s property and the adjacent frontage dwelling Yew Tree House.

1.2. The Proposal

- 1.2.1 The application seeks permission for a single storey 2 bedroom dwelling, which proposes external wall of timber and external roofs to be tiled. The proposed dwelling proposes an eaves height of 2.9metres, a ridge height of 5.2metres and it would be 9.6 metres in width and 18.5 metres in depth. The proposed scheme is dwelling is to be sited in the rear garden of the exiting dwelling of Pear Tree House. The proposed dwelling proposes using the same access as the existing dwelling of Pear Tree House.

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 An application (reference CO/1979/04987) for outline permission for erection of residential development was permitted on 07.11.1979.
- 1.3.3 An application (reference CO/1993/0358) to prune lower branches of yew tree covered by TPO 10/1992 land adjacent to was permitted on 18.08.1993.
- 1.3.4 An application (reference CO/1992/0412) for outline application for the erection of a dwelling on 0.1 ha of land was permitted on 23.04.1992
- 1.3.5 An application (reference CO/1993/0359) for approval of reserved matters for the erection of a four bedroomed detached dwelling and garage on land to the east, was permitted on 30.09.1993

1.4 Consultations

1.4.1 Cliffe Parish Council

No objections.

1.4.2 NYCC Highways

There are no local Highway Authority objections to the proposed development, however it is recommended that the access is increased in width to 4.1m for the first 6m into the site. This will allow for simultaneous passage of vehicles. The plans provided do not show the proposed car parking arrangements for the existing and proposed dwellings. It is appreciated that both sites would appear to have room for

parking and turning areas to be created. It is therefore recommended that conditions are applied to any planning permission granted.

1.4.3 Yorkshire Water

The agent/applicant have indicated both on application form and foul sewerage and utilities statement, that foul sewerage to be drained to a private package treatment system. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities. Both the agent and applicant should note, that there is a public foul water only sewer located in Hull Road, outside the proposed site entrance.

1.4.4 The Ouse & Derwent Internal Drainage Board

The Board maintain a watercourse to the boundary of the application site.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water discharges from the site into a watercourse located in a Board district, be it directly or indirectly via a public or private sewer/ drainage ditch. The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposal to culvert, bridge, fills in or make a discharge to the watercourse will also require the Board's prior consent.

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

The application would indicate that the issue of surface water would be addressed through the use of soakaways. The Board would have no specific knowledge in regard to the suitability of this site for this methodology but are aware there can be issues with the soil type. It would be suggested that the applicants conduct testing to BRE Digest 365 to ascertain if the methodology is appropriate. Should this be the case the applicant should provide the evidence in documentary form together with photographs along with an appropriate design for the soakaway. Should the testing prove the site to be unsuitable the applicant should develop an alternative strategy in respect of surface water. The Board recommends that any approval granted subject to conditions.

1.4.5 WPA Consulting - Contaminated Land Consultants

WPA have reviewed the Screening Assessment Form for the above site, as well as a brief search of available online information. It is clear that the site has historically been used for agricultural purposes over a significant period of time, with structures present on and adjacent to the site throughout its history, which could have been used for potentially contaminating activities or substances. The form does not state whether asbestos may be present on the site, however WPA consider it possible due to historic map evidence of a large structure on site in the 1960s-70s. WPA

would therefore recommend applying conditions CL1 - CL5 so that development may not commence until, at the least, a Phase 1 Desk Study has been carried out.

1.4.6 Environmental Health

The applicant has indicated that foul sewage will be disposed of via a private package treatment plant. Yorkshire water have advised that there is a public foul sewer located in Hull Road, outside the proposed entrance. The applicant has not provided any justification as to why a non mains drainage system is proposed. I would advise the applicant that the installation of a package treatment plant may need building regulation approval and / or a consent to discharge issued by the Environment Agency. I would strongly recommend that the public foul sewer located in Hull Road is utilised for the disposal of foul water drainage

1.5 **Publicity**

1.5.1 All immediate neighbours were informed by letter and a site notice was erected on site. One letter of representation has been received which outlines the following issues:

- Neighbours at Southlands are concerned about being overlooked, particularly toward the kitchen end of the property given the elevation and close proximity of the dwelling to their boundary.

2.0 **Report**

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

2.2 **Selby District Core Strategy Local Plan**

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.3 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 the Highway Network

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

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

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

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

2.5 Other Policies and Guidance

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

2.6 Key Issues

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

- 1) The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
- 2) The impacts of the proposal:
 - a) Climate change
 - b) Flood risk and drainage

- c) Affordable housing
 - d) Impact on the character and form of the area
 - e) Impact on residential amenity
 - f) Highway safety issues
 - g) Impact on nature conservation interests
- 3) Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly

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

- 2.7.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.7.1 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 2.7.2 The application is for the erection of a single storey dwelling and the site is situated within the defined development limits of Cliffe which is a designated service village as defined by Policy SP2 A of the Core Strategy Local Plan which allows for some scope for additional residential growth. The policy then goes on to require development on non-allocated sites must meet the requirements of policy SP4 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 Principal Town, Local Service Centres, Designated Service Villages and Secondary Villages. This policy includes the development of greenfield land of an appropriate scale (including garden land) within the defined development limits of a designated service village such as Cliffe.
- 2.7.3 Policy SP4 (A) of the core strategy allows for conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads in secondary villages. The proposed scheme does not meet any of these forms of development and therefore fails to accord with Policy SP4 (A) of the Core Strategy. However, it is considered that there is material consideration in this instance that outweighs the provision SP4 (A), which is the lack of a 5 year supply of housing land.
- 2.7.4 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016, that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF.

- 2.7.5 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 2.7.6 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - Specific policies in this framework indicate development should be restricted.
- 2.7.7 The examples given of specific policies in the footnote to paragraph 14 include those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 2.7.8 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows:
- 2.7.9 Economic
The proposal would provide jobs in creation of a new dwelling. There would also be an increased expenditure as a result of the delivery of an additional houses and therefore additional residents. Therefore in terms of this dimension of sustainable development the scheme is considered to be sustainable.
- 2.7.10 Social
Although the proposal is only for one dwelling it would contribute towards the objectively assessed housing need in the district.
- 2.7.11 Environmental
The proposal does not result in the use of high grade agricultural land or land with significant nature conservation interests and is land of lesser environmental value. Therefore the development is considered to be sustainable in this respect.

2.7.12 The above factors weigh in favour of the development.

2.7.13 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies, subject to compliance with flood risk policies within the NPPF. The impacts of the proposal are considered in the next section of the report.

2.8 Identifying the Impacts of the Proposal

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

2.9 Climate Change.

2.9.1 Relevant policies in respect to climate change, energy efficiency and renewable considerations are Policies SP15 and SP16 of the Core Strategy and Paragraph 95 of the NPPF

2.9.2 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It must be acknowledged that the proposal is for the creation of a dwelling on a site that is in close proximity to the services of designated service village. The proposed development therefore complies with parts (a), (f) and (g). The proposal's 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) (b), (c) (d), and (e) of the Core Strategy Local Plan.

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 Local Plan. The proposed development is below the threshold of 10 dwellings and this part of the policy is therefore not applicable in this case. 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 the current Building Regulations regime. Therefore having had regard to policies SP15 (B) and SP16(a) & (c) of the Core Strategy Local Plan it is considered that the proposal is acceptable.

2.10 Flood Risk and Drainage

2.10.1 Relevant policies in respect to flood risk include Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 94, 95, 100, 101 and 103 of the NPPF

2.10.2 Firstly addressing the issues of flood risk, the application site is within Flood Zone 1. The application form identifies that the method of foul sewerage disposal is by package treatment plant and the disposal surface water is via a soakway.

- 2.10.3 Internal drainage board and Yorkshire Water raise no objections subject to suitable conditions.
- 2.10.4 On the basis of the above the proposed scheme is considered to be acceptable in terms of flood risk and drainage and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

2.11. Impact on the Character and Form of the area

- 2.11.1 Relevant policies in respect to the impact on the character and form of the area include Policy ENV1 of the Local Plan, Policies SP18 and SP19 of the Core Strategy. Significant weight should be attached to the Local Plan Policies ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.11.2 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61 and 65, 128 and 132 of the NPPF.
- 2.11.3 The surrounding area consists of mixture of house types which vary in age, size, scale and design. There is a mixture of single storey and two storey detached, semi-detached and terraced dwellings in the immediate area. The layout, form and distribution of the surrounding area does not form linear development as there are several instances of outbuildings and dwellings situated in a backland position, in particular the dwellings of Whitwell Cottage, The Cornerstone and Southlands on Hull Road. The external wall materials of the surrounding properties either vary in brick, style, type and colours or are faced in render which also vary in design, texture and colour. With this being the case there are no uniform materials used for dwellings in the surrounding area.
- 2.11.4 The proposed dwelling is to be sited in the rear garden of Pear Tree House which is situated in a similar location to the neighbouring property of Southlands which is also set back from Bank House. The proposed dwelling is sited in the rear garden of Pear Tree House and is not visible from Hull Road due to its set back location and is screened by surrounding properties of Bank House, Southlands, Yew Tree House, Pear Tree House and the outbuildings of Pear Tree House.
- 2.11.5 The proposed scheme is for a single storey dwelling which is to be constructed with timber walls and red pantile roofs. The proposed dwelling would have an eaves height of 2.9metres, a ridge height of 5.2metres, 9.6 metres in width and 18.5 metres in depth. The proposed scheme is considered to be acceptable in terms of its size, scale and design. The external walls are proposed to be constructed from timber and there are no other dwellings in the surrounding area which are constructed entirely using this material for the walls. However, there is an extremely varied palette of different types of brick and render used for external walling to properties in the immediate area. There is no uniform material overall and the use of timber would have a rural feel which would not be out of character in this setting.
- 2.11.6 The proposed dwelling would also be well set back from the main road and would not be visible from public viewpoints. Given this, it is considered that the use of timber materials is acceptable on balance, in this instance. It should be noted that this application would not necessarily set a precedent for the use of timber materials for dwellings elsewhere in the area as each application must be assessed upon on its own merits.

2.11.6 Policy SP4 (A) of the core strategy allows for conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads in secondary villages. The proposed scheme does not meet any of these forms of development and therefore fails to accord with Policy SP4 (A) of the Core Strategy. However, as stated above, it is considered that the absence of a 5 year supply is a material consideration in this instance that outweighs the provision SP4 (A). In any event, the existing character and form of the area does not follow a linear pattern as there are several forms of backland development in the locality, which are similar to that of the proposed scheme. This means that in terms of the overall form of development in the area the proposed scheme is in character with the existing pattern of development.

2.11.7 The siting of the proposed new dwelling would be relatively close to the rear boundary, which is not ideal, but there is sufficient space around the plot for it to have a reasonable amount of private amenity space. In any event the applicants own the land beyond the southern boundary of the application site and clearly wish to retain a view out over this area. The siting is considered acceptable in the circumstances.

2.11.8 In light of the above the proposed scheme is considered to be to be acceptable on balance and would not have a significant or detrimental impact on the character and form of the locality. Therefore, the proposal is in accordance with Policy ENV1(4), of the Selby District Local Plan, Policies SP19 of Core Strategy and the framework within NPPF.

2.12. Impact on Residential Amenity

2.12.1 Relevant policies in respect to residential amenity are Policy ENV1 of the Selby District Local Plan and paragraph 17, bullet point 4 of the NPPF.

2.12.2 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed. Consideration also needs to be given to the proposed new access arrangements and how this would impact upon the adjoining neighbours.

2.12.3 The proposed dwelling would be the following distance away from the following properties

- 9.5metres away from the southern boundary of Yew Tree House to the north
- 21metres away from the rear wall of Yew Tree House
- 2 metres away from the eastern boundary with Southlands (to the east of the site)
- 7 metres away from the side wall of Southlands
- 5.5 metres away from the proposed new west boundary of Pear Tree House
- 29metres away from the property of Pear Tree House

2.12.4 The proposed dwelling proposes two obscure windows on the east elevation which serves two non-habitable rooms of a bathroom and utility room which face towards the neighbouring property of Southlands. These rooms would be fitted with obscure

glazing and this would effectively deal with any overlooking concerns for the residents of Southlands. It is recommended to impose conditions that the obscure glazing shall be for the lifetime of the development and permitted development rights are removed for any further windows on that elevation to prevent any future overlooking issues.

- 2.12.5 The proposed dwelling proposes two windows on the elevation which faces towards the neighbouring property of Yew Tree House to the north. There is currently tree and hedge screening on this boundary which is under the applicants control and which provides a fairly effective screen between the proposed dwelling and Yew Tree House. It is recommended to impose a condition that the tree screening is maintained to a minimum height of 2metres for the life of the development to prevent any future overlooking to Yew Tree House.
- 2.12.6 The proposed scheme proposes habitable room windows on the south and west elevations which face towards Pear Tree House. However, boundary fencing and or tree/hedgerow screening would mitigate any potential overlooking issues. It is recommended to impose a condition that the screening along this boundary be maintained at a minimum height of 2 metres for the lifetime of the development
- 2.12.7 Due to the combination of the orientation of the site and siting of the proposed scheme and distance away from the neighbouring properties, the proposal is considered not to cause any significant adverse effects on the amenities of the adjacent residents in terms of overlooking, oppression or overshadowing.
- 2.12.8 The proposed dwelling proposes sharing the existing vehicle access of Pear Tree House which is considered not to have significant adverse effect to the neighbouring residential properties.
- 2.12.9 On the basis of the above the proposal is considered not to cause any significant adverse effects on the amenities of the adjacent residents. The proposed scheme therefore accords with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

2.13 Impact on the Highway

- 2.13.1 Policies ENV1 (2) and T1 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 2.13.2 With respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 2.13.3 There is an existing access to the property which would be utilised as part of this proposal. The Highways Officer has raised no objections subject to suitable conditions and as such, the proposal is considered to be in accordance with policies

ENV1 (2) and T1 of the Local Plan and Paragraph 39 of the NPPF with respect to the impact on the Highway network.

2.14 Impact on Nature Conservation and Protected Species

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

2.14.2 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accord with the requirements of the Habitats Regulations 2010, and ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF

2.15 Affordable Housing Assessment

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

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

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

2.16 Land Contamination

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

2.16.2 The Council's Contaminated Land Consultant states that "It is clear that the site has historically been used for agricultural purposes over a significant period of time, with structures present on and adjacent to the site throughout its history, which could have been used for potentially contaminating activities or substances. The form does not state whether asbestos may be present on the site, however WPA consider it possible due to historic map evidence of a large structure on site in the 1960s-70s. WPA would therefore recommend applying conditions."

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

2.17 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.17.1 A weighing up exercise is required which assesses the harms against the benefits of the scheme. The benefits of the scheme are outlined in paragraph 2.7.11 of this report.

2.17.2 The benefits of the scheme are as follows:

1. Contributes towards the objectively assessed housing need in the district
2. Contributes towards Climate Change, Energy Efficiency and Renewable Considerations
3. The scheme is acceptable in terms of flood risk and drainage
4. The scheme is acceptable in terms of the impact on the character and form the area
5. The scheme does not have significant adverse effects on highway safety
6. The scheme does not have a detrimental impact on Nature Conservation and Protected Species
7. There are no detrimental impacts in terms of Land Contamination that could not be dealt with by condition.

2.17.3 The harm of the proposal is that it would not provide an affordable housing contribution required through Policy SP9 and the Affordable Housing Supplementary Planning Document to meet the objectively assessed affordable housing need in the district. Little weight should be attributed to this harm given the amended guidance in the PPG in respect to affordable housing and tariff style contributions.

2.17.4 In assessing the proposal, the development would bring economic, social and environmental benefits to the area and there would not be a significant impact on the amenity of neighbouring residential properties or the character of the area. Having assessed the proposal, it is considered that there are no significant harms from the development and as such, any adverse impacts of the development do not demonstrably outweigh the benefits of the application and therefore, the proposal is considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

2.18 Conclusion

2.18.1 The proposed scheme is for one dwelling in a sustainable location which is appropriate in terms of its design and siting to the character of the existing settlement and which would not cause any adverse loss of amenity to adjoining residents that could not be mitigated appropriately. Although it would be contrary to Policy SP4 of the Core Strategy, the lack of a 5 year housing supply is a material planning consideration which must be given considerable weight in accordance with the NPPF.

- 2.18.1 Matters of acknowledged importance, flood risk, drainage, highways safety, land contamination, residential amenity and nature conservation is considered acceptable having considered all material impacts of the proposed development.
- 2.18.2 In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.
- 2.18.3 The proposal is therefore considered acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

2.19 Recommendation

That the Inspectorate be informed that due to the change in circumstances regarding the 5 year supply of housing land, Members are now minded to approve the application 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. The exterior walls and roof(s) of the dwelling hereby permitted shall be constructed in the materials stated on submitted plans in condition 15.

Reason:

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

- 03 There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or standard Detail number E6c.
- (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (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.

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Core Strategy 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.

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.

04. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (i) Vehicular, cycle, and pedestrian accesses
 - (ii) Vehicular and cycle parking
 - (iii) Vehicular turning arrangements

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Core Strategy and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

INFORMATIVE

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

05. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with policies ENV1, T1 and T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

Reason

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

07. 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.

08. 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.

09. 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.

10. 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.

11. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

12. Notwithstanding the provisions of Class A to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 no further windows and openings other than those permitted by the development approved shall be placed in the east elevation and no windows and openings on the east elevation without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential property, having had regard to Policy ENV1.

13. The existing high tree screening on the on north boundary between Yew Tree House and the proposed development shall be maintained at minimum height of 2metres for the lifetime of the development.

Reason

In the interests of the amenity of the adjoining residential property, having had regard to Policy ENV1.

14. No development shall commence until details of 2metre high landscape scheme on the west and south boundary has been submitted and approved in written with the Local Planning Authority. Only the approved scheme shall be implemented. The approved landscaping scheme shall be maintained at minimum height of 2metres for the life time of the development.

Reason

In the interests of the amenity of the adjoining residential property, having had regard to Policy ENV1.

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

0314A_CD03A	Location Plan
0314A_CD04A	Planning Layout
0314A_CD04A-AB	Planning Layout
0314A.&CD01A	Proposed Plans
0314A.&CD01A A	Proposed Plans
0314A.&CD01B A	Sections

Reason

For the avoidance of doubt.

INFORMATIVE Mud on the Highway

You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

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

3.1.3 Equality Act 2010

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

3.2 Financial Issues

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

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2015/0351/FUL and associated documents.

Contact Officer: Jonathan Carr (Interim Lead Officer-Planning)

Appendices: Refusal delegated report for 2015/0351/FUL

PLANNING OFFICER'S REPORT.

Report by **Mr Simon Eades**, application case officer.

FILE NO:	2015/0351/FUL (8/17/221C/PA)
SITE:	Pear Tree House, Hull Road, Cliffe, Selby, North Yorkshire, YO8 6NH,
PROPOSAL:	Proposed single storey dwelling

Introduction

The site is as shown in the attached photographs.

The proposal is as described above and as shown in the accompanying plans and drawings.

Planning history

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

An application (reference CO/1979/04987) for outline application for erection of residential development was permitted on 07.11.1979.

An application (reference CO/1993/0358) to prune lower branches of yew tree covered by TPO 10/1992 land adjacent to was permitted on 18.08.1993.

An application (reference CO/1992/0412) for outline application for the erection of a dwelling on 0.1 ha of land was permitted on 23.04.1992

An application (reference CO/1993/0359) for approval of reserved matters for the erection of a four bedroomed detached dwelling and garage on land to the east, was permitted on 30.09.1993

Consultations

Cliffe Parish Council

No objections.

NYCC Highways

There are no local Highway Authority objections to the proposed development, however it is recommended that the access is increased in width to 4.1m for the first 6m into the site. This will allow for simultaneous passage of vehicles. The plans provided do not show the proposed car parking arrangements for the existing and proposed dwellings. It is appreciated that both sites would appear to have room for parking and turning areas to be created. It is therefore recommended that conditions are applied to any planning permission granted.

Yorkshire Water

The agent/applicant have indicated both on application form and foul sewerage and utilities statement, that foul sewerage to be drained to a private package treatment system. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities. Both the agent and applicant should note, that there is a public foul water only sewer located in Hull Road, outside the proposed site entrance.

The Ouse & Derwent Internal Drainage Board

Thank you for the opportunity to respond to this application which sits within the Ouse and Derwent Internal Drainage Board district. The Board maintain a watercourse to the boundary of the application site.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water discharges from the site into a watercourse located in a Board district, be it directly or indirectly via a public or private sewer/ drainage ditch. The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposal to culvert, bridge, fills in or make a discharge to the watercourse will also require the Board's prior consent.

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

The application would indicate that the issue of surface water would be addressed through the use of soakaways. The Board would have no specific knowledge in regard to the suitability of this site for this methodology but are aware there can be issues with the soil type. It would be suggested that the applicants conduct testing to BRE Digest 365 to ascertain if the methodology is appropriate. Should this be the case the applicant should provide the evidence in documentary form together with photographs along with an appropriate design for the soakaway. Should the testing prove the site to be unsuitable the applicant should develop an alternative strategy in respect of surface water. The Board recommends that any approval granted subject to conditions.

WPA Consulting - Contaminated Land Consultants

WPA have reviewed the Screening Assessment Form for the above site, as well as a brief search of available online information. It is clear that the site has historically been used for agricultural purposes over a significant period of time, with structures present on and adjacent to the site throughout its history, which could have been used for potentially contaminating activities or substances. The form does not state whether asbestos may be present on the site, however WPA consider it possible due to historic map evidence of a large structure on site in the 1960s-70s. WPA would therefore recommend applying conditions CL1 - CL5 so that development may not commence until, at the least, a Phase 1 Desk Study has been carried out.

Development Policy

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

The key issues which should be addressed are:

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

1. The Principle of Development

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

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

CS Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. Cliffe is defined in the Core Strategy as a Secondary Village, Policy SP2 states limited amounts of residential development may be absorbed inside the Development Limits of Secondary Villages, where it will enhance or maintain the vitality of rural communities and which confirm to the provisions of policy SP4 and policy SP10. SP4a) states that in Secondary Villages - conversions, replacement dwellings, redevelopment of previously developed land, fillings of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.

This proposal for 1 dwelling is on land that is inside the defined Development Limits of Cliffe as defined on the Policies Map of the SDLP. However the proposal does not match any of the development types mentioned in policy SP4, and is therefore contrary to Policies SP2A(b) and SP4 of the Core Strategy.

2. Impact on the Council's Housing Land Strategy

On the 3 December 2015, the Council's Executive formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 5.8 years, as set out in the Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. This application would provide 1 additional dwelling to the housing supply, although it needs to be proved by the applicant that the site can contribute dwellings within the first 5 years of the plan period.

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

CS policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. CS policy SP4 did not set a minimum target for individual secondary villages, but did set a minimum dwelling target for secondary villages as a whole of 170 dwellings. This target was met through existing planning permissions in April of 2011, so the Secondary Villages as a whole have already exceeded their minimum dwelling target set by Policy SP5. The scale of this

individual proposal, at 1 dwelling, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.

Environmental Health

The applicant has indicated that foul sewage will be disposed of via a private package treatment plant. Yorkshire water have advised that there is a public foul sewer located in Hull Road, outside the proposed entrance. The applicant has not provided any justification as to why a non mains drainage system is proposed. I would advise the applicant that the installation of a package treatment plant may need building regulation approval and / or a consent to discharge issued by the Environment Agency. I would strongly recommend that the public foul sewer located in Hull Road is utilised for the disposal of foul water drainage

Neighbour Summary

All immediate neighbours were informed by letter and a site notice was erected on site. One letter of representation has been received which outlines the following issues:

- Southlands Hull Road are concerned that of being overlooked, particularly toward the kitchen end of the property given the elevation and close proximity of the dwelling to our boundary.

Policy considerations

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.

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

Selby District Local Plan

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

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

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
T1:	Development in Relation to the Highway Network

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.

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

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

1. The Principle of the Development

Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP4 "Management of Residential Development in Settlements" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.

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.

The application site is situated within the development limits of Cliffe which is defined as a Secondary Village within the settlement hierarchy. The settlement hierarchy has been established to facilitate the spatial strategy for the District in achieving the aims and objectives of the Core Strategy.

Policy SP2A of the Core Strategy sets out the spatial development strategy and states that although the majority of new development will be directed to the towns and more sustainable villages under criterion (b) “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 SP10.”

Policy SP4 (a) states: “In order to ensure that development on non-allocated sites contribute to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle, within Development Limits in different settlements types, as follows:

- In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages – conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)
- In Secondary Villages – conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages and conversions/redevelopment of farmsteads.”

Policy SP4 sets out a closed list of the types of residential development which are acceptable in principle with the development limits of a secondary village.

Cliffe is defined as a Secondary Village in the Core Strategy. The proposal does not fall within those categories of development that are “acceptable in principle” therefore the proposal would be contrary to Policy SP4 (a), unacceptable in principle and therefore should be refused unless material considerations indicate otherwise.

One such material consideration is that despite the Council confirming that housing policies are up to date, as it now has a 5.8 year supply of deliverable housing land, this supply needs to be maintained until the Sites and Policies Local Plan (PLAN Selby) allocates new sites suitable for housing. It is noted that the timescale envisaged for PLAN Selby to be adopted is May 2018 and as such the housing supply needs to be maintained until PLAN Selby is adopted and this should be done in such a way that it does not cause significant harm to acknowledged interests, which are discussed later within this report. In this instance the applicants have confirmed that the proposals would contribute towards the Council’s housing supply and if approved would be delivered by the end of 2017, thus within the first five years of the Plan period so as to assist in maintaining the Council’s five year housing land supply until PLAN Selby is adopted.

The NPPF is another material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development, with particular emphasis

on boosting significantly the supply of housing. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

However, given that the application proposal is located within a Secondary Settlement, which have very limited services it is considered that the above factors do not in themselves outweigh the conflict with Spatial Development Strategy and hence aims and objectives of the Core Strategy.

Parts (b) and (e) of SP4 relate to conversions of farmsteads and Green Belt and therefore are not relevant to this case. It is considered that in all other respects the proposal accords with parts (c), (d) and (e) of SP4.

On consideration of the above information, it is considered that the proposal is unacceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from local policy.

The impacts of the proposal are considered in the next section of the report

2. Climate Change.

Relevant policies in respect to climate change, energy efficiency and renewable considerations are Policies SP15 and SP16 of the Core Strategy and Paragraph 95 of the NPPF

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 the creation of a dwelling on a site that is in close proximity to the services of designated service village. The proposed development therefore complies with parts (a), (f) and (g). The proposal's 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) (b), (c) (d), and (e) of the Core Strategy Local Plan.

Part (h) of Policy SP15 (B) refers specifically to the requirement to fulfil part (a) of Policy SP16 of the Core Strategy Local Plan. The proposed development is below the threshold of 10 dwellings and this part of the policy is therefore not applicable in this case. 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 the current Building Regulations regime. Therefore having had regard to policies SP15 (B) and SP16(a) & (c) of the Core Strategy Local Plan it is considered that the proposal is, on balance, acceptable.

3. Flood Risk and Drainage

Relevant policies in respect to flood risk include Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 94, 95, 100, 101 and 103 of the NPPF

Firstly addressing the issues of flood risk, the application site is within Flood Zone 1. The application form identifies that the method of foul sewerage disposal is by package treatment plant and the disposal surface water is via a soakway.

Internal drainage board and Yorkshire Water raise no objections subject to suitable conditions.

On the basis of the above the proposed scheme is considered to be acceptable in terms of flood risk and drainage and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

4. Impact on the Character and Form of the area

Relevant policies in respect to the impact on the character and form of the area include Policy ENV1 of the Local Plan, Policies SP18 and SP19 of the Core Strategy.

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

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

The surrounding area consists of mixture of house types which vary age, size, scale and design. There is a mixture of single storey and two storey detached, semi-detached and terraced dwellings in the immediate area. The layout, form and distribution of surrounding area does not form linear as there are several instances of outbuildings and dwellings which follow and backland character, in particular the dwellings of Whitwell Cottage, The Cornerstone and Southlands on Hull Road. The external wall materials of the surrounding properties either vary in brick, style, type and colours or are faced in render which also vary in design, texture and colour. With this being the case there are no uniform materials used for dwellings in the surrounding area.

The proposed dwelling is to be sited in the rear garden of Pear Tree House which is situated in a similar location of the neighbouring property of Southlands which is also set back from Bank House. The proposed dwelling is sited in the rear garden of Pear Tree House and is not visible from Hull Road due to its set back location and is screened by surrounding properties of Bank House, Southlands, Yew Tree House, Pear Tree House and the outbuildings of Pear Tree House.

The proposed scheme is for a single storey dwelling which is to be constructed in with timber walls and red pantile roofs. The proposed dwelling would have an eaves height of 2.9metres, a ridge height of 5.2metres, 9.6 metres in width and 18.5 metres in depth. The proposed scheme is considered to be acceptable in terms of its size, scale and design. The proposed scheme proposes that the external walls is to be construct from timber and there are no other dwellings in the surrounding area which are constructed from timber. It is identified above that there are varying forms of bricks and render used for external wall materials to in the immediate area therefore there is no uniform materials in the surrounding area. The proposed dwelling is also well set back from the main road and is not visible from Hull Road. Given the application site's set back and screened location and varied materials used in the surrounding area it is considered that use of timber materials is considered acceptable on balance in this instance due to the factors outlined above. It

should be noted that this application does not set precedent for the use timber materials for dwellings in the area and each application is assessed upon on its own merits.

In light of the above the proposed scheme is considered to be acceptable on balance and would not have a significant or detrimental impact on the character and form of the locality. Therefore, the proposal is in accordance with Policy ENV1 (4), of the Selby District Local Plan, Policies SP19 of Core Strategy and the framework within NPPF.

5. Impact on Residential Amenity

Relevant policies in respect to residential amenity are Policy ENV1 of the Selby District Local Plan and paragraph 17, bullet point 4 of the NPPF.

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

The proposed scheme is the following distance away from the following properties

- 9.5metres away from the south boundary Yew Tree House
- 21metres away from the property of Yew Tree House
- 2metres away from the east boundary Southlands
- 7metres away from the property of Southlands
- 5.5metres away from the proposed new west boundary of Pear Tree House
- 29metres away from the property of Pear Tree House

The proposed dwelling proposes two obscure windows on the east elevation which serves two non-habitable rooms of a bathroom and utility room which faces towards the neighbouring property of Southland. Due to the nature of the room of what they serve and that they will be fitted with obscure glazing it is considered that overlooking would not occur to the property of Southlands. It is recommended to impose conditions that the obscure glazing shall be for the lifetime of the development and permitted development rights are removed for any further windows on that elevation to prevent any future overlooking issues.

The proposed dwelling proposes two windows on the elevation which faces towards the neighbouring property of Yew Tree House. There is currently high tree screening on this boundary which under the applicants control which provides sufficient screening between the proposed dwelling and Yew Tree House. It is recommended to impose a condition that the tree screening is maintained a minimum height of 2metres in height for the life for development to prevent any future overlooking to Yew Tree House.

The proposed scheme proposes habitable room windows on the south and west elevation which faces towards the Pear Tree House and it is amenity space. It is recommended to impose a condition the scheme to be submitted for landscaping for the lifetime of the development to maintained at minimum height of 2metres.

Due to the combination of the orientation of the site and siting of the proposed scheme and distance away from the neighbouring properties, the proposal is considered not to cause any significant adverse effects on the amenities of the adjacent residents in terms of overlooking, oppression and overshadowing.

On the basis of the above the proposal is considered not to cause any significant adverse effects on the amenities of the adjacent residents. The proposed scheme therefore accords with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

6. impact on the Highway

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

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

There is an existing access to the property which would be utilised as part of this proposal. The Highways Officer has raised no objections subject to suitable conditions and as such, the proposal is considered to be in accordance with policies ENV1 (2) and T1 of the Local Plan and Paragraph 39 of the NPPF with respect to the impact on the Highway network.

7. Impact on Nature Conservation and Protected Species

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

The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accord with the requirements of the Habitats Regulations 2010, and ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF

8. Affordable Housing Assessment

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

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

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.

9. Land Contamination

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

The Council's Contaminated Land Consultant states that "It is clear that the site has historically been used for agricultural purposes over a significant period of time, with structures present on and adjacent to the site throughout its history, which could have been used for potentially contaminating activities or substances. The form does not state whether asbestos may be present on the site, however WPA consider it possible due to historic map evidence of a large structure on site in the 1960s-70s. WPA would therefore recommend applying conditions."

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

Human Rights Act and Equality Act

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.

Equality Act 2010

It is considered that a decision made in accordance with this recommendation would not result in any breach of Rights under the Equality Act and fulfils the Council's duties and obligations accordingly.

Conclusion

The application seeks full planning permission for the erection of 1 dwellings on land to the rear Pear Tree House, Hull Road, Cliffe.

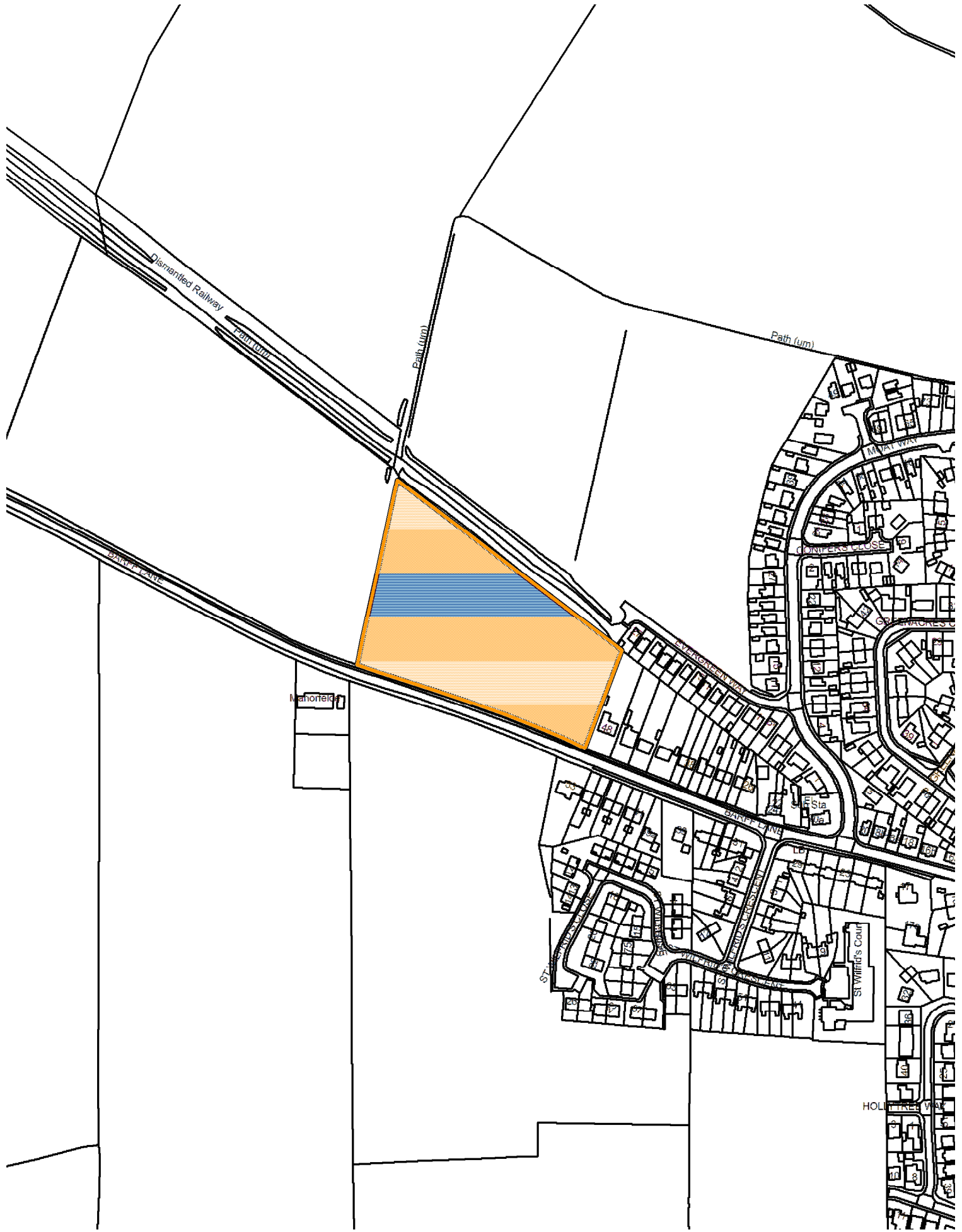
The proposal does not fully accord with the provisions of the Development Plan – namely part SP4 (a) of the Core Strategy. It is considered that there are not material considerations that outweigh the policy conflict. Other matters of acknowledged importance such as flood risk, drainage, climate change and energy efficiency, layout, scale and design, impact on the highway network, impact on residential amenity, noise and odour impacts and matters of nature conservation interest are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF. The applicant has agreed to enter into a section 106 agreement to secure a contribution towards the provision of affordable housing.

The proposal is therefore considered unacceptable in principle when assessed against the policy SP4 (a) of the Core Strategy.

Recommendation of planning officer

This application is recommended to be Refused for the following reasons:

1. The application site is located within the settlement of Cliffe wherein, in accordance with the overall Spatial Development Strategy for the District, development will be restricted to conversions, replacement dwellings, redevelopment of previously developed land, the filling of small gaps in otherwise built up frontages and the conversions/ redevelopment of farmsteads in the interest of promoting sustainable growth within the settlement hierarchy. The proposal constitutes development to the rear of Pear Tree House, Hull Road and therefore does not comprise any of the types of development that are acceptable in principle under Policy SP4(a) of the Core Strategy. The proposal is therefore contrary to Policy SP4(a) of the Selby District Core Strategy Local Plan and hence the overall Spatial Development Strategy for the District.



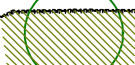





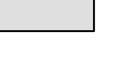


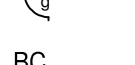
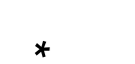
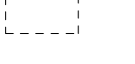
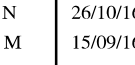
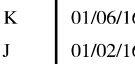
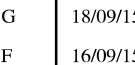
APPLICATION SITE

Item No: 2016/0978/FULM

Address: Barff Lane, Brayton

This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656

Key

-  Existing trees/hedgerow to be retained
-  Existing trees to be removed
-  Proposed tree
-  Proposed shrub beds
-  Proposed hedges
-  Grass / Turf
-  Block setts to adopted highway
-  Tarmac to denote shared driveway
-  450 knee rail fence
-  1800 screen fence
-  1800 screen wall
-  Gate (1800high)
-  Paved Area Designated For Bin Collection Point
-  Denotes Affordable Housing
-  Denotes 2.4 x 4.8m parking zone (min 2no spaces per plot; 3no for 4bed)

Indicative only
Refer to Landscape Scheme for details of trees, shrubs, etc



AMENDED DRAWING

ACCOMMODATION			
Name	Description	Parking	Total
AFFORDABLE			
Kenley	2 bed end	PS	2no
Kenley	2 bed mid	PS	1no
Barton	3 bed end	PS	3no
Barton	3 bed mid	PS	2no
MARKET			
Barton	3 bed end	OP SSG	1no
Barton	3 bed mid	PS	1no
Palmerston	3 bed semi	PS/OP SSG	8no
Maidstone	3 bed semi	PS/OP SSG	6no
Ennerdale	3 bed detached	PS	1no
Windermere	4 bed detached	IG	4no
Kingsley	4 bed detached	SG	8no
Ripon	4 bed detached	IG	5no
Alderney	4 bed detached	SG	4no
Radleigh	4 bed detached	SSG/SG	7no

TOTAL Note: there is no plot 13 **53no**

KEY TO PARKING

PS	2no Parking Spaces
SG	Single Garage (3x6m) + 2no Parking Spaces
SSG	Standard Single Garage + 2no Parking Spaces
IG	Single Integral Garage + 2no Parking Spaces
OP	Optional

GROSS SITE AREA: 1.7ha
POS: 0.135ha
LANDSCAPE BUFFER: 0.05ha

REV	DATE	AMENDMENT
N	26/10/16	CAR PARKING ACCESS TO PLOT 42 & LANDSCAPING
M	15/09/16	GARAGES TO PL.6+54 REPOSITIONED & PRIVATE DRIVES TO PL.1+6+52-54 ADJUSTED
L	04/07/16	FDA LANDSCAPING ADDED
K	01/06/16	REDRAWN WITH NEW HOUSE TYPES & REVERTED TO DESIGN WITH CENTRAL GREEN AREA
J	01/02/16	SALES ARENA INSERT ADDED
H	14/12/15	PL.14-17, 32-34 PARKING NUMBERS CORRECTED
G	18/09/15	RAMP OMITTED AT SITE ENTRANCE & NOTE RE LEVEL DIFFERENCE ADDED
F	16/09/15	3no KENDAL REPLACED WITH BAMPTON & DRIVES ADJUSTED TO SUIT TRACKING
E	14/09/15	REDESIGNED WITH ACCESS ROAD MOVED WEST FOR STAGGER TO ADJOINING DEVELOPMENT
D	17/06/15	BIN COLLECTION POINTS ADDED & DRIVES ADJUSTED TO ACCOMMODATE TURNING
C	14/04/15	ADJUSTMENT TO DRIVES
B	10/04/15	PLS 3+6 SUBSTITUTED, PL.1 GARAGE, PLS 45+46 SWAPPED, PLS 28+29 SWAPPED WITH PL.23
A	27/03/15	ACCOMMODATION ADJUSTED

tel: 01845 524758
e: diparchitects@btconnect.com
w: www.diparchitects.co.uk

downes
illingsworth
partnership ltd

CHARTERED ARCHITECTS
56 Market Place, Thirsk
North Yorkshire YO7 1LW

CLIENT:


BARRATT HOMES

PROJECT:

Proposed Residential Development at
Barff Lane, Brayton

DRAWING TITLE:

Site Layout Plan
PLANNING LAYOUT

SCALE: 1:500 @ A2		DATE: JUNE 2016	
DRAWN: JW	CHECKED: -	DWG NO.: 3641/10	REVISION: N

RECEIVED
03.11.2016
BUSINESS SUPPORT

DISCLAIMER
Images and site layout are intended for illustrative purposes only and should be treated as general guidance only.

Site layout including parking arrangements, (social / affordable housing, community buildings, play areas and public open spaces) may change to reflect changes in the planning permission for the development. Please speak to your solicitor to whom full details of any planning consents including layout plans will be available.

Site layouts and landscaping are not intended to form part of any contract or warranty unless specifically incorporated in writing into the contract.

Barff Lane, Brayton is a marketing name only and may not be the designated postal address, which may be determined by The Post Office.

CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

IN ORDER TO UNDERSTAND YOUR LEGAL OBLIGATIONS AS A CLIENT UNDER THE CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015 (CDM 2015) PLEASE REFER TO THE HEALTH & SAFETY EXECUTIVES WEBSITE AT <http://www.hsa.gov.uk/construction/cdm.htm> OR CONTACT THIS OFFICE FOR FURTHER INFORMATION. YOUR DUTIES UNDER CDM 2015 INCLUDE (INTER ALIA) APPOINTING THE RIGHT PEOPLE AT THE RIGHT TIME; ENSURING ARRANGEMENTS FOR MANAGING & ORGANISING THE PROJECT; ALLOWING ADEQUATE TIME; PROVIDING INFORMATION TO & COMMUNICATING WITH YOUR DESIGNER(S) & CONTRACTOR(S); ENSURING ADEQUATE WELFARE FACILITIES ON SITE; ENSURING A CONSTRUCTION PHASE PLAN IS IN PLACE; KEEPING THE HEALTH & SAFETY PLAN; PROTECTING MEMBERS OF THE PUBLIC INCLUDING YOUR EMPLOYEES; ENSURING WORKPLACES ARE DESIGNED CORRECTLY & NOTIFYING THE HSE OF THE PROJECT IF APPLICABLE.

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR OMISSIONS BETWEEN THIS DRAWING AND INFORMATION GIVEN ELSEWHERE MUST BE REPORTED TO THIS OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING

vis splay taken to kerb line on OS plan

To: Planning Committee
Date: 7th December 2016
Author: Simon Eades (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0978/FULM (8/20/764C/PA)	PARISH:	Brayton Parish
APPLICANT:	Barratt David Wilson Homes	VALID DATE:	16 August 2016
		EXPIRY DATE:	15 November 2016
PROPOSAL:	Proposed residential development of 53 dwellings including access and associated infrastructure		
LOCATION:	Land off Barff Lane Brayton		

This application has been brought before Planning Committee due to it being a departure from the Development Plan.

Summary:

The application is a revised scheme for the erection of 53 no. dwellings with associated access, landscaping, footpath and a pumping station. The site is located in an area of open countryside immediately adjacent to the defined development limits of Brayton and therefore fails to comply with Policy SP2A(c) of the Core Strategy. However, the application site has an extant planning permission which is a material consideration as the erection of 52 dwellings can already be erected outside of the development limits.

As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 7 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

The proposal achieves a social role in that it would deliver levels of both open market and affordable housing in Brayton, promoting sustainable and balanced communities and would assist the Council in achieving a 5 year supply of housing land. The proposal also achieves a social role in that it would deliver levels of both open market and affordable housing in Brayton, promoting sustainable and balanced communities. The proposal would provide 15% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would provide an area of recreational open space.

The proposal would have an environmental role in that it would deliver high quality homes for local people and the proposal also takes into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to its proximity to local services and its access to public transport it would also reduce the need to travel by car and would secure highway improvements.

The proposal achieves appropriate access, layout, appearance, landscaping and scale so as to respect the character of the area. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, highways, flooding, drainage and climate change, protected species and contamination in accordance with policy.

The proposals also include a Section 106 agreement which would secure affordable housing provision, on-site recreational open space provision and a waste and recycling contribution.

Having had regard to all of the above, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

Recommendation

This planning application is recommended to be APPROVED subject to subject to no objections being received from the NYCC Flood Risk Officer and the inclusion of suggested conditions delegation being given to Officers to complete the Section 106 agreement to secure 15% on-site provision for affordable housing, on-site recreational open space and a waste and recycling contribution and subject to the conditions detailed in paragraph 2.20 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located outside the defined development limits of Brayton.

1.1.2 The site is currently arable agricultural land.

1.1.3 There are residential properties which comprise a mixture of single and two storey dwellings located to the east along Barff Lane and St Wilfrids Crescent. The land to the north, west and south of the site is agricultural land.

1.1.4 The site is bounded by mature hedgerows.

1.1.5 The site is situated within Flood Zone 1 which is at low probability of flooding.

1.2. The Proposal

1.2.1 The application is a full planning application for the erection of 53 residential properties and the site has an extant planning permission under application reference number 2015/0389/FUL for 52 dwellings.

1.2.2 Vehicular access would be taken from a proposed access point from Barff Lane which is the same as that proposed in the extant planning permission under application reference number 2015/0389/FUL. In addition there would be seven private drive access points to serve the dwellings fronting Barff Lane.

1.2.3 The proposed scheme proposes the following mix and types of housing:

- 17 x 3 beds
- 28 x 4 beds
- Affordable units: 3 x 2 beds and 5 x 3 beds

1.2.4 The extant planning permission under application reference number 2015/0389/FUL included the following mix and types of housing:

- 3 x 2 beds
- 19 x 3 beds
- 22 x 4 beds
- Affordable units: 2 x 2beds and 6 x 3 beds

1.2.5 Although the scheme now provides for less 2 bedroomed units, the overall mix of house types is considered to be acceptable. The site provides for an area of recreational open space which is in a revised location to the extant planning permission under application reference number 2015/0389/FUL. The new location of the ROS is centrally located within the development site whereas in the extant permission it was located in the north east corner. This, and the extra dwelling proposed making the total 53 instead of 52 units, is the main difference between the current and previous scheme. The house types have also changed but are similar to those previously proposed and the floor space is also approximately the same.

1.3 Planning History

1.3.1 Application 2015/0389/FUL for the proposed erection of 52 residential dwellings including site access was permitted on 03.12.2015.

1.3.2 Discharge of condition application 2016/0553/DOC to Discharge of conditions 02 (materials), 03 (landscaping), 04 (boundary treatment), 08 (noise and vibration) and 23 (site compound) of approval 2015/0389/FUL for proposed erection of 52 residential dwellings including site access was permitted on 01.08.2016.

1.3.3 Discharge of condition application 2016/0554/DOC to Discharge of conditions 09 (surface water drainage), 11 (surface water drainage), 12 (foul water drainage), 14 (groundworks), 16 (groundworks), 17 (visibility), 18 (visibility), 19 (excavation) and 20 (groundworks) of approval 2015/0389/FUL for proposed erection of 52

residential dwellings including site access was refused on 01.08.2016

1.4 Consultations

1.4.1 Brayton Parish Council

No response received.

1.4.2 Lead Officer – Environmental Health

Construction Phase:

Due to the size of the development it is recommended that the preparation and construction phases are subject to a condition requiring a Construction and Environmental Management Plan to be submitted and agreed.

Air Quality:

It is noted that the development entails 53 dwellings all of which are allocated two parking spaces each. I would, therefore, request that an air quality assessment is provided in line with Selby District Councils - Air Quality and Planning Guidance Note.

Section 6.20 I: Mitigation Measures in the EPUK/IAQM Land Use Planning & Development Control Planning for Air Quality which states in bold that "Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures, as outlined in Chapter 5 Good design includes the provision of EV charging points especially where the properties include a garage and request that the applicant considers this or the provision of other mitigation measures for air quality.

1.4.3 Yorkshire Water Services Ltd

No objections subject to conditions.

1.4.4 Planning Policy

The application is for 53 no. units, 8 no. units are proposed as the affordable units, which equates to a 15% provision. Policy SP9 requires 40% affordable housing on housing schemes of 10 units or above, which on this application would be 21 no. units. Without the necessary evidence, it would be expected to see the policy compliant position for the affordable housing.

The submitted house types have also been reviewed for the proposed 8 no. affordable units - 3 no. 2-beds and 5 no. 3-beds. With reference to the 3-bed house type, known as 'The Barton', the unit size is 65.5sqm, which is extremely small and I doubt if an RP would accept this as a 3-bed house type. National space standards suggest a minimum for a 3-bed 4 person house to be 84sqm and a 3-bed 5 person 93 sqm. There is another house type proposed as a market unit known as 'The Maidstone', which although only 77.1 sqm could this become the 3-bed house type for the 3-bed affordable unit but excluding the ensuite, perhaps creating a larger third bedroom? The 2-bed house known as 'The Kenley', is also small at 57 sqm, which ideally should be 70 sqm 2 bed 3 person and 79 m2 2 bed 4 person in accordance with national space standards. It would be advised to increase the size of the 2-bed and 3-bed affordable units as it is doubted that the current sizing of these would suit an RP's unit size requirements.

It is advised that mainly 2 and 3 bed affordable homes with a tenure split for the affordable units of 30-50% intermediate sale and 50-70% rented are sought as a start point for negotiation. It is asked that the developer makes early contact with a partner RP regarding the affordable homes in order to confirm that the number, size and type of units are acceptable to them. A different mix may be considered if it has been agreed in principle by the developer and an identified RP partner.

1.4.5 Public Rights Of Way Officer

No response received.

1.4.6 Waste and Recycling Officer

The scheme does not present any access problems for collection vehicles. Bin presentation points have been provided for all properties accessed by a private drive and all other properties can present waste at the boundary of their property and the public highway as per SDC policy. Where collection vehicles will be required to reverse the distances have been kept to a minimum.

1.4.7 North Yorkshire County Council Highways

Initial concerns have now been addressed and can confirm that the Local Highway Authority has no objections to the proposed development. There are some minor technical details to be addressed regarding the soakaway but these can be dealt with through the Section 38 process. This includes the drainage calculations and removal/relocation of the footway over the proposed highway soakaway. Consequently it is recommended that the Conditions are attached.

1.4.8 North Yorkshire Historic Environment Team

The developer has submitted an archaeological desk based assessment and a Written Scheme of Investigation for archaeological trial trenching. Our own records indicate that this trial trenching has taken place and that no finds or features of archaeological interest were noted. The developer may wish to update the information provided with the application with the trial trenching report to inform other consultees and interested parties. Based on the information in the desk based assessment and trial trenching report there are no objections to the proposal and no further comments are made.

1.4.9 North Yorkshire Education

Please see the attached pro-forma regarding a s106 developer contribution levy should this be appropriate outside of CIL charging arrangements. As you will see based on the proposed 53 2+ bedroom properties a shortfall of school places would arise as a result of this development and a developer contribution would, under s.106 arrangements, be sought for primary education facilities. This contribution would be £180,147. A developer contribution would not be sought for secondary school facilities at this time. [Officers would advise members that the ability to seek contributions towards education has been superseded by the introduction of CIL].

1.4.10 North Yorkshire Police

Should this application be granted it is asked that a planning condition be placed on it requiring that prior to the commencement of any works, that the applicant provides full written details of how the issues raised by the Police Designing Out Crime Officer are to be addressed. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police. The details should

provide rationale and mitigation in relation to any suggestions made in this report that are not to be incorporated.

1.4.11 North Yorkshire and York Primary Care Trust

No response received within the statutory consultation period.

1.4.12 Internal Drainage Board

The above application lies within the IDB district and indicates that: 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. The IDB as a Consultee give the following comments/recommendations: Detailed plans of the surface water discharge could not be found within this application. If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

1.4.13 North Yorkshire County Council – Flood Risk Management

Awaiting comments on amended plans and Members will be updated at Planning Committee.

1.4.14 North Yorkshire Bat Group

No response received.

1.4.15 Contaminated Land Consultant (WPA)

No objections subject to conditions

1.4.16 Yorkshire Water

No objections subject to conditions.

1.4.17 District Valuer

A full response is still awaited, but he has concluded that the scheme cannot support more than 15% affordable housing.

1.5 Publicity

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting in 7 objections being received within the statutory consultation period. The issues raised can be summarised as follows:

Principle of Development

- Within the last 12 years Selby has been overwhelmed by additional population, the roads are congested, the schools oversubscribed and 1 month delays on GP surgery appointments. Furthermore there has already been extensive property developments in the area, not least the new Staynor Estate, Old Farm Way, all developments along Baffam Lane, St. Mary's View, Ousegate etc. 125 new dwellings are therefore wholly inappropriate without extra schools, GP surgeries, a new hospital and capacity improvements to the road network.

- There are still houses for sale within the existing new developments mentioned above, and other houses for sale in the area besides, i.e. the new properties are not required.
- There are brownfield sites to build on rather than consuming a scenic greenfield site, which forms part of a local beauty spot when viewed from the top of the hill on Brayton Barff. I.e. there is an abundance of spare ground on the Burn side of Burn Aerodrome site, which is largely just wasteland these days. There is also an abundance of brownfield space around the Hovis plant in Barlby. Eggborough Power Station has also closed recently, so there's another massive area. These should be built on first before building on greenfield. Whilst new regulations allow building on greenfield sites, they do not and should not ever give builders the right to choose greenfield sites like Barff Lane ahead of brownfield sites.

Sustainability

- Have seen Brayton grow bigger with various estates appearing, we believe that more houses being built would not be sustainable for a village.

Highways

- An increase in traffic.
- Just one exit onto Barff Lane for all the traffic on the estate with a potential of a hundred cars all at roughly the same time during peak times.

Infrastructure (Education, Health, Utilities)

- The primary school being overrun.
- Had no extra schools, surgeries or extra hospitals since 2000.
- The only extra road facility - the bypass - is regularly shut for repairs because it wasn't made correctly, leading to massive congestion on the Doncaster Road.
- Removing of local police and fire station. Removing these and then adding 125 more families to the area. That just doesn't make sense.
- The Selby police and fire station existed since at least the 1970s. Population has increased massively since then, yet now they get rid of them and add more houses, that defy logic.

Flood Risk and Drainage

- Drainage is at a premium in the area it is not satisfactory. Drainage capacity not been provided by the plans.
- The Plan says foul water waste from the Pumping station ie. the discharge is in the vicinity - where ? and will it cause Evergreen Way /Moat Way issues with backed up sewage pipes ? Is the pumping station operating 24 hours, is it noisy, is it smelly?

Other issues

- There does not appear on the plan to be any secure fencing at the back of the development to help protect us and other Evergreen Way residents of likely trouble from shortcuts to Moat Way and beyond which will be very intimidating and potentially a hot spot for my family and others.

2. Report

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be

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

2.2 Selby District Core Strategy Local Plan

2.2.1 The relevant Core Strategy Policies are as follows:

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

2.3 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

- ENV1: Control of Development
- ENV2: Environmental Pollution and Contaminated Land
- ENV28: Archaeology
- T1: Development in Relation to Highway
- T2: Access to Roads
- RT2: Recreational Open Space
- CS6: Community facilities

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

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

guidance in the Technical Guidance Note, and Policy for Traveller Sites, 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 NPPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

Other Policies/Guidance

Affordable Housing Supplementary Planning Document, 2013
Developer Contributions Supplementary Planning Document March 2007
Brayton Village Design Statement, December 2009
North Yorkshire County Council SuDs Design Guidance, 2015

2.5 Key Issues

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

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

2.5.3 Identifying the impacts of the proposal.

1. Design and Impact on the character of the area
2. Flood risk, drainage and climate change
3. Impact on highways
4. Residential amenity
5. Nature conservation and protected species
6. Affordable housing
7. Recreational open space
8. Contamination
9. Impact on Heritage Assets
10. Education, healthcare, waste and recycling
11. Other issues

2.5.4 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

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

2.6.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in

favour of sustainable development contained in the National Planning Policy Framework” and sets out how this will be undertaken.

- 2.6.2 Relevant policies in respect of the principle of this proposal include Policy SP2 “Spatial Development Strategy” and Policy SP5 “The Scale and Distribution of Housing” of the Core Strategy.
- 2.6.3 Objections have been raised in relation to the amount of residential development built in the district and that there is not the need for any more in its current locations. These comments have been noted and these issues are discussed in the section below.
- 2.6.4 Policy SP2 identifies Brayton as being a Designated Service Village which has some scope for additional residential development to support rural sustainability. The site is located outside the defined development limits of Brayton and therefore is located within the open countryside. Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.
- 2.6.5 In light of the above policy context the proposals to develop this area of open countryside for residential purposes are contrary to Policy SP2A(c) of the Core Strategy.
- 2.6.6 It is noted that the site was put forward under the Site Allocations DPD (Preferred Options) (2011) under references BRAY019 and the site was identified for a residential allocation for 35 dwellings and light commercial use. It should be noted that the Site Allocations DPD (Preferred Options) did not proceed to formal adoption and as such can be afforded little weight in the decision making process. It is noted that the site was put forward under Strategic Land Availability Assessment (SLAA) 'call for sites' 2013 under reference Brayton 010 “Land west of Evergreen Way Brayton”. The application should therefore be assessed on its own merits having had regard to the current policy position.
- 2.6.7 It is established case law that if an applicant can demonstrate a fall-back position i.e. an existing consent which could be implemented in the absence of a new permission; this constitutes a material consideration to be taken into account in determining the application. In this case there is an extant planning permission for the erection of 52 dwellings under application number 2015/0389/FUL. This planning permission was granted consent on the 3rd December 2015 subject to conditions and therefore is capable of implementation up 3rd December 2018. The extant planning permission is considered as a clear fall-back position that is a material consideration of sufficient weight as the erection of 52 dwellings can be erected outside the development limits during this time period.
- 2.6.8 The NPPF is another material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development, with

particular emphasis on boosting significantly the supply of housing. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

2.6.9 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016, that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF.

2.6.10 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

2.6.11 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Specific policies in this framework indicate development should be restricted.

2.6.12 The examples given of specific policies in the footnote to paragraph 14 indicate that the reference to specific policies is a reference to area specific designations including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. None of these designations apply in this case, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole

2.6.13 Sustainability of the Location of the Development

In respect of sustainability, the site is adjacent to the development limits of the village of Brayton which is a Designated Service Village, as identified within the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village contains two public houses, a petrol filling station including Tesco convenience store, a butchers shop, a post office, vets, hairdressers, doctor's surgery including pharmacy, hospital, car garage, church,

Parish hall, community centre, high school, three primary schools and one nursery. The village also benefits from a bus service operating to Selby, Pontefract and Wakefield. It is therefore considered that the settlement is well served by local services.

2.6.14 The above points weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, that the site can be considered as being in a sustainable location.

2.6.15 In addition to the above it is noted that the village of Brayton has been designated as a Designated Service Village with a defined Development Limit, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location. The village is considered to be “most sustainable” in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Brayton it is adjacent to the boundary and would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects.

2.6.16 Objections have been received stating that Brayton has grown bigger, with various estates appearing and that more houses being built would not be sustainable for the village. These comments have been noted and these issues are discussed in the section below.

2.6.17 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. In response to this the applicant has commented as follows: -

2.6.18 Economic

The proposal would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

2.6.19 Social

The proposal would deliver levels of both open market and affordable housing in Brayton and hence would promote sustainable and balanced communities and would assist in the Council meeting the objectively assessed need for housing in the district. The proposals would provide 15% (8 units) on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would include provision for recreational open space through on-site provision.

2.6.20 Environmental

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

2.6.21 These considerations weigh in favour of the proposal.

2.7 Identifying the Impacts of the Proposal

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

2.8 Design and Impact on the Character of the Area

2.8.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy. In addition Policy SP8 of the Core Strategy requires an appropriate housing mix to be achieved.

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

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

2.8.4 Objectors raise concerns that there does not appear on the plan to be any secure fencing at the back of the development to help protect Evergreen Way residents of likely trouble from shortcuts to Moat Way and beyond which will be very intimidating and potentially a “hot spot.” These comments have been noted and these issues are discussed in the section below.

2.8.5 The layout provides for a mixture of detached, semi-detached and terraced properties arranged on an estate which has one main road with five dispersing cul-de-sacs. The dwellings fronting Barff Lane would be stepped back from the site frontage with access drives to the front which is not dissimilar to the layout of other properties along Barff Lane. The layout does appear quite dense when compared with the layout immediately adjacent to the site, however this is predominantly due to the size and nature of the housing proposed which provides for a quantum of 2 and 3 and 4 bed units rather than neighbouring sites some of which contain bungalows which by their very nature contain larger curtilages. Notwithstanding this, the layout allows for small garden areas to the frontage of each of the properties with a reasonable amount of private amenity space to the rear, it is therefore considered that the layout is not unduly out of character or detrimental to the area.

2.8.6 All of the proposed properties are two storey and are therefore of a design, height and scale which is appropriate to the surrounding context of the site. The dwellings would offer a variety of designs which take influence from design features characterised on properties within the surrounding area. The application form states that materials would comprise of red brick and red or grey pantiles to the roofs. Given that neighbouring properties are a mix of brick colours and there are some rendered properties along Barff Lane it is considered that the materials would be acceptable subject to a condition requiring the full material details to be provided.

2.8.7 The proposed scheme proposes the following mix and types of housing:

- 17 x 3 beds
- 28 x 4 beds
- Affordable units: 3 x 2 beds and 5 x 3 beds

- 2.8.8 The extant planning permission under application reference number 2015/0389/FUL included the following mix and types of housing:
- 3 x 2 beds
 - 19 x 3 beds
 - 22 x 4 beds
 - Affordable units: 2 x 2 beds and 6 x 3 beds
- 2.8.9 Policy SP8 states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. The Strategic Housing Market Assessment for the Central area which includes Brayton states that there is demand and pressure on stock for all property sizes and types, with particular pressure on terraced properties, therefore having taken this into account it is considered that the proposals provide an appropriate mix of housing to meet local housing needs in accordance with policy SP8 of the Core Strategy. The comments of the Lead Policy Officer at paragraph 1.4.4 with regard to the size of some of the properties are noted. However this is a revised scheme for a similar development which has already received planning permission and as such a refusal of permission on these grounds would be difficult to substantiate.
- 2.8.10 The application site is currently agricultural land with a series of mature hedgerow around the boundaries of the site and a small number of trees. The application is accompanied by an Arboricultural Survey which assesses the condition of the trees and hedgerows within and around the boundaries of the site and establishes that they are all in good physical condition. The application states that the hedgerows and trees would be retained and enhanced with new planting. It is recommended to impose a condition that the landscaping shall be carried in accordance with the submitted landscaping plans.
- 2.8.11 The site provides for an area of recreational open space which is in a revised location to the extant planning permission under application reference number 2015/0389/FUL. The new location of the ROS is centrally located within the development site where in the extant permission it was located in the north east corner. The proposed new location of the ROS is considered to be in a more accessible location for the dwellings on the application site than the extant scheme. The new location of the ROS is considered to be a significant improvement in the design of the layout, character and form of the development.
- 2.8.12 Paragraphs 58 and 69 of the NPPF state 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 use language such as 'aim to' and not direct language such as 'shall' so there is an element of flexibility in the consideration of such aspects. The proposed layout has ensured that dwellings have active frontages and the dwellings are positioned so that car parking areas have natural surveillance. Private space for each plot is clearly demarcated and appropriate boundary treatments can be conditioned so that occupants can distinguish their defensible private space.
- 2.8.13 The Police Architectural Liaison Officer has commented on the proposed layout and has made a series of recommendations, although it is recognised that some of

these fall outside the remit of planning. In addition although some other recommendations are desirable, non-conformity with them would not be sufficient, in itself, to justify refusal. In general terms the Police have confirmed that the development has many positive aspects which should help to ensure a safe and secure environment for residents.

2.8.14 In this context the design, layout, scale and landscaping and impact on the character of the area is considered acceptable in accordance with policy ENV 1(4) of the Local Plan and policies SP8 and SP19 of the Core Strategy and the NPPF.

2.9 Flood Risk, Drainage, Climate Change and Energy Efficiency

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

2.9.2 Objectors raise concerns in relation to drainage and its capacity and the noise from the pumping stations. These comments are noted and the section below outlines that the scheme is acceptable in terms of drainage. Section 2.11 of this report regarding residential amenity and the consultation response from Environmental Health, highlight that the scheme is unlikely to have significant adverse effects on residential amenity through noise.

2.9.3 The application site is located in Flood Zone 1 which is at low probability of flooding. The application has submitted a Flood Risk Assessment and the application form confirms that the disposal of foul sewage and surface water would be to the mains sewer in Barff Lane. Yorkshire Water and IDB have been consulted with respect to this and have raised no objection subject to a condition.

2.9.3 North Yorkshire County Council Flood Risk Officer has raised some concerns in relation to surface water however, these details can be resolved by condition.

2.9.4 With respect to energy efficiency, the supporting statement confirms that the dwellings would be constructed to current Building Regulations standards and would be of good quality design and materials. In order to comply with the specific requirements of Policy SP16 which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources a condition should be imposed in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy.

2.9.5 Having taken the above into account it is therefore considered that the proposals adequately address flood risk, drainage, climate change and energy efficiency in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.10 Highway Issues

2.10.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. In addition Policies T7 and T8 of the Local Plan set out requirements for cycling and public rights of way.

- 2.10.2 Objections have been raised in relation to increase in traffic and that there is just one exit onto Barff Lane for all the traffic on the estate with a potential of a hundred cars all using this at roughly the same time during peak times. These comments have been noted and both the consultation response from NYCC Highways and the section below identify that the scheme is acceptable in terms of Highway Safety subject to the imposition of conditions.
- 2.10.3 The application is accompanied by a Transport Assessment by Sanderson Associates (Consulting Engineers) Ltd which examines the existing highway network, traffic flows and accident levels and presents the anticipated traffic generation and highway impacts as a result of the development. The report concludes that the proposed development is acceptable in traffic impact terms and that there are no highway safety or capacity reasons why planning consent should not be granted.
- 2.10.3 The Transport Assessment has been reviewed by North Yorkshire County Council Highways and comments from local residents regarding the impact on the highway network have been taken into account.
- 2.10.4 Following the submission of the amended plans the Highways Officer states: -
- “Initial concerns have now been addressed and can confirm that the Local Highway Authority has no objections to the proposed development. There are some minor technical details to be addressed regarding the soakaway but these can be dealt with through the Section 38 process. This includes the drainage calculations and removal/relocation of the footway over the proposed highway soakaway. Consequently it is recommended that the Conditions are attached”.
- 2.10.5 Having had regard to the fact that Brayton is a Designated Service Village, being a more sustainable settlement with access to local facilities and public transport it is accepted that the site is sustainable with a choice of transport modes, although as with many of the other settlements within the District there will be some reliance on the private motor vehicle to access employment and wider services and facilities. North Yorkshire County Council Highways, as set out above, have identified that the existing highway network can serve the site, taking into account accessibility and that a travel plan can be conditioned.
- 2.10.6 The proposed layout of the site demonstrates that a sufficient level of parking provision, including visitor spaces would be provided on site. It is therefore considered that the proposals achieve an appropriate internal highway layout.
- 2.10.7 It is therefore considered that the scheme is acceptable and in accordance with policies ENV1(2), T1, T2, T7 and T8 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.

2.11 Residential Amenity

- 2.11.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1(1) of the Local Plan. In addition one of the core principles of the NPPF is to always seek to secure a good standard of amenity. In addition Paragraph 200 of the NPPF relates to the removal of permitted

development rights where this is required to ensure appropriate levels of amenity are retained.

- 2.11.2 The separation distances between existing and proposed dwellings and within the site are acceptable so as to ensure that no significant detriment would be caused through overlooking, overshadowing or creating an oppressive outlook.
- 2.11.3 Plots 1 and 20 are the plots closest to the nearest existing nearest dwelling of 48 Barf Lane. The house of plot 1 is 8 metres away from 48 Barf Lane and the boundary of plot 1 is 4 metres away from 48 Barf Lane. Plot 20 is 16.5 metres away from 48 Barf Lane. Due to the combination of the orientation, siting, and distance away of Plot 1 and 20 from 48 Barf Lane it is considered not to cause any significant adverse effects of overshadowing and or oppression on the amenities of the adjacent residents. However, it is recommended that a condition is imposed to ensure that the first floor window in the east elevation of Plot 20 has obscure glazing for the lifetime of the development and that permitted development rights are removed for any further windows on the side elevations of plots 1 and 20 facing towards 48 Barf Lane.
- 2.11.4 The Lead Officer-Environmental Health has requested that due to the size of the development, the preparation and construction phases should be subject to an agreed Construction Environmental Management Plan by condition. In addition to this, information in relation to Air Quality Management was requested. However, in the previously approved scheme 2015/0389/FUL Environmental Health did not request this information. Given this, and the fact that the previously approved scheme can be implemented. it is considered unreasonable to impose this requirement.
- 2.11.5 Having taken into account the relationship of the proposed dwellings to existing dwellings and subject to appropriate conditions it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policy ENV1(1) of the Local Plan and the NPPF.

2.12 Impact on Nature Conservation and Protected Species

- 2.12.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPPF.
- 2.12.2 With respect to impacts of development proposals on protected species planning policy and guidance is provided by the NPPF and accompanying PPG in addition to the Habitat Regulations and Bat/ Great Crested Newt Mitigation Guidelines published by Natural England.
- 2.12.3 The application is accompanied by a Phase 1 Habitat Survey Report by JCA Limited Arboricultural Consultants which establishes the impacts of the development and sets out recommendations for mitigation.
- 2.12.4 The report concludes that the site does not have any features or habitat to support amphibians, badgers, Barn owls, Bats, Dormice, otter, reptile or white-clawed

crayfish. However, the report recognises that the hedges and trees offer nesting opportunities to birds during the breeding season.

2.12.5 The contents of the report are noted and accepted. Natural England were consulted on the application and no comments were made.

2.12.6 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the Phase 1 Habitat Survey Report.

2.13 Affordable Housing

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

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

2.13.2 The Planning Policy Officer raises issues in relation to the size of the affordable housing units, as specified in paragraph 1.4.4. However, the floor area, mix and tenure of the proposed units in this application are very similar to those in the previously approved scheme. With this being the case it is considered that it would be difficult to justify a refusal of permission on these grounds, given the fall-back position of the previously approved scheme.

2.13.3 It is established case law that if an applicant can demonstrate a fall-back position i.e. an existing consent which could be implemented in the absence of a new permission; this constitutes a material consideration to be taken into account in determining the application. In this case there is an extant planning permission for the erection of 52 dwellings under application number 2015/0389/FUL. This planning permission was granted consent on the 3rd December 2015 subject to conditions and therefore is capable of implementation up to 3rd December 2018. The extant planning permission is considered as a clear fall-back position that is a material consideration in the assessment of Affordable Housing provision in this case.

2.13.4 The District Valuer has been consulted on the application and agrees that 15% affordable housing (8 units) is reasonable in this instance. It is considered therefore that, subject to the completion of a section 106 agreement, the proposal is acceptable in respect to the provision of affordable housing.

2.14 Recreational Open Space

2.14.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded limited weight given it conflicts, in

part, with the Council's Community Infrastructure Levy Charging Rates, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF. These policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy.

2.14.2 It should be noted that the Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for 60sqm per dwelling to be provided on site in the first instance, the layout plan shows 920 sqm which would be short of the 2,260 sqm required. However, given the size and scale of the proposed development this is considered to be an acceptable amount. The application would also be subject to a CIL payment a percentage of which would be paid to the Parish Council and can be spent on improvements to recreational open space within Brayton.

2.14.3 The site provides for an area of recreational open space which is in revised location to the extant planning permission under application reference number 2015/0389/FUL. The new location of the ROS is centrally located within the development site where in the extant permission it was located in the north east corner. The proposed new location of the on-site ROS is considered to more related to the proposed development and would serve and would be more accessible to more dwellings on the application site than the extant scheme. The new location of the ROS is considered to be an improvement of the proposed development.

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

2.15 Contamination

2.15.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.

2.15.2 The application is accompanied by a Geo-environmental Appraisal by Lithos Consulting and Geophysical Survey by Trent & Peak Archaeology Structural Engineering which was assessed by the Council's Contamination Consultant who have no objections subject to conditions.

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

2.16 Impact on Heritage Assets

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

2.16.2 The NPPF paragraph 128 states Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact

of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 2.16.3 The applicants have complied with the requirements of the NPPF in so far as the application is accompanied by Archaeological Investigations by York Archaeological Trust Archaeology which establishes the archaeological significance of the site as being low. The report concludes that the absence of features and artefacts in the evaluation trenches suggests that this field is of very low archaeological potential.
- 2.16.4 The report has been reviewed by North Yorkshire Council Heritage Officer states that “The developer has submitted an archaeological desk based assessment and a Written Scheme of Investigation for archaeological trial trenching. Our own records indicate that this trial trenching has taken place and that no finds or features of archaeological interest were noted”.
- 2.16.5 Having had regard to the above comments and taking into account Paragraph 135 of the NPPF this states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. The proposals are therefore considered acceptable with respect to archaeology in accordance with Policies ENV1 and ENV28, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.17 Education, Healthcare, Waste and Recycling

- 2.17.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy.
- 2.17.2 Objections have been received in relation to the primary school being overrun, no extra schools, surgeries or extra hospitals since 2000 and removing of local police and fire station. These comments have been noted and these issues are discussed in the section below.
- 2.17.3 Having consulted North Yorkshire County Council Education they state that “based on the proposed 53 x 2+ bedroom properties a shortfall of school places would arise as a result of this development and a developer contribution would, under s.106 arrangements, be sought for primary education facilities. This contribution would be £180,147. A developer contribution would not be sought for secondary school facilities at this time”. However no contribution would be required due to the adoption of CIL.
- 2.17.4 No response has been received from the Healthcare Service in relation to healthcare contributions, however no contribution would be required due to the adoption of CIL.
- 2.17.5 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required which equates to £3,445 and this would therefore be secured via Section

106 agreement.

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

2.18 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.18.1 Having considered the issues outlined above against the relevant policy tests it is considered that any harms to acknowledged interests arising from the proposal are not significant. However the proposal would result in the substantial benefit of meeting the local need for both market and affordable housing that has been demonstrated to exist. The proposal would also contribute towards the local economy and would create a high quality housing environment.

2.18.2 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 the attached conditions.

2.19 Conclusion

2.19.1 The application proposes full planning consent for the erection of 53no. dwellings with associated access, landscaping, footpath and a pumping station. The site is located in an area of open countryside immediately adjacent to the defined development limits of Brayton and therefore fails to comply with Policy SP2A(c) of the Core Strategy. However, the application site has an extant planning permission which is considered as a clear fall-back position that is a material consideration of sufficient weight to outweigh as the erection of 52 dwellings can be erected outside the development limits during this time period.

2.19.2 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 7 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

2.19.3 The proposals achieve a social role in that it would deliver levels of both open market and affordable housing in Brayton, promoting sustainable and balanced communities and would assist the Council in achieving a 5 year supply of housing land. The proposals achieve a social role in that it would deliver levels of both open market and affordable housing in Brayton, promoting sustainable and balanced communities. The proposals would provide 15% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would provide an area of recreational open space.

- 2.19.4 The proposals would have an environmental role in that it would deliver high quality homes for local people and the proposals take into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to its proximity to local services and its access to public transport it would also reduce the need to travel by car and would secure highway improvements.
- 2.19.5 The proposals achieve an appropriate access, layout, appearance, landscaping and scale so as to respect the character of the area. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, highways, flooding, drainage and climate change, protected species and contamination in accordance with policy.
- 2.19.6 The proposals also include a Section 106 agreement which would secure affordable housing provision, on-site recreational open space contribution and a waste and recycling contribution.
- 2.19.7 Having had regard to all of the above, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

2.20 Recommendation

This planning application is recommended to be APPROVED subject to subject to no objections being received from the NYCC Flood Risk Officer and the inclusion of suggested conditions delegation being given to Officers to complete the Section 106 agreement to secure 15% on-site provision for affordable housing, on-site recreational open space and a waste and recycling contribution and subject to the conditions detailed below:

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

Reason:

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

02. No development shall commence until details of the proposed wall and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used in the external finishes of the walls and roofs of the buildings unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposals respect the character and appearance of the area in accordance with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

03. The development shall be carried out in accordance with the drainage details shown on the submitted plan, "drawing 003 dated June 2016 that has been

prepared by David Wilson Homes ", unless otherwise agreed in writing with the Local Planning Authority

Reason

In the interest of satisfactory and sustainable drainage

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

Reason: In the interest of sustainability, to minimise the development's impact.

05. The development hereby permitted shall not be occupied until the first floor level window in the east elevation of Plot 20 has been fitted with obscure glazing. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason:

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

06. Notwithstanding the provisions of Class A to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 no further windows and openings shall be placed in the first floor level of the east elevation of Plots 1 and 20 without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential property, having had regard to Policy ENV1.

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

Reason:

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

08. The proposed development shall be carried out in accordance with Landscape Masterplan drawing number R/1587/1F received by the Council on the 12th August 2016. The Landscape Masterplan should 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 should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

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 area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

09. No development on any phase of the development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by Local Planning Authority. The scheme shall include details of any necessary dust, dirt 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.

10. 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 occupation of the first dwelling and thereafter shall be retained 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.

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

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

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures

- (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

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

Reason

- 12. In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

13. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

i) The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres for the first 20m, and the access road into the site shall be constructed in accordance with Standard Detail number A1.

(ii) Individual vehicle crossings to dwellings shall be constructed in accordance with the approved details and/or Standard Detail number **E6**.

(iii) 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.

Reason

In accordance with policies ENV1, 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.

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.

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

15. 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 120m measured along both channel lines of the major road Barff Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

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

Informative

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

16. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
 - (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include the relocation of the 30mph/National Speed Limit sign to west of the site.

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

18. There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel washing facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the transport of waste materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway

Reason

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

19. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason

In accordance with policies ENV1, T1 and T2 of 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.

20. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with policies ENV1, T1 and T2 of 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.

21. There shall be no access or egress by any vehicles between the highway and the application site until:
- a. full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority; and
 - b. The surface water ditch at «location» has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

Informative

It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991. Details of the consultations shall be included in the submission to the Local Planning Authority. The structure may be subject to the Highway Authority's structural approval procedures.

22. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include:
- a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services
 - e. continual appraisal of travel patterns and measures provided through the travel plan
 - f. improved safety for vulnerable road users
 - g. a reduction in all vehicle trips and mileage
 - h. a programme for the implementation of such measures and any proposed physical works
 - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason

In accordance with policies ENV1, T1 and T2 of the Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

23. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number: 16
- a) The relocation of the 30mph/National Speed Limit sign to west of the site.

Reason

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

Informative

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

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

(to be inserted when the decision is issued)

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 2016/0978/FULM and associated documents.

Contact Officer: Simon Eades (Senior Planning Officer)

Appendices: None.



Public Session

Report Reference Number: N/A

Agenda Item No: 7

To: Planning Committee
Date: 7 December 2016
Author: Jonathan Carr– Interim Lead Officer Planning

Title: Reconsideration of previously considered but still pending applications

Purpose of Report: In light of the fact that Council conceded in October 2016 that it did not have a 5 year land supply, this report present applications for reconsideration that Planning Committee previously resolved to approve subject to the completion of a Section 106 Agreement, but for which in each case the Agreement has not yet been completed and so the decision notice has not been issued.

Summary:

The Council conceded in the appeal APP/N2739/W/16/3144900 relating to the site known as Hodgson’s Gate at Sherburn heard in October 2016, that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF.

The table at Appendix A shows those applications which were reported to Committee prior to the Council conceding that it does not have a 5 year supply and were approved subject to a s106 Agreement to secure affordable housing and other contributions.

The fact that the Council does not have a 5 year supply of deliverable housing land is a significant material consideration since Committee last considered the applications, and therefore it is necessary to re-consider those applications. In each case officers confirm that no material changes other than the absence of a 5 year supply that has taken place since the previous resolution to approve the applications. , Officers have reassessed each of the applications listed in the table in Appendix A and have confirmed that they comply with paragraphs 14 and 49 of the National Planning Policy Framework (NPPF). Therefore the officer recommendations for all items listed in Table A to be approved subject to the completion of a Section 106 Agreement remains unchanged.

Recommendations:

- i. To approve the applications set out in Appendix A subject to the completion of a S106 to secure appropriate contributions.**

Reasons for recommendation

To take account of the change in material considerations since the Committee resolved to grant approval of the applications listed subject to the completion of a s106 Agreement in each case.

1. Report

- 1.1 The Local Planning Authority (LPA) by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%.
- 1.2 The Council conceded in the appeal APP/N2739/W/16/3144900 relating to the site known as Hodgson's Gate at Sherburn heard in October 2016 that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF.
- 1.3 Given the above, the principle of residential development on the site must be assessed against paragraphs 14 and 49 of the NPPF. Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Specific policies in this framework indicate development should be restricted."

1.4 Paragraph 49 states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the

local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

- 1.5 The table at Appendix A shows those applications which were reported to Committee prior to the Council conceding that it does not have a 5 year supply and approved subject to a s106 Agreement to secure affordable housing and other contributions.
- 1.6 As there has been a significant change in the material considerations since Committee approved the applications it is now necessary to reconsider the applications. In each case officers confirm that no material changes other than the absence of a 5 year supply that has taken place since the provisional approval. For the applications under consideration in the table in Appendix A, Officers have reassessed each of the proposals and have confirmed that they comply with paragraphs 14 and 49 of the NPPF. Therefore the officer recommendations for all items remain unchanged.

2 Legal/Financial Controls and other Policy matters

Legal Issues

- 2.1 Failure to take into account the lack of a 5 year supply as a material consideration could result in legal challenges to decisions.

Financial Issues

- 2.2 Failure to take into account the material considerations may generate successful cost claims on appeal for unreasonable behaviour.

3. Conclusion

- 3.1 Officers have reassessed each of the proposals listed in the table in Appendix A and have confirmed that they comply with paragraph 49 of the NPPF. Therefore the officer recommendations for all items remain unchanged. Therefore Officers recommend that all applications listed in Appendix A should be approved subject to the completion of a S106 to secure appropriate contributions.

4. Background Documents

None

Contact Officer:

*Jonathan Carr
Interim Lead Officer - Planning
Selby District Council
jcarr@selby.gov.uk*

Appendices:
Appendix A – list of applications

Appendix A

Application Number	Site Address	Description of Development
2015/10405/OUT	Selby Road, Camblesforth, Selby	Outline application including access for the erection of up to 45 dwellings
2016/0359/OUT	Land South Of Moor Lane, Sherburn	Outline application to include access (all other matters reserved) for erection of up to 20 dwellings
2014/0452/FUL	Weeland Road, Hensall	Erection of 6no. affordable houses, with associated parking and landscaping
2016/0223/FUL	Ebor Court, Newton Kyme	Proposed residential development of 11 dwellings
2015/0969/OUT	Manor Garth, Kellington	Outline application with all matters reserved for residential development on land

Planning Committee 2016-17



John Cattanach (C)
Cawood and Wistow
01757 268968
jcattanach@selby.gov.uk



Dave Peart (C)
Camblesforth & Carlton
01977 666919
dpear@selby.gov.uk



Liz Casling (C)
Escrick
01904 728188
cllr.elizabeth.casling@northyorks.gov.uk



Donald Mackay (C)
Tadcaster
01937 835776
mackaydon@fsmail.net



Christopher Pearson (C)
Hambleton
01757 704202
cpearson@selby.gov.uk



Ian Chilvers (C)
Brayton
01757 705308
ichilvers@selby.gov.uk



James Deans (C)
Derwent
01757 248395
jdeans@selby.gov.uk



Brian Marshall (L)
Selby East
01757 707051
bmarshall@selby.gov.uk



Paul Welch (L)
Selby East
07904 832671
pwelch@selby.gov.uk

Substitute Councillors



Richard Sweeting (C)
Tadcaster
07842 164034
rsweeting@selby.gov.uk



Ian Reynolds (C)
Riccall
01904 728524
cllrireynolds@selby.gov.uk



Debbie White (C)
Whitley
01757 228268
dewhite@selby.gov.uk



Mike Jordon (C)
Camblesforth & Carlton
01977 683766
mjordon@selby.gov.uk



David Hutchinson (C)
South Milford
01977 681804
dhutchinson@selby.gov.uk



David Buckle (C)
Sherburn in Elmet
01977 681412
dbuckle@selby.gov.uk



Robert Packham (L)
Sherburn in Elmet
01977 681954
cllrbpackham@selby.gov.uk



Stephanie Duckett (L)
Barlby Village
01757 706809
sduckett@selby.gov.uk

(C) – Conservative (L) – Labour

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.