



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 11 JANUARY 2017**
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 7 December 2016 and the Planning Sub-Committee meeting held on 14 December 2016 (pages 1 to 10 attached).

6. Planning Applications Received

- 6.1 2016/1176/FUL - 25 Sand Lane, South Milford
(pages 11 - 25 attached)
- 6.2 2015/0967/FUL - Redmoor Farm, Skipwith Common Road, North Duffield (pages 26 - 80 attached)
- 6.3 2016/0926/FUL - Land to the rear of Four Leaf Nurseries, Church Fenton Lane, Ulleskelf, Tadcaster (pages 81 - 116 attached)
- 6.4 2016/0644/OUT - Main Street, North Duffield, Selby
(pages 117 - 154 attached)
- 6.5 2015/1220/FUL - 1 Fern Cottages, Nanny Lane, Church Fenton, Tadcaster (pages 155 - 174 attached)
- 6.6 2016/1207/HPA - 38 Low Garth Road, Sherburn in Elmet
(pages 175 - 186 attached)
- 6.7 2016/1094/OUT - Larth Close, Whitley
(pages 187 - 209 attached)
- 6.8 2016/1329/FUL - Selby District Council, Civic Centre, Doncaster Road, Selby (pages 210 - 224 attached)
- 6.9 2016/1196/REM - Field House, School Lane, Bolton Percy, Tadcaster
(pages 225 - 236 attached)
- 6.10 2016/0831/FUL - Land off East Acres, Byram
(pages 237 - 281 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meeting
8 February 2017

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

Recording at Council Meetings

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Items for Planning Committee
11 January 2017

Ref	Site Address	Description	Officer	Page
2016/1176/FUL	25 Sand Lane South Milford	Change of use from garage to fish and chip shop to include external and internal alterations	DIWI	11 - 25
2015/0967/FUL	Redmoor Farm, Skipwith Common Road, North Duffield	Solar farm and associated development on land	TOWE	26 - 80
2016/0926/FUL	Land To The Rear Of Four Leaf Nurseries Church Fenton Lane Ulleskelf Tadcaster	Proposed residential development comprising 28 dwellings, areas of amenity space, landscaping and associated infrastructure following demolition of existing nursery building	JILO	81 - 116
2016/0644/OUT	Main Street North Duffield Selby	Outline planning application for up to 57 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York Road	FIEL	117-154
2015/1220/FUL	1 Fern Cottages, Nanny Lane, Church Fenton, Tadcaster	Proposed erection of a detached dwelling	SIEA	155-174
2016/1207/HPA	38 Low Garth Road Sherburn in Elmet	Proposed single storey side extension and proposed single storey side and rear extension following demolition of an existing garage.	DIWI	175-186
2016/1094/OUT	Larth Close, Whitley	Outline application for erection of 4 detached bungalows (re-submission of 2014/1135/OUT dismissed on Appeal 24th Sept 2015)	CARO	187-209
2016/1329/FUL	Selby District Council, Civic Centre, Doncaster Road, Selby	Proposed two-storey extension to provide locker room and storage to ground floor and office space to first floor with associated additional parking.	CARO	210-224
2016/1196/REM	Field House, School Lane, Bolton Percy, Tadcaster	Reserved matters application relating to access, appearance, landscaping, layout and scale of approval 2015/0163/OUT Proposed outline application with all matters reserved for the erection of two dwellings including demolition of existing buildings.	CARO	225-236
2016/0831/FUL	Land off East Acres, Byram	Development on scrub land to provide 29 dwellings accommodating 1, 2, 3 & 4 bedrooms in a mix of semi-detached and terraced houses.	YVNA	237-281

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 7 December 2016
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), D Peart (Vice Chair) Mrs L Casling, I Chilvers, J Deans, B Marshall, D Mackay, C Pearson, and P Welch.
Apologies for Absence:	None.
Officers Present:	Kelly Dawson, Senior Solicitor, Jonathan Carr, Lead Officer – Planning, Calum Rowley, Senior Planning Officer, Tom Webster, Principal Planning Officer, Simon Eades, Senior Planning Officer and Janine Jenkinson, Democratic Services Officer.
Public:	12
Press:	1

38. DISCLOSURES OF INTEREST

There were no disclosures of interest.

39. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reported that agenda item 6.3 – 2016/0515/OUT – Land adjacent to Southlands, Broach Lane, Kellington, had been withdrawn from the agenda prior to the meeting by the applicant.

In addition, the Chair informed members that agenda item 6.2 - Ings View Farm, Main Street, Thorganby would be audio recorded.

40. 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.

41. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 9 November 2016.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 9 November 2016, as a correct record, and they be signed by the Chair.

42. PLANNING APPLICATIONS RECEIVED

42.1

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

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined an additional condition to restrict the permission to seven dwellings and reported that conditions 7, 8, 9 and 10 listed on pages 24–26 of the report had been removed from the proposed list of conditions to be attached to any permission granted.

Members were advised that the application had been brought before the Planning Committee due to the proposal being recommended for approval contrary to Policy SP9 and more than three objections contrary to the Senior Officer's recommendation having been received.

The Committee was advised that the application for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the National Planning Policy Framework (NPPF), in light of the Council not having a five year housing land supply.

Members were informed that the West Berkshire Court of Appeal decision was a material consideration of substantial weight, which outweighed the policy requirement for a contribution for affordable housing.

The Senior Planning Officer advised the Committee that there would be no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The proposal was considered acceptable and members were recommended to approve planning permission.

Bryan Sissions, a local resident spoke in objection to the application.

Ward Councillor Bob Packham spoke in objection to the application.

The Senior Planning Officer's recommendation to approve the application was moved and seconded. An amendment to defer a decision on the application to allow members to undertake a site visit was proposed. The amendment was not seconded and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.0 of the report with the exception of conditions 7, 8, 9 and 10 and the inclusion of the additional condition set out in the Officer Update Note.

42.2 Application: 2016/0951/FUL
Location: Ings View Farm
Main Street, Thorganby
Proposal: Proposed demolition of existing single
storey outbuildings and erection of two
storey dwelling and double garage in the
Conservation Area.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined that four additional letters of objection had been received; two of which were from the same person. It was explained that the letters raised concerns in relation to the level of the dwellings, impact on the Conservation Area and neighbouring properties, highways safety, drainage and the impact of additional housing on local amenities. Members were advised that the retrospective application (2016/1184/ADV) referenced in paragraphs 1.3.9 of the report had now been refused.

Members were informed that the application had been brought before the Planning Committee in the context of the Court of Appeal judgement in relation to the West Berkshire case.

The Principal Planning Officer reported that the proposal for residential development on the 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

SP2 and SP4 of the Core Strategy in so far as they relate to housing supply carried limited weight in the absence of a five year housing land supply. Members were therefore recommended to approve the application, in light of the changed circumstances regarding the five year housing supply.

The Senior Planning Officer's recommendation that Members be minded to approve the application, subject to conditions, was put to the vote.

RESOLVED:

That the Inspectorate be informed that due to the change in circumstances regarding the lack of a five year housing land supply, members were now minded to APPROVE the application subject to the conditions detailed in section 2.17 of the report.

**42.5 Application: 2016/0978/FUL
 Location: Land off
 Barff Lane, Brayton
 Proposal: Proposed residential development of 53 dwellings
 including access and associated infrastructure.**

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined a consultation response from the Lead Officer – Environmental Health, details of an offer from the Developer in relation to making a financial contribution to the parish council for recreation open space provision, and a recommendation that condition 2 listed in the report be deleted and replaced with the condition set out in the Update Note.

Members were informed that the application had been brought before the Planning Committee due to it being a departure from the Development Plan.

The Senior Planning Officer reported that the proposal would achieve a social role in that it would deliver a level of open market and affordable housing in Brayton, promoting sustainable and balanced communities and would assist the Council in achieving a five year housing land supply. It was explained that the proposal would provide 15% on-site provision of affordable housing which would improve the tenure mix in the location. The Committee was informed that the application also included a Section 106 Agreement which would secure affordable housing provision, on-site recreational open space provision and a waste and recycling contribution. Members were advised that it was considered that there would be no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was considered acceptable when assessed against the policies in the NPPF, in particular paragraph 14, the Selby District Local Plan and the Core Strategy. It was on this basis that members' were recommended to grant planning permission.

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

RESOLVED:

To APPROVE the planning application, subject to no objections being received from the NYCC Flood Risk Officer, 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 section 2.20 of the report.

43. Reconsideration of Previously Considered but Still Pending Applications

The Committee was provided with a report that presented applications for reconsideration in light of the fact the Council had conceded in October 2016 that it did not have a five year housing land supply.

The Senior Solicitor explained that the applications detailed in Appendix A of the report had been approved subject to a Section 106 Agreement to secure affordable housing and other contributions. The Senior Solicitor explained that the fact the Council did not have a five year supply of deliverable housing land was a material consideration since the Committee had last considered the applications, and therefore it was necessary to re-consider the applications.

The Senior Solicitor confirmed that in all cases, there had been no material changes, other than the absence of a five year housing land supply. The Committee was informed that Planning Officers had reassessed each of the applications listed in Appendix A of the report and had confirmed they complied with paragraphs 14 and 49 of the NPPF. Members were therefore recommended to approve the applications listed in Appendix A of the report, subject to the completion of a Section 106 Agreement for each application.

RESOLVED:

To approve the applications set out in Appendix A of the report, subject to the completion of a Section 106 to secure appropriate contributions.

The Chair closed the meeting at 3.20 pm.

Planning Sub-Committee

Venue:	Council Chamber
Date:	Wednesday 14 December 2016
Time:	10 am
Present:	Councillors Cattnach (Chair), B Marshall, and C Pearson.
Apologies for Absence:	None
Officers Present:	Johnathan Carr, Lead Officer – Planning, Calum Rowley, Senior Planning Officer, Keith Thompson, Senior Planning Officer, Kelly Dawson, Senior Solicitor, and Janine Jenkinson, Democratic Services Officer.
Public:	1
Press:	0

17. DISCLOSURES OF INTEREST

There were no disclosures of interest.

18. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair advised the Sub-Committee that as there was a member of the public registered to speak in relation to agenda item 4.2 - 2016/0947/COU, 7 Finkle Street, Selby, the application would be considered as the first agenda item.

19. PLANNING APPLICATIONS RECEIVED

19.1	Application:	2016/0947/COU
	Location:	7 Finkle Street, Selby
	Proposal:	Proposed change of use with internal and external alterations at first and second floor level from retail and storage to form 2 bed maisonette.

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the recent Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the National Planning Policy Framework (NPPF).

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to Selby Town Centre, and would provide an appropriate type of accommodation as identified in the Strategic Housing Market Assessment. Members were therefore recommended to approve the application.

Mr Philip Musson, a local business owner, spoke in objection to the application.

The Senior Planning Officer’s recommendation to approve the application subject to the inclusion of an additional condition in the interest of amenity relating to a scheme for bin storage provision was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to conditions set out in section 4.0 of the report and the inclusion of an additional condition relating to bin storage provision.

- 19.2 Application: 2016/0871FUL**
- Location: Land Adjacent The White House,**
- Marsh Lane, Bolton Percy**
- Proposal: Proposed erection of detached house with double**
- garage.**

The Senior Planning Officer introduced the application and referred the Sub-Committee to the additional information provided in the Update Note. The Update Note outlined an error in paragraph 1.1.1 of the report, and members were informed that three letters of objection had been received, including a letter from Samuel Smith Old Brewery (Tadcaster).

The Senior Planning Officer introduced the report and explained that the application had been brought before the Sub-Committee, due to officers considering, that although the proposal was contrary to the provisions of the Development Plan, there were material considerations which would justify approving the application.

Members were advised that the proposal for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. The Senior Planning Officer reported that in assessing the application against the three dimensions of sustainable development set out in the NPPF, the development would bring economic, social and environmental benefits which weighed in favour of the proposal.

The Senior Planning Officer reported that the West Berkshire Court of Appeal decision was of substantial weight that outweighed the policy requirement for a commuted sum. Members were advised that having had regard to Policy SP9 and the Planning Practice Guidance (PPG), on balance, the application was acceptable without a contribution for affordable housing. The Sub-Committee was therefore recommended to approve the application.

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

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.18 of the report.

19.3

Application: 2016/0993/FUL
Location: Cross Farm, Cross Hill, Fairburn, Knottingley
Proposal: Proposed erection of 2 No detached dwellings.

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

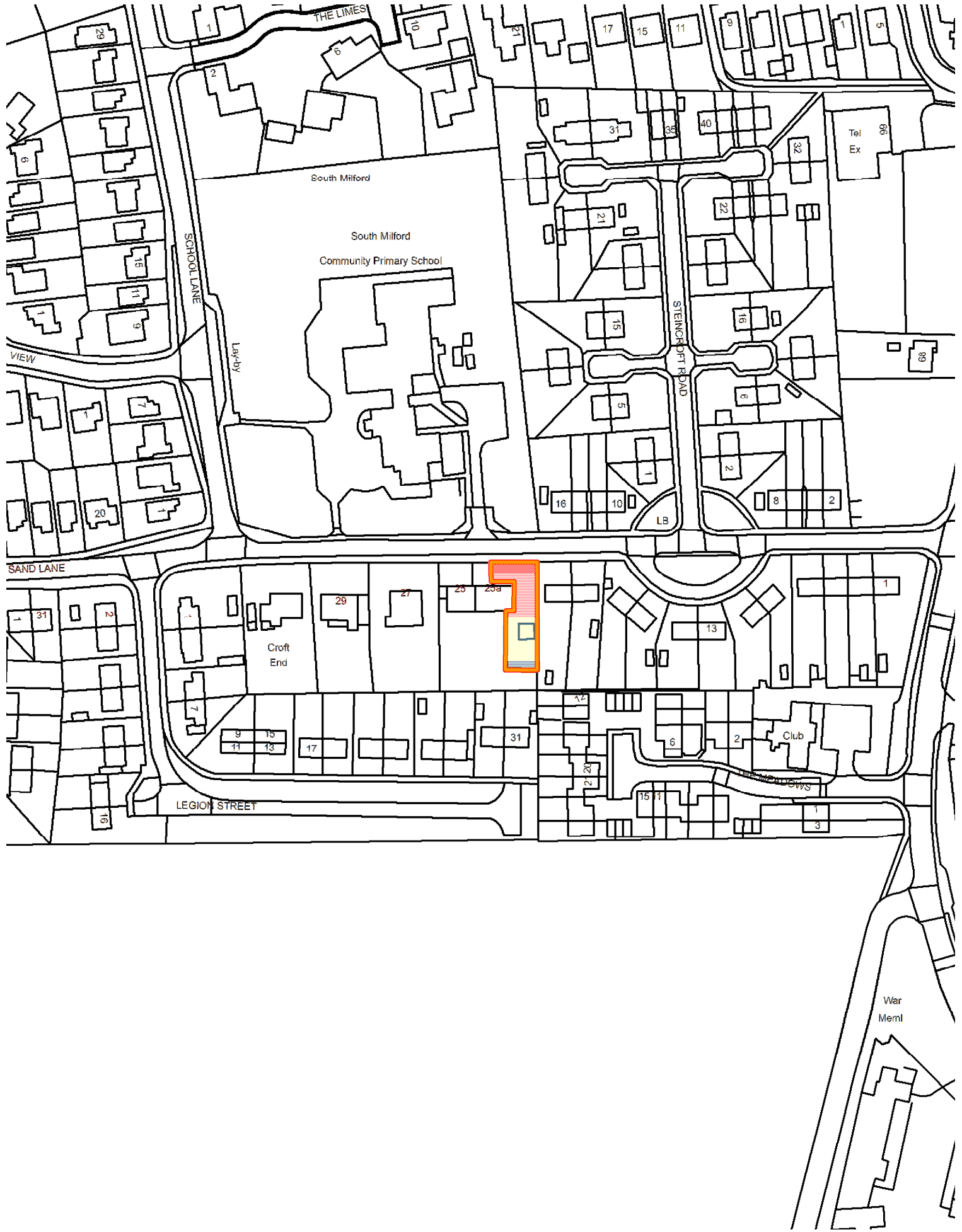
The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted that it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF.

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to Fairburn and would provide an appropriate type of accommodation as identified in the Strategic Housing Market Assessment. Members were therefore recommended to approve the application.

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

RESOLVED:

To APPROVE the planning application, subject to conditions set out in section 4.0 of the report.



APPLICATION SITE

Item No: 2016/1176/FUL

Address: 25 Sand Lane, South Milford

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DRAWING NOTE

REVISION NOTE

REVA - TURNING CIRCLE ADDED. (JL) 21.10.16

RECEIVED
25.10.2016
BUSINESS SUPPORT

PROJECT

25 SAND LANE

DRAWING TITLE

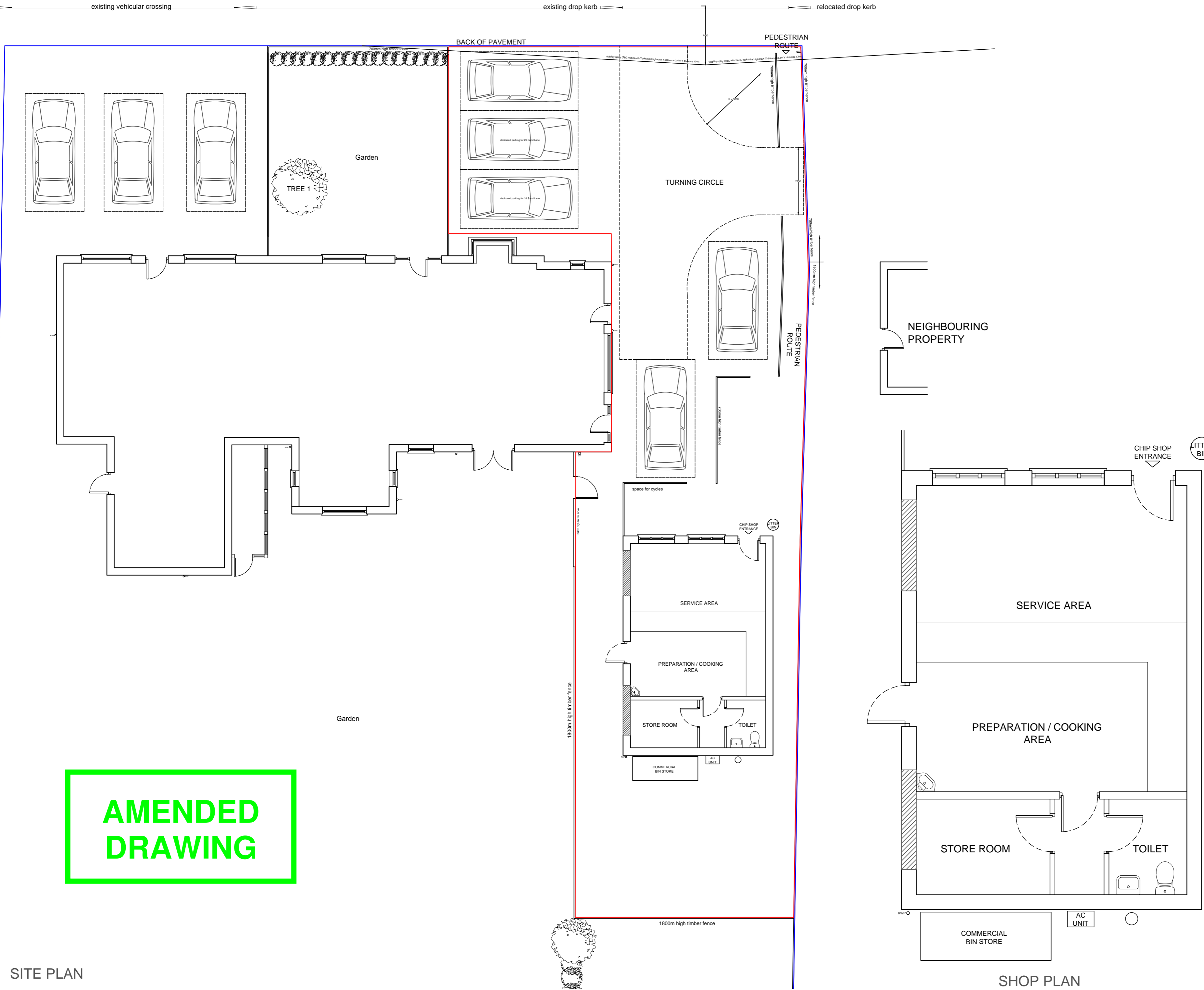
PROPOSED PLANS

SCALE	DATE	DRAWN BY
1:100 & 1:50 @ A2	JUNE 2016	JL

DRAWING STAGE

PLANNING

DRAWING NO.	REV
SLS_PL_002	A



SITE PLAN

SHOP PLAN

To: Planning Committee
Date: 11 January 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/1176/FUL	PARISH:	South Milford Parish Council
APPLICANT:	Mr Costas Georgiou	VALID DATE:	3rd October 2016
		EXPIRY DATE:	28th November 2016
PROPOSAL:	Change of use from garage to fish and chip shop to include external and internal alterations		
LOCATION:	25 Sand Lane South Milford Leeds West Yorkshire LS25 5AU		

This application has been brought before Planning Committee as there more are than 10 representations which are contrary to the officer recommendation.

Summary:

The development of this site for the change of use from a domestic garage to a fish and chip shop take away and includes internal and external alterations to facilitate the proposal.

There have been four letters of objection in regards to increase in traffic, litter, environmental changes, noise, odour, anti-social behaviour, residential amenity. At the time of writing this report there have been 206 letters of supporting the application stating that it would an asset to the village.

Having assessed the proposals against the relevant policies, and taken into account the comments and objections from the relevant consultees and members of the public, it is considered that the alterations that would facilitate the change of use by virtue of a new shop front is considered to be acceptable in terms of design.

However the proposed change of use from a domestic garage to a fish and chip shop and the extraction unit would cause a significant adverse impact on the amenity of the surrounding residential properties and would be contrary to Policy ENV1(1) of the Selby District Local Plan.

Recommendation

This planning application is recommended to be REFUSED subject to conditions/reasons for refusal detailed in Paragraph 3.0 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the defined development limits of South Milford and is situated along Sand Lane

1.1.2 There is a mix of commercial and residential uses in the surrounding area. Within the immediate vicinity of the site lies a Post Office and general store which adjoins the site fronting onto Sand Lane. Opposite the site is a primary school with residential properties to the bounding the application site area to the side and rear.

1.1.3 There is a timber boundary which provides some screening to the surrounding residential properties.

1.2 The proposal

Change of use from garage to fish and chip shop to include external and internal alterations

1.3 Planning History

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

1.3.1. CO/1978/24145 (PER -) Erection Of Extension To Existing Shop

1.3.2 CO/1977/24144 (PER -) Proposed erection of a double garage

1.3.3 CO/1992/0961 (REF - 23.04.1992) Proposed erection of an extension to existing shop sales area.

1.3.3 CO/1984/0909 (PER - 19.12.1984) Proposed erection of an extension

1.4 Consultations

1.4.1 South Milford Parish Council

No objection subject to consideration of changing proposed opening times so that it is closed at school pick up, suitable noise assessment and -visual screening of plant and equipment

1.4.2 NYCC Highways Canal Rd -

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the information following matters: submitted in support of the application and has now also received a revised drawing

Showing the requested on site turning area. Therefore, the Local Highway Authority have no objections subject to conditions.

1.4.3 Environmental Health

The applicant has provided details of the proposed extract and ventilation system shown on drawing no: JDQ 246(5) which has been submitted as part of the planning application. The extract and ventilation system as proposed should be capable of controlling odours to such an extent so as to prevent an unacceptable impact on amenity due to odour arising from the proposed development. Therefore suitably worded condition that requires the installation of the extract and ventilation system in accordance with the drawing submitted is recommended if permission is granted

Plans show that the electrostatic precipitator and the extract fan will be located externally in very close proximity to the boundary of 23 Sand Lane, which gives rise to a potential loss of residential amenity due to noise.

Following on from further information being submitted it is considered that the applicant proposes to erect a boundary fence 1.8 metres in height. In order to protect residential amenity of the area it is recommended that a suitably worded condition be imposed that the fence forms an acoustic barrier

1.4.4 PLand Use Planning Yorkshire Water Services Ltd

No comments received during the statutory consultation period given.

1.4.5 Selby Area Internal Drainage Board

This application lies outside of the drainage district borders that the Shire Group of IDBs manage, therefore we have no comments to make.

1.5 **Publicity**

The application was advertised by site notice, and neighbour notification letter at the time of writing the report there have been 206 letters supporting the application and four letters of objection have been received.

The following points have been raised:

- The site and area of the proposed fish and chip shop is unsuitable due to being opposite the main gates of a busy school with parking restrictions in place directly opposite the entrance of the proposed site.
- The street is already congested due to residents not having off street parking which often results in a number of cars in the immediate area.
- The applicant has several cars of their own parked on the proposed parking area for the fish and chips this causes concern
- The street is already congested during school times and visiting the local store which results in the local bus service and farm vehicles being unable to pass.
- The proposal overlooks many gardens which would result in a loss of privacy
- The noise of people coming and going along with the smell of cooking fats and fish .
- The new proposal would create additional litter on the street
- As there are already food outlets in the village namely 2 public houses 2 cafes, a Chinese and an Indian along with a 24 hour garage serving hot food

- The change of use of the garage would exacerbate the current level of traffic and highway safety
- Other detrimental impacts would include litter, management of food waste, noise and unsocial behaviour

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
 SP14 - Town Centres and Local Services
 SP15 - Sustainable Development and Climate Change
 SP19 - Design Quality

2.1.2 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
 ENV2 - Environmental Pollution and Contaminated Land
 T1 - Development in Relation to Highway

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

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements

(PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

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

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

2.2 Key Issues

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

1. Principle of the Development.
2. Impact on the Character and Form of the Area.
3. Impact on Residential Amenity.
4. Flood Risk, Drainage, Climate change
5. Impact on Highway Safety

2.6 Principle of the Development

2.6.1 Relevant policies in respect to the principle of the development include Policies SP1, SP13 B (3) and SP14 A and B (a) of the Core Strategy, Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.

2.6.2 Relevant policies in respect to the presumption in favour of sustainable development include Policies SP1 of the Core Strategy and Paragraph 14 of the NPPF.

2.6.3 The site is located within the defined development limits of South Milford and the proposal is for a change of use from a domestic garage to a fish and chip shop take away, which includes internal and external alterations by virtue of a shop front design. There is nothing within the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

2.6.4 Policy SP14 seeks to support local shops, and services including village shops by promoting the establishment of new facilities to serve the day to day needs of existing communities.

2.6.5 The proposed scheme is for change of use of a domestic garage with internal and external alterations. In principle the scheme is therefore considered acceptable provided it can provide a good standard of amenity within a high quality safe environment and does not harm the character of the area.

2.7 Design and Impact of the Character of the Area

- 2.7.1 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 of the Core Strategy.
- 2.7.2 Significant weight should be attached to the Local Plan policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.7.3 Relevant policies within the NPPF, which relate to design include paragraphs 56, 60, 61, 65.
- 2.7.4 The application site is located within the defined development limits of South Milford and within the local area of there are a various house types, and other buildings situated along Sand Lane. The proposed alterations would be visible from Sand Lane.
- 2.7.5 The double garage is an existing structure which measures approximately 9.0 metres in depth and 6.2metres in width with the height measuring approximately 3.0 metres in height.
- 2.7.6 The alterations would include some internal works, and the main elevation facing on to Sand Lane would be altered to match that of the host dwelling and village shop. This would include two windows, an entrance door and appropriate signage at a later date.
- 2.7.7 Included in the proposal is the reconfiguration of the internal layout of the host dwelling which would include roof lights to be incorporated, two windows to be filled in to create an open plan living space to the rear of the host dwelling.
- 2.7.8 The proposal includes an extraction unit which would be located to the side elevation facing neighbouring property 23 Sand Lane, with the chimney protruding above the flat roof by approximately 1.0 metre in height.
- 2.7.9 The chimney from the extraction unit would be visible from Sand Lane and create an alien feature along the street, however notwithstanding the introduction of this chimney although not a desirable feature, the area does not fall within a conservation area. The chimney would be set back from the street scene to a certain extent that in terms of visual amenity it is considered that the proposed extraction unit and chimney would not result in such a detrimental effect on the character and form of the area sufficient enough to warrant refusal.
- 2.7.10 It is considered that in order to minimise the visual impact of the extraction unit a condition would be imposed for the erection of a boundary fence to screen the extraction unit .
- 2.7.11 The front facing elevation would include some internal and external alterations to facilitate the change of use. Given that the design reflects the host dwelling and the Village Store along with a similar appearance to other properties in the area. It is considered that as these alteration are acceptable.

- 2.7.12 Having regard to all of the above it is considered that the proposal has an appropriate roof design, and window layout. The boundary treatments could be controlled through condition to ensure they are appropriate for the locality and would not be considered to result in an adverse impact on the visual amenities or character of the area.
- 2.7.13 It is therefore considered that the scale, design, of the proposed alterations to the façade of the double garage and the extraction unit would be acceptable and would not have such an impact on the character and form of the locality as to warrant refusal on these grounds in accordance with policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.8 Impact on Residential Amenity

- 2.8.1 Relevant policies in respect to residential amenity are Policy ENV1 (1) of the Local Plan and Policy SP19 of the Core Strategy. In respect to the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity and that the relevant paragraph with respect to when it is appropriate to remove permitted development rights is paragraph 200.
- 2.8.2 The garage belongs to the dwelling associated with the village store. Permission is sought to change its use to a fish and chip shop and to erect a flue on the outside of the side elevation.
- 2.8.3 The indications are that the village shop would serve a local catchment, with the possibility of easy access on foot, or cycle as well as by car. The addition of a fish and chip shop or hot food takeaway would add to the range of local provision and would be acceptable unless significant other harm would be caused.
- 2.8.4 Sand Lane is a busy narrow road which serves residential properties, South Milford Primary School, the village store along with a frequent bus service. There is currently a small off street parking facilities for the village store.
- 2.8.5 The confirmed opening hours indicate that the proposal would operate: Monday to Saturday opening day time hours 11.30am to 1.30pm, evening 4.30pm to 8pm. Sunday 4.30pm to 8pm and Bank Holidays 11.30am to 1.30pm / 4.30pm to 8pm except for Christmas day.
- 2.8.6 The current opening hours of the village store are 5.30am to 9pm seven days a week
- 2.8.7 The adjacent dwelling, 23 Sand Lane has a long private rear garden, with a short frontage. The boundary treatments between the application site and neighbouring property 23 Sand Lane consists of a post and rail fence approximately 1.8 metres in height and less than 1 metre to the front of respected properties.
- 2.8.8 The owners of the Village Store reside at 25a Sand Lane. To the front of this property is a front garden arrangement which separates the village store from the double garage. The off street parking in front of the double garage is currently used by the occupants and owners of the village store. According to the application form the garage is currently used for storing boxes associated with the village store.

- 2.8.9 Notwithstanding the use of the garage for storage, the garage is tied to the host dwelling, and is considered to be for domestic purposes, and not part of the commercial premises.
- 2.8.10 Given that there would be no other parking for the host dwelling it is questionable where the occupants would park their cars should the garage be changed to a commercial premises.
- 2.8.11 Numerous letters have been received in support of this application, and objections have been received regarding the increase movements of vehicle traffic, potential noise, unsocial behaviour, overlooking, odour in this location.
- 2.8.12 The applicants have argued that the opening hours would not conflict with the Primary school in terms of pickups and drop offs for the school in order to minimise the effect of the additional vehicle activity. Given the hours proposed this is likely to be the case.

Odour and noise from the extraction unit

- 2.8.13 Environmental Health have been consulted and have stated that the proposed extraction and ventilation system shown should be capable of controlling odours to the such an extent so as to prevent an unacceptable impact on amenity odour to residents from the proposed development.
- 2.8.14 Environmental Health are satisfied the sound pressure level arising from the extractor fan at a distance of 4m is stated to be 36dB. Whilst it is acknowledged that the noise level is low, when taking in to consideration the sound reflected from the structure of the garage which would increase the actual sound pressure level arising from the fan would give rise to the potential for a negative impact due to noise. The Environmental Health Department have suggested that a condition is imposed to protect Residential Amenity in terms of an acoustic screening to avoid noise which may occur to the surrounding residential properties.
- 2.8.15 It is acknowledged that conditions can be imposed to ensure harm is not given through the extraction unit. However there is a degree of uncertainty that this does not necessarily mean that the extraction unit would be acceptable within this location as it would be reliant on the success of filtration measures to ensure odours did not adversely affect adjoining residents
- 2.8.16 In terms of noise from the extraction unit, the comments from Environmental Health are noted. However it is also recognised that the neighbouring property 23 Sand Lane joins the boundary to the garage. The sound pressure level arising from the extractor fan at a distance of 4 metres is stated to be 36dB. When taking into consideration the fact that the garage directly abuts the neighbouring garden, and notwithstanding conditions being imposed for an acoustic barrier to mitigate any noise from the extraction unit. The level of noise the extraction unit would make is potentially still sufficient to have an impact through noise which would unacceptably harm the current quiet enjoyment of the neighbouring property 23 Sand Lane.

Anti-social Behaviour

2.8.17 It has been suggested that the proposed change of use would give rise to unsociable behaviour. The presence of customers in the area, even after the proposed closing time does not itself equate to anti-social behaviour. It is acknowledged that there may be a concern that the proposed use might encourage such behaviour. However there is insufficient grounds to conclude that the addition of a takeaway would necessarily result in harmful increase in anti-social behaviour.

Litter

2.8.18 There have been comments made in relation to additional litter that this operation would bring. However it is noted that there are additional bins to be provided on site, and when the planning officer visited the site it was considered that the site was reasonable kept. Given the residential character of the surrounding area, the applicants prediction is that many customers would take food home for consumption which seems reasonable. Therefore the likelihood of additional litter cause by some inconsiderate customers would not be sufficient to justify a reason for refusal.

Additional Vehicle Movements

2.8.19 Comments have been received that the new proposal would result in creating extra vehicle traffic movements in this location. It is considered that there would be an increase vehicle movements associated with the take away, when taking into consideration the proposed opening hours which are noted above.

2.8.20 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. Local Planning Authorities are expected to take account of the acoustic environment and consider whether or not a good standard of amenity can be achieved.

2.8.21 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”.

2.8.22 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.

2.8.23 It is acknowledged that the village store creates an existing level of vehicular activity, and there is some off street provision made for parking. Furthermore South Milford is a Designed Service Village capable of taking growth and recognised by the District Council as being in a sustainable location and would provide some economic development.

- 2.8.24 Having regard to the above, it is considered that the proposed change of use would create additional increase in nuisance due to the frequent vehicular movements, which would increase beyond what currently exists. The proposed take away would lead to an increase vehicles entering, turning, manoeuvring and leaving, together with shuffling around of cars which would result in a significant increased level of vehicle activity.
- 2.8.25 It is further considered that the conditions which could be imposed for an acoustic fence which would case the extraction unit. As the garage shares the boundary with neighbouring property 23 Sand Lane the noise created would be a significant loss in the amenity to the occupier and future occupiers of this property.
- 2.8.26 It is therefore considered that there is a balance between the social benefit of such an activity, against the balance of the impacts on the health and quality of life enjoyed by neighbouring properties when taking into consideration the close proximity of the application site area against the residential properties which surround the site. In a means to mitigate against noise it is considered to be unrealistic to expect people to keep their windows shut on warm nights and during all weathers to mitigate against any noise from vehicular traffic.
- 2.8.27 Furthermore the extraction unit being in such close proximity to the neighbouring property 23 Sand Lane would result in a loss of amenity through noise when the occupants are enjoying their private living outdoor space.
- 2.8.28 Notwithstanding the conditions which could be imposed (in terms of odour, noise, opening times and a condition with regard to litter and waste, and the high level of support for the application), it is considered that when taking into account all of the above the benefits of the scheme would bring would not out weight the harm caused to local the residents.
- 2.8.29 Having had regard to the received proposals the local policy context and comments from the relevant consultees and local residents, it is considered that the proposed change of use from a domestic garage to a take away would, by virtue of the noise, and disturbance due to the comings and goings of vehicular movements along with the close proximity of the extraction unit would have a significant impact on the amenity of the occupiers of the surrounding neighbours. Therefore would be contrary to Policy ENV1(1) and ENV2 of the Selby District Local Plan and the NPPF and advice given in the Planning Practice Guidance (Noise) 2014.

2.9 Flood Risk, Drainage, Climate change

- 2.9.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.
- 2.9.2 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; and which actively support energy efficiency improvements to existing buildings.
- 2.9.3 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.
- 2.9.4 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development.
- 2.9.5 Paragraph 14 of the NPPF states ' At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'.
- 2.9.6 The NPPF, paragraph 94, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF, Paragraph 95, states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions and which actively support energy efficiency improvements to existing buildings.
- 2.9.7 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of drainage the garage is an existing structure it is considered that there would be no increase in surface water over and above what currently exists. As part of internal proposals the take away would be fitted with a new WC. It is considered that this matter would be controlled under the Building Regulations function. Yorkshire Water and they have not responded to the consultation at the time of writing this report. Internal Drainage Board have stated that the application lies outside of the drainage district borders that the Shire Group of IDBs manage, therefore we have no comments to make. The proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF.

2.10 Highways

- 2.10.1 Policies ENV1 (2), 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.
- 2.10.2 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.
- 2.10.3 Concerns have been raised with regard to highway safety, although Sand Lane is not a main road, some residents report that it is well used by through traffic, and those use the school, the village store and those who reside on the street. The applicant consulted North Yorkshire Highways prior to submitted the application. With amended plans submitted the Highway Officer has no objections subject to a condition in relation to the provision of approved access, turning and parking areas.
- 2.10.4 It is considered that given the scale of the operation, and that access, turning and parking is considered to be acceptable by the Highways Officer the proposed use would not significantly add to the volume of traffic using the road, and therefore in highway terms is considered acceptable and is therefore considered to be in accordance with policies ENV1(2), T1 of the Local Plan and Paragraph 39 of the NPPF with respect to the impact on the Highway network.

3.0 Recommendation

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

- 3.1 It is considered that the proposed change of use from a domestic garage to a take away would, by virtue of the noise, and disturbance due to the comings and goings of vehicular movements along with the close proximity of the extraction unit would have a significant adverse impact on the amenity of the occupiers of the surrounding neighbours. Therefore would be contrary to Policy ENV1(1) and ENV2 of the Selby District Local Plan and the NPPF and advice given in the Planning Practice Guidance (Noise) 2014.

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

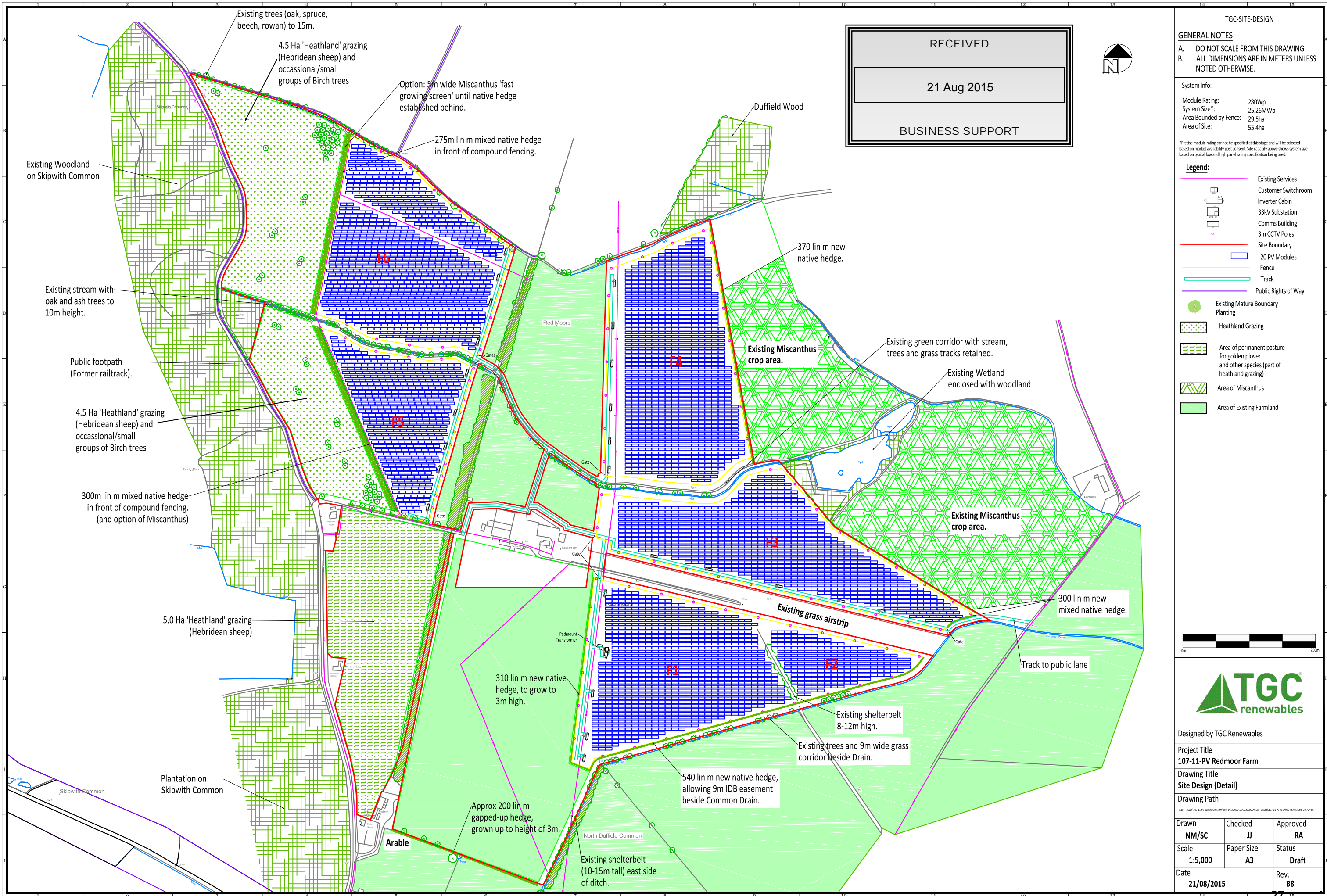
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1176/FUL and associated documents.

Contact Officer: Mr J Cokeham, Head of Strategic Planning, Policy & Economic Development,

Appendices: None



RECEIVED

21 Aug 2015

BUSINESS SUPPORT



TGC-SITE-DESIGN

GENERAL NOTES

A. DO NOT SCALE FROM THIS DRAWING

B. ALL DIMENSIONS ARE IN METERS UNLESS NOTED OTHERWISE.

System Info:

Module Rating: 280Wp

System Size*: 25.26MWp

Area Bounded by Fence: 29.5ha

Area of Site: 55.4ha

*Precise module rating cannot be specified at this stage and will be selected based on market availability post consent. Site capacity above shows system size based on typical low and high panel rating specification being used.

- Legend:**
- Existing Services
 - Customer Switchroom
 - Inverter Cabin
 - 33kV Substation
 - Comms Building
 - 3m CCTV Poles
 - Site Boundary
 - 20 PV Modules
 - Fence
 - Track
 - Public Rights of Way
 - Existing Mature Boundary Planting
 - Heathland Grazing
 - Area of permanent pasture for golden plover and other species (part of heathland grazing)
 - Area of Miscanthus
 - Area of Existing Farmland



Designed by TGC Renewables

Project Title
107-11-PV Redmoor Farm

Drawing Title
Site Design (Detail)

Drawing Path

Drawn NM/SC	Checked JJ	Approved RA
Scale 1:5,000	Paper Size A3	Status Draft
Date 21/08/2015	Rev. B8	

To: Planning Committee
Date: 11th January 2017
Author: Tom Webster (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2015/0967/FUL (8/13/185C/PA)	PARISH:	North Duffield Parish Council
APPLICANT:	TGC Renewables Ltd	VALID DATE:	21 st August 2015
		EXPIRY DATE:	12 th January 2017
PROPOSAL:	Solar farm and associated development on land at		
LOCATION:	Redmoor Farm, Skipwith Common Road, North Duffield		

Summary:

Members previously determined this scheme on the 11th November 2015, which was then subjected to a Judicial Review challenge by Harworth Estates Ltd. The decision was then quashed by Court Order. Therefore, this matter needs to be re-considered by Committee in the context of any changed circumstances or new material considerations since the original consent was issued and a new decision issued by the Authority accordingly on the application.

This planning application is recommended to be **APPROVED** subject to the conditions detailed in Paragraph 4.0 of the Report.

1.1 Introduction & Background

1.1.1 This application was initially considered at Planning Committee on the 11th November 2015 and was recommended for approval, subject to conditions.

1.1.2 The Officers’ report to that meeting and associated Update Note are attached as **Appendix A**.

1.1.3 This decision was then subject to a Judicial Review (JR) by Harworth Estates Ltd, who objected to the planning permission on the grounds that, a), the applicants had not put forward alternative brownfield sites for Members to consider and, b), the Council had not completed a written statement, in conjunction with the screening opinion that set out why the proposal is not considered to have a significant impact on the Environment. For completeness, the specific grounds of challenge are set out below:

Ground 1

- a) The availability of brownfield sites is a material consideration in the determination of the planning application in this instance. The Claimant put forward evidence of alternative brownfield sites which should have been reported to and considered by the planning committee in its determination of the application. The failure to report the evidence of alternative brownfield sites means that the Defendant cannot show a material consideration was taken into account.

(Insert Trusthouse Forte Hotels Limited –v- Secretary of State for the Environment (1986) 53PNCR239 and R (Langley Park School for Girls Governing Body) –v-Bromley London Borough Council (2010) 1PNCR10).

Ground 2

- b) The planning application was subject to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 pursuant to Regulation 5(5) of which the Defendant was required to adopt a screening opinion. The Defendant did adopt a screening opinion, which was therefore subject to Regulations 7 and 4. Regulation 4(7) applies where a local planning authority adopts a screening opinion and requires in paragraph (a):

“ That opinion or direction shall be accompanied by a written statement giving clearly and precisely the full reasons for that conclusion”.

The adopted screening opinion merely sets out requirements of regulation and guidance and provides only very limited consideration of whether the scheme itself has any likely significant effects on the environment. Hence it fails wholly to demonstrate whether the relevant issues have been understood and considered and so fails to satisfy the duty imposed upon the local planning authority in Regulation 4(7)(a).

1.1.4 Following discussions between the Council’s Solicitor and the Solicitor acting for the Claimant, a Consent Order was issued on the 9th May 2016 by the Court, which quashed the Decision to grant planning permission.

1.1.5 Subsequent to this High Court ruling, an appeal decision was issued on the 25th July 2016 which granted permission for a Solar Farm on this site. This decision related to a previous scheme (2014/1150/FUL) that had been refused at Committee on the 15 June 2015) for a larger solar farm (33.6ha) on this site.

1.1.6 It is noteworthy that, as part of his report, the Inspector concluded that Harworth Estates Ltd's *"argument that the proposal should be rejected on the grounds that that there might be alternative sites available does not withstand scrutiny...the need to demonstrably exhaust preferable sites available is not a requirement for most forms of planning application, including the instant case, and I was supplied with no case law (in my response to my invitation at the hearing)"*.

1.1.7 The Inspector's decision and his comments are, therefore, a material consideration.

1.1.8 This report seeks Committee's agreement accordingly to the recommendation as set out of section 4.

1.1.9 Site Location

1.1.10 The application site lies within Redmoor Farm holding. The site is located outside of any defined development limits, to the east of the village of Skipwith and 6.5km north east of Selby.

1.1.2 The site lies in an area primarily under arable management with a small number of farmsteads and residential properties scattered throughout. A series of plantation blocks are present within the area, including immediately adjacent to the western site boundary.

1.1.3 Skipwith Common, which is designated as a Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR) and Special Protection Area (SPA) lies to the south west which is dominated by lowland heath vegetation, open water, fen and woodland habitats.

1.1.4 The River Derwent corridor, which is designated as a National Nature Reserve (NNR), Special Area for Conservation (SAC) and Special Protection Area (SPA) and a Ramsar site with botanical and ornithological interest, lies approximately 1.34km to the east.

1.1.5 Adjacent to the western site boundary lies the Crook Moor Site of Importance for Nature Conservation (SINC).

1.1.6 The proposed solar PV system will be located on an area to the northeast, south and northwest of Redmoor farm. The site has existing mature planting to the western boundary with sporadic planting to southern and northern boundary. The solar farm would sit in an area of the field that lies within Flood Zone 1.

1.2 The Proposal

1.2.1 The proposals involve the installation of a 25.26 MWp ground mounted solar farm. The proposals would include the installation of:

- PV panels mounted on a ground-based racking system with concrete feet where necessary to protect archaeology;
- Power inverter stations;
- Transformer stations;

- Security fencing and associated access gates with CCTV security cameras mounted on free standing support poles; and
- Gravelled (type 1) roads are proposed within the application site to allow access for construction and maintenance.

1.2.2 Photovoltaic Panels

The proposed photovoltaic panels would be a maximum of 3m in height above ground level (AGL) and their lower edge would be a minimum of 80cm AGL to allow sheep to graze beneath them. The rows of solar PV panels would be set back from the perimeter security fencing in order to prevent overshadowing, to mitigate any potential for landscape and visual effects and to allow for the access track to be constructed. In addition, there would be a separation gap of approximately two metres between each row of panels, ensuring no overshadowing would occur and to allow access between each row. The panels would be of a blue/black colour and a specification of what is likely to be deployed is submitted with the planning application (refer to drawing TGC/PV005).

1.2.3 Perimeter fence and gates

The proposed wooden post and wire fence would have an overall height of 2 metres.

1.2.4 The Inverter Substations

The inverter substations would consist of a single storey flat roof structure comprising of a width of 3.6m, length of 9.76m, and a height of 3.2m. The building would have 2 double doors and a single door opening.

1.2.5 Substation

The substation building would be a mono-pitched roof structure comprising of a width of 4.94m, length of 5.5m, a height to the ridge of 4.4m and eaves of 3.53m.

1.2.6 Switchgear housing

The switch room building is a single storey flat roof structure comprising of a width of 2.58m, length of 4m, and a height of 3.1m. The building would have a single double door opening to the front facing elevation.

1.2.7 Communication building

The switch room building would be a single storey flat roof structure comprising of a width of 3.0m, length of 7.2m, and a height of 2.4m.

1.2.8 The revised application has sought to reduce the potential for visual impact by substantially setting back the proposed solar array from Skipwith Common and introducing a large area of semi-natural habitat as a 'buffer' between the public access track (along the western edge of the application site adjacent to Skipwith Common) and the proposed solar equipment.

1.3 **Planning History**

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

1.3.2 A formal screening opinion for development of a solar PV at land near Redmoor Farm was issued on 17th December 2013. (Reference: SCR/2013/0016 to confirm that EIA is not required).

1.3.3 A full application (planning reference: 2014/1150/FUL) for a proposed solar farm and associated development on land at Redmoor Farm was refused on 15th June 2015. This application was refused for the following reasons:

1. *The application site is located within an unspoilt and tranquil area of Selby District characterised by the partly wooded heathland of Skipwith Common and the open water meadows of the Lower Derwent Valley. The development would result in the loss of 33.6ha arable land for 25 years, albeit this would be reversible. Nonetheless, for the lifetime of the development the regimented rows of hard surfaced solar panels would represent intrusive, utilitarian elements on an industrial scale in this unspoilt open countryside location. Together with its associated new buildings and structures, the proposal would have a considerable urbanising impact in this rural location, and would detract from the otherwise distinctive topography of the site and its surroundings.*

Despite the landscaping proposed the scale of the harm that would result in this location is such that it is not outweighed by the wider benefits of renewable energy provision.

The proposal therefore fails to accord with Policy ENV1 of the Selby District Local Plan, Policies SP17 (c), SP18 (5), and SP19 (a) of the Core Strategy and advice contained within the NPPF

2. *The proposed development would intensify the use, albeit for a limited period of time, of the existing access and local stretch of the Skipwith Road, Mill Hill and York Road which carry traffic movements, usually at speed. Development at this location, and the use of this local highway network, would intensify the amount of HGV movements on an otherwise tranquil rural area. The intensification of highway use would create an unacceptable level of residential amenity to those residents of Escrick and Skipwith.*

It is considered, therefore, that there would be adverse impacts on the amenities of local community by virtue of both the HGV movements and other traffic associated with the construction of the proposed development and the operations on the site.

The proposal therefore fails to accord with Policy ENV1 of the Selby District Local Plan, Policies SP17 (c) and SP19 (a) of the Core Strategy and the advice contained within the NPPF.

A subsequent appeal was lodged by the applicant on 9th July 2015.

On the 9th September 2015, prior to the appeal being determined by the Inspector, Members of the Planning Committee resolved that the Council should remove the second reason for refusal (Highways) and only progress the appeal on the first reason for refusal (landscape).

On the 25 July 2016 the Planning Inspector upheld the decision to appeal the Council's decision to refuse the application and granted planning permission.

In tandem with the appeal, the application submitted a revised application for a solar farm that would cover a smaller area of land (25.9ha instead of 33.6ha). This was approved on the 12th November 2015, but the High Court upheld the reasons for the JR and quashed the planning permission on the 9 May 2016.

1.4 Publicity and Consultations following Court Order

As a result all statutory consultees and objectors have been advised of this position allowing a further 21 days for submission of any additional comments they wish to make and Officers have reconsidered the submission. All previous comments have been carried forward and the application submission remains as last considered by Committee in October 2015. In addition to the previous consultee responses, an additional letter of support from North Duffield Parish Council has been received, which is set out below:

North Duffield Parish Council

Since the original submission the overall cost to the consumer will be reduced i.e. subsidies.

In general terms, people want to see subsidy free renewable energy schemes, and this is reflected in Government comments and changes to policies.

A small proportion of electricity bills goes towards environmental projects, and a small proportion of that goes (went) to subsidies, so subsidy free renewable energy projects are contributing to keeping electricity bills down.

Selby produces the most renewable energy in England and Wales and is seen as a 'Beacon' for future renewable energy projects. The development of a solar farm on this site will further enhance this enviable position.

Neighbours and Objectors

No comments received.

2 Assessment of changed Circumstances

2.1 The Principle of Renewable Development & response to the Grounds for Quashing Appeal decision.

- 2.1.1 The proposal is located within the countryside and is subject to Policy SP2 "Spatial Development Strategy" which provides the "long term spatial direction for the District" and which sets out "guidance on the proposed general distribution of future development across the District". Criteria A(c) of Policy SP2 states that development in the countryside (outside Development Limits" will be limited to the replacement or extension of existing buildings, the reuse of buildings, preferably for employment purposes and well-designed new buildings" to meet stated criteria. This proposal, for a solar farm does not fall into any of the categories of development permitted under SP2A(c) and therefore the proposal is contrary to Policy SP2.

- 2.1.2 However, notwithstanding the content of Policy SP2A(c), Policy SP17 specifically relates to proposals for renewable energy generation which means that there is an acceptance within the plan that some renewable energy proposals will need to be located within the countryside.
- 2.1.3 The Selby District Core Strategy Local Plan (2013) sets a current local target of 32 megawatts by 2021 for renewable energy schemes. Policy SP17 of the Selby District Core Strategy Local Plan (2013) sets the local criteria for development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure. The criteria of Policy SP17 (C) are that proposals:
- i. are designed and located to protect the environment and local amenity;
 - ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and
 - iii. show how impacts on local communities are minimised.
- 2.1.4 The supporting text of Policy SP17 (paragraph 7.55) makes clear that each application in relation to a renewable energy project will be considered on its individual merits subject to national and local policies with careful consideration given to cumulative impacts where a number of proposals come forward.
- 2.1.5 Paragraph 6.28 of the Selby District Core Strategy Local Plan (2013) states that while it is important that economic growth is concentrated in Selby and the Local Service Centres, it is also important that sustainable opportunities are provided in rural locations to maintain the viability of rural communities and to reduce the need to travel. Paragraph 6.32 goes on to emphasise that the energy sector will continue to be important to the economy of the District and states that supporting the energy sector will assist in the reinvigorating, expanding, and modernising of the District's economy.
- 2.1.6 Policy SP13 of the Selby District Core Strategy Local Plan (2013) states that in rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including the diversification of agriculture and other land based rural businesses. Policy SP13 also seeks to ensure that in all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
- 2.1.7 This proposal will support the diversification of an existing agricultural business as the application site is part of a larger farm unit. Therefore, the proposal is in accordance with Policy SP13 of the Selby District Core Strategy Local Plan (2013). The Planning Practice Guidance for Renewable and Low Carbon Energy (2013) states that if a proposal for solar photovoltaics involves Greenfield land then it should allow for the continued agricultural use.
- 2.1.8 In line with the Renewable Energy Guidance and Policy SP13 of the Core Strategy the proposal involves Greenfield land and would allow the continued agricultural use of the areas of land around the PV cells and equipment.

- 2.1.9 In addition to local planning policy there is a substantial amount of support at national level for renewable energy schemes. The Climate Change Act (2008) sets a legally binding target for reducing carbon dioxide emissions by at least 34% by 2020 and at least 80% by 2050, compared to 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 26% lower than 1990.
- 2.1.10 The Energy White Paper: Meeting the Energy Challenge (2007) and the Energy Act (2008) supports these binding reduction targets and will move the UK towards a low carbon economy by placing renewables and energy efficiency at the heart of the UK's future energy system. Under the EU Renewable Energy Directive, the UK has signed up to a legally binding EU target of producing 15 per cent of its energy from renewable sources by 2020. The 2009 UK Renewable Energy Strategy sets out the Government's plans for ensuring the UK meets its EU target. By sector, the Government aims to generate 30 per cent of electricity, 12 per cent of heat and 10 per cent of transport energy from renewable sources by 2020.
- 2.1.11 The planning system has an important environmental role in helping to mitigate and adapt to climate change including moving to a low carbon economy. Addressing climate change is one of the core land use planning principles of the National Planning Policy Framework (NPPF). The NPPF expects to underpin both plan-making and decision-taking through supporting the transition to a low carbon future in a changing climate and encourages the use of renewable resources such as renewable energy development.
- 2.1.12 The NPPF stresses that Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. The NPPF highlights that in order to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute towards energy generation from renewable and low carbon sources. It is the role of local planning authorities to have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development; and consider identifying suitable areas for renewable and low carbon energy and supporting infrastructure.
- 2.1.13 The NPPF states that it is not the role of local planning authorities to require applicants for energy development to demonstrate the overall need for renewable or low carbon energy but they should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and applications should be approved if their impacts are, or can be made, acceptable.
- 2.8.14 The Government has provided more detailed guidance for renewable energy proposals in the PPG 'Developing a Strategy for Renewable and Low Carbon Energy'. Paragraph 001 states that increasing the amount of energy from renewable and low carbon technologies will help make sure the UK has a secure energy supply, reduce greenhouse gas emissions and stimulate investment in new jobs and businesses. It recognises that planning has an important role to play in the

delivery of such development in locations where the local environmental impact is acceptable.

2.1.15 Paragraph 007 of the PPG advises that LPAs should be clear that:

The need for renewable or low carbon energy does not automatically override environmental protections.

- Cumulative effects must be taken into consideration.
- Local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Proposals in areas close to AONBs [Areas of Outstanding Natural Beauty] where there could be an adverse impact on the protected area, will need careful consideration.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

2.1.16 Paragraph 013 recognises that large scale ground mounted solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well screened and well planned solar farm can be properly addressed within the landscape if planned sensitively. It sets out the key factors as follows:

- Proposals should be focused on PDL [previously developed land] and non-agricultural land, provided that it is not of high environmental value.
- Where it is on greenfield land, whether the proposed use of agricultural land has been shown to be necessary and whether poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.
- Solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed and the land restored to its previous use.
- The need for and impact of security measures.
- Ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Potential to mitigate landscape and visual impacts through, for example, screening with native hedges.
- The energy generating potential.

2.1.17 In summary therefore, Government guidance indicates that large scale ground mounted solar farms can be acceptable in principle, where they are appropriately located and designed, in the light of the considerations set out in the PPG. In this particular instance, the solar farm is considered to be appropriately located and well designed.

2.1.18 Another part of the assessment as to whether a solar farm is an appropriate development on this site, is Paragraph 112 of the NPPF. This paragraph makes it

clear that, in order to develop on agricultural land, it should be demonstrated that there is a need to use this type of land. It also states that the agricultural land should be poorer quality. Specifically, paragraph 112 of the NPPF says:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a high quality”.

Addressing the Claimants grounds to quash the original permission:

Ground 1:

2.1.19 It is noteworthy that the Inspector’s decision for the previous scheme (for a larger solar farm on this site LPA Ref2014/1150/FUL) concluded that Harworth Estates Ltd’s *“argument that the proposal should be rejected on the grounds that there might be alternative sites available does not withstand scrutiny...the need to demonstrably exhaust preferable sites available is not a requirement for most forms of planning application, including the instant case, and I was supplied with no case law (in my response to my invitation at the hearing)”.*

2.1.20 Nonetheless, the applicants have carried out the work required of them under Ground 1 of the Judicial Review. Through additional analysis of alternative sites, the applicants have demonstrated that there is the need to develop this particular agricultural land. Their conclusions show that the alternative sites, suggested to them by Harworth Estates Ltd, are not viable alternative sites because they are being set aside for employment led regeneration projects (See **Appendix B**). Similarly, a number of the suggested alternative sites are not brownfield land but are, in fact, greenfield land which have possible ecology restrictions on them.

2.1.21 Furthermore, the application site is classed as being Grade 3b land and not Grade 3a. This is an important distinction, as Grade 3b under the Agricultural Land Classification system, is defined as being “poor quality agricultural land”. Grade 3a, by contrast, is defined as being the “best and most versatile land”.

Ground 2

2.1.22 As the proposal exceeds the thresholds or criteria set out in the second column of Schedule 2, Category 3a of the Regulations of 2011 Town and Country Planning (Environmental Impact Assessment) Regulations, it needs to be screened by the local planning authority to determine whether significant effects are likely and hence whether an assessment is required.

2.1.23 It was on this basis that a formal Screening Opinion and supporting written statement was undertaken when this application first came in. As stated in paragraph 1.1.3 of this report, the Claimants felt that previous screening opinion was too limited and did not adequately assess whether there would be significant effects on the environment. In response, the Local Planning Authority has carried out a more rigorous assessment. The conclusions of this work are that the proposed development, because of its size, location (it is not in an area of environmental sensitivity) and former agricultural use, would not result in a development that causes significant harm. Consequently, it is considered that the proposal does not need to be accompanied by an Environmental Statement.

2.1.24 This is also a view that is shared by the Secretary of State, which is recorded in Paragraph 4 of the Planning Inspector's decision letter (relating to the previous application for a larger solar farm on this site):

“Proposed developments subject to appeal are screened as appropriate by the Secretary of State for the purposes of the current regulations concerning Environmental Impact Assessment and in this case it has been confirmed by the Secretary of State that the proposed development is not development for which it is necessary to prepare an Environmental Statement for those purposes.”

2.1.25 Having considered all the relevant local and national policies, it is concluded that the proposal is acceptable in principle at this location.

2.2 The following sections in the original committee report remain unchanged:

- Impact on Landscape and Character of the Area
- Impact of on National and European Designations (SSSI, SCA, SPA)
- Impact on Protected Species
- Impact on the Highway
- Impact on Archaeology
- Loss of Agricultural Land
- Impact on Public Rights of Way (PROW) and Bridle paths
- Other Issues

3.0 Conclusion

3.1 It is considered that the proposal will bring with it significant planning benefits and is compliant with the policies in the NPPF, Selby District Local Plan and the Core Strategy.

4.0 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. The planning permission, hereby granted, is for a temporary period only, to expire 25 years after either the date on which electricity from the development is first connected with the electricity grid, or 12 months after the commencement of the development, whichever is the earliest. The Local Planning Authority shall be advised in writing within one month of the date of the grid connection.

Reason:

To ensure that the photovoltaics are removed from the site at the end of their operational life, and to protect the character of the countryside and visual

amenity of the area and to accord with the objectives of Policy ENV1 of the Selby District Local Plan (2005) and Policies SP17 and SP18 of the Selby District Core Strategy Local Plan (2013).

03. Not later than 12 months after the date on which the planning permission hereby granted expires, the photovoltaics, ancillary equipment and foundation structures shall be dismantled and removed from the site and the land reinstated to its former condition and quality in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of development. The scheme to be submitted shall include the dismantling and removal of the photovoltaic equipment above existing ground levels and the removal of any foundations to below existing ground levels.

Reason:

To ensure the land is suitably reinstated to its former agricultural use, to protect the character of the countryside and visual amenity of the area and to accord with the objectives of Policies ENV1 of the Selby District Local Plan (2005) and Policies SP17 and SP18 of the Selby District Core Strategy Local Plan (2013).

04. Notwithstanding Condition 13, no development shall take place until final details of the size, design, siting and spacing of the solar panels and all buildings and structures on the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. In all cases, the panels, buildings and structures shall not exceed in scale and number those shown on the plans referred to in Condition 13).

Reason:

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

05. The landscaping scheme, as shown in drawing number: Site Design (Detail) REV B8, shall be completed within the 12 months of the commencement of the development hereby permitted.

Reason:

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

06. The routing of all heavy goods vehicles, low loaders and other commercial vehicles associated with the construction and de-commissioning of the development hereby approved shall be in accordance with the vehicle routing information given in paragraph 3.1 of the Provisional Traffic Management Plan submitted to the local planning authority on 30 April 2015. No alteration of or deviation from these routes shall take place unless previously approved in writing by the local planning authority and at the end of the construction and de-commissioning periods any damage to the highway shall be made good through the provisions of schemes to be

submitted to the local planning authority for approval within three months of the cessation of each of those periods. Any such scheme shall be implemented as approved.

Reason:

In accordance with Policy T1 of Local Plan and in the interests of highway safety and the general amenity of the area.

07. No development shall take place until a Construction and Decommissioning Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the operational life of the facility hereby approved, including the construction and decommissioning periods. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing and decommissioning the development
- iv) the erection and maintenance of security fencing
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction and decommissioning
- vii) a scheme for recycling/disposing of waste resulting from construction and decommissioning works
- viii) the means by which the measures referred to under i) – vii) above would be applied to the replacement of panels during the operational life of the facility hereby approved

Reason:

In accordance with Policy T1 of 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.

08. 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 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.

09. There shall be no storage of any materials including soil adjacent to the bank top of the watercourse.

Reason:

To ensure that there will be no risk of the watercourse becoming blocked by debris from the stockpiles or bank slipping due to increased loading of the bank top.

10. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

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

11. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Great Crested Newt Survey by tnei dated June 2014.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

12. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Otter and Water Vole Survey by tnei, dated July 2014,.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

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

(to be inserted into the Decision Notice)

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Selby District Core Strategy Local Plan and the National Planning Policy Framework (NPPF).

Informative:

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. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton 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.

5.1 Legal Issues

5.1.1 Planning Acts

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

5.1.2 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.

5.1.3 Equality Act 2010

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

5.2 Financial Issues

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

6. Conclusion

6.1 As stated in the main body of the report.

7. Background Documents

7.1 Planning Application file reference 2015/0967/FUL and associated documents.

Contact Officer: Thomas Webster (Principal Planning Officer)

Appendix A – Previous Committee Report & Update note



Report Reference Number 2015/0967/FUL

Agenda Item No:

To: Planning Committee
Date: 11th November 2015
Author: Ruth Hardingham (Senior Planning Officer)
Lead Officer: Richard Sunter (Lead Officer – Planning)

APPLICATION NUMBER:	2015/0967/FUL (8/13/185C/PA)	PARISH:	North Duffield Parish Council
APPLICANT:	TGC Renewables Ltd	VALID DATE:	21 st August 2015
		EXPIRY DATE:	20 th November 2015
PROPOSAL:	Solar farm and associated development on land at		
LOCATION:	Redmoor Farm, Skipwith Common Road, North Duffield		

The application has been brought before Committee as this is a resubmission of an application (Planning Reference 2014/1150/FUL) which was previously refused by Planning Committee on 8th June 2015. There have also been more than 10 representations received which raise material planning considerations.

Summary:

This application is a resubmission of a previously refused planning application for solar farm and associated development on land at Redmoor Farm, Skipwith Common Road, North Duffield.

The applicant now proposes the development on a reduced site area (29.5 hectares) in order to minimise the perceived landscape and visual impact. The proposals involve the installation of a 25.26 MWp ground mounted solar farm.

The proposal includes: PV panels; a switch room; transformer; substation; communication building, all necessary for the function of the solar farm, would be located within the site,

the site enclosure consist of a 2m high post and wire perimeter fence. Also proposed are pole mounted CCTV cameras; inverter cabin as well as access roads.

It is considered that the proposal would provide substantial wider public benefits in respect of generating clean, renewable energy.

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, Selby District Local Plan and the Core Strategy. The proposals therefore accord with the development plan.

Recommendation

This planning application is recommended to be APPROVED subject to the conditions detailed in Paragraph 4.0 of the Report.

1. Introduction and background

2.1 The Site

2.1.1 The application site lies within Redmoor farm holding. The site is located outside of any defined development limits, to the east of the village of Skipwith and 6.5km north east of Selby.

1.1.2 The site lies in an area primarily under arable management with a small number of farmsteads and residential properties scattered throughout. A series of plantation blocks are present within the area, including immediately adjacent to the western site boundary.

1.1.3 Skipwith Common, which is designated as a Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR) and Special Protection Area (SPA) lies to the south west which is dominated by lowland heath vegetation, open water, fen and woodland habitats.

1.1.4 The River Derwent corridor, which is designated as a National Nature Reserve (NNR), Special Area for Conservation (SAC) and Special Protection Area (SPA) and a Ramsar site with botanical and ornithological interest, lies approximately 1.34km to the east.

1.1.5 Adjacent to the western site boundary lies the Crook Moor Site of Importance for Nature Conservation (SINC).

1.1.6 The proposed solar PV system will be located on an area to the northeast, south and northwest of Redmoor farm. The site has existing mature planting to the western boundary with sporadic planting to southern and northern boundary. The solar farm would sit in an area of the field that lies within Flood Zone 1.

1.2 The Proposal

1.2.1 The proposals involve the installation of a 25.26 MWp ground mounted solar farm. The proposals would include the installation of:

- PV panels mounted on a ground-based racking system with concrete feet where necessary to protect archaeology;
- Power inverter stations;
- Transformer stations;
- Security fencing and associated access gates with CCTV security cameras mounted on free standing support poles; and
- Gravelled (type 1) roads are proposed within the application site to allow access for construction and maintenance.

1.2.2 Photovoltaic Panels

The proposed photovoltaic panels would be a maximum of 3m in height above ground level (AGL) and their lower edge would be a minimum of 80cm AGL to allow sheep to graze beneath them. The rows of solar PV panels would be set back from the perimeter security fencing in order to prevent overshadowing, to mitigate any potential for landscape and visual effects and to allow for the access track to be constructed. In addition, there would be a separation gap of approximately two metres between each row of panels, ensuring no overshadowing would occur and to allow access between each row. The panels would be of a blue/black colour and a specification of what is likely to be deployed is submitted with the planning application (refer to drawing TGC/PV005).

1.2.3 Perimeter fence and gates

The proposed wooden post and wire fence would have an overall height of 2 metres.

1.2.4 The Inverter Substations

The inverter substations would consist of a single storey flat roof structure comprising of a width of 3.6m, length of 9.76m, and a height of 3.2m. The building would have 2 double doors and a single door opening.

1.2.5 Substation

The substation building would be a mono-pitched roof structure comprising of a width of 4.94m, length of 5.5m, a height to the ridge of 4.4m and eaves of 3.53m.

1.2.6 Switchgear housing

The switch room building is a single storey flat roof structure comprising of a width of 2.58m, length of 4m, and a height of 3.1m. The building would have a single double door opening to the front facing elevation.

1.2.7 Communication building

The switch room building would be a single storey flat roof structure comprising of a width of 3.0m, length of 7.2m, and a height of 2.4m.

1.2.8 The revised application has sought to reduce the potential for visual impact by substantially setting back the proposed solar array from Skipwith Common and introducing a large area of semi-natural habitat as a 'buffer' between the public access track (along the western edge of the application site adjacent to Skipwith Common) and the proposed solar equipment.

1.3 **Planning History**

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application.
- 1.3.2 A formal screening opinion for development of a solar PV at land near Redmoor Farm was issued on 17th December 2013. (Reference: SCR/2013/0016 to confirm that EIA is not required).
- 1.3.3 A full application (planning reference: 2014/1150/FUL) for a proposed solar farm and associated development on land at Redmoor Farm was refused on 15th June 2015. This application was refused for the following reasons:

1. The application site is located within an unspoilt and tranquil area of Selby District characterised by the partly wooded heathland of Skipwith Common and the open water meadows of the Lower Derwent Valley. The development would result in the loss of 33.6ha arable land for 25 years, albeit this would be reversible. Nonetheless, for the lifetime of the development the regimented rows of hard surfaced solar panels would represent intrusive, utilitarian elements on an industrial scale in this unspoilt open countryside location. Together with its associated new buildings and structures, the proposal would have a considerable urbanising impact in this rural location, and would detract from the otherwise distinctive topography of the site and its surroundings.

Despite the landscaping proposed the scale of the harm that would result in this location is such that it is not outweighed by the wider benefits of renewable energy provision.

The proposal therefore fails to accord with Policy ENV1 of the Selby District Local Plan, Policies SP17 (c), SP18 (5), and SP19 (a) of the Core Strategy and advice contained within the NPPF

2. The proposed development would intensify the use, albeit for a limited period of time, of the existing access and local stretch of the Skipwith Road, Mill Hill and York Road which carry traffic movements, usually at speed. Development at this location, and the use of this local highway network, would intensify the amount of HGV movements on an otherwise tranquil rural area. The intensification of highway use would create an unacceptable level of residential amenity to those residents of Escrick and Skipwith.

It is considered, therefore, that there would be adverse impacts on the amenities of local community by virtue of both the HGV movements and other traffic associated with the construction of the proposed development and the operations on the site.

The proposal therefore fails to accord with Policy ENV1 of the Selby District Local Plan, Policies SP17 (c) and SP19 (a) of the Core Strategy and the advice contained within the NPPF.

A subsequent appeal was lodged by the applicant on 09th July 2015. Furthermore on 09th September 2015 Members of the Planning Committee resolved that the Council should concede the ground 2 highways reason for refusal and only

progress the appeal on ground 1 landscape reason for refusal. Therefore the Council will only be taking ground 1 forward as a reason for refusal.

1.4 Consultations

1.4.1 NYCC Highways

Given that the proposal reduces the number of solar panels the impact on the highway has been slightly reduced too, as highlighted in the Traffic Management Plan. However it is still recommended that the conditions requested on planning application 2014/1150/FUL are applied to this planning application.

1.4.2 Yorkshire Water Services

Based on the information received, no comments are required from Yorkshire Water.

1.4.3 North Yorkshire Bat Group

No comments received.

1.4.4 Yorkshire Wildlife Trust

The proposed solar farm is effectively in the same position as the previous application in 2014 but with some reduction in size. The Trust therefore has the same comments as for the previous consultation which is copied in below.

The Trust would also like to see a fully funded ecological management plan to ensure that the proposed mitigation areas are properly managed and a monitoring plan to show in particular whether the ornithological interest of the site has been affected by the development.

The Trust has some concerns about the application as it is so close to a number of sites of local, national and international importance, and limited mitigation is suggested, merely some permanent pasture for golden plover and the provision of some nest boxes. Part of the conclusion of the Ornithological Report suggests:

“Due to the negligible to slight adverse impact that the proposed solar farm will have on both breeding and wintering local bird populations, habitat creation or enhancement works are not considered to be necessary.”

However the report shows that the site is used by a wide range of birds at all times of the year, many of which are of conservation concern. The report also acknowledges that the site is of district importance for birds. For example the site supports a good population of breeding skylarks a BAP species and on the red list as a rapidly declining species. Skylarks are ground nesting birds and will not benefit from nest boxes. Will there be suitable mitigation for skylark? Will breeding pairs be likely to use the spaces between the solar panels or not? There may be similar issues for other ground nesting species such as lapwing. The Trust would like to see detailed consideration of what mitigation might be appropriate for different species so that it can be shown that adequate mitigation has been provided.

The panels may also attract rare aquatic invertebrates from Skipwith Common which is partly designated for its invertebrate interest. The application does not include an invertebrate survey. As a precautionary approach the Trust would

recommend the use of panels with white borders and white grids or similar as recommended by Horvath et al (2010).

1.4.5 Natural England

Natural England is a non-departmental public body. Natural England's statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on a similar proposal for a solar farm on this site (2014/1150/FUL) which was refused by your authority. This advice is set out in our letters dated 18 December 2014 and 12 May 2015.

Natural England did not object to this previous application and our advice provided in our previous responses applies equally to this application.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

1.4.6 Campaign to Protect Rural England

No comments received.

1.4.7 The Ouse & Derwent Internal Drainage Board

No comments received.

1.4.8 North Duffield Parish Council

The Parish Council was in broad support of this application when it was previously submitted.

According to the latest plans, the issue of the close proximity to the bridleway/footpath, which was one of the main concerns previously raised, has now been addressed. The solar arrays are now proposed to be located some 100 metres further to the east of the path and will be screened by hedging with an area of heathland for grazing in between.

Much has been made of the impact of traffic. It is fair to say that there will be an increase in traffic during the initial construction phase. However the revised submission will result in an overall decrease, and once this is completed there will be very little traffic other than that for routine maintenance. This will therefore compare very favourably with the amount of continuous traffic generated by the previous turf farming operation.

Although the Parish Council appreciate the impact this will have on the nearest resident to the development it is fair to say that there is minimal impact on the village of North Duffield, nor that of the neighbouring village of Skipwith.

The Parish Council feels that the country's reliance on imported oil and gas, not to mention the importation of coal, is not sustainable, given the continued unrest in the

Middle East and the sabre rattling of Mr Putin. Despite the enthusiasm of biomass supporters, a study published in 2011 in the journal Nature Climate Change shows that altering forest management practices in order to harvest and burn biomass in the U.S. could increase carbon dioxide emissions from 2 to 14 per cent over the next 20 years. That's without adding the additional emissions by transporting biomass 3,800 miles from North America and the building of a 20 million terminal in Liverpool for onward transport for use at Drax. Renewable energy sources should therefore be encouraged and I am sure it cannot be disputed that solar energy will be around for the foreseeable future.

For the first time since rankings were published 12 years ago, the UK is no longer among the top ten nations for renewable energy. Surely we should be encouraging renewable, green and self-sufficient energy, which this development no doubt helps sustain.

The Parish Council resent the comments by one resident who is suggesting that the Community Benefit, that the developer is proposing to make to the local community via the Parish Council, has bought out the Parish Council. The benefit is not dependent on the support of the Parish Council. However it must be emphasised that this is a community benefit and the wording of the Deed states as follows.

Notwithstanding that the Community is to be the prime beneficiary of the Payment, other communities lying further afield may, on cause shown and with the agreement of Community Body and the Operator, benefit from the payment?

The Parish Council is in support of the application

1.4.9 Skipwirth Parish Council

Skipwirth Parish Council is lodging an objection to the planning application for the Solar Panel Farm on the following grounds:

- The scale of the proposal
- The impact on the immediate environment: in particular Skipwirth Common, considered by the Parish Council to be significant and adverse
- The application overstates the benefits of the development

The scale of the proposal, is substantial. As a rural area of small villages this development is out of place. We believe the development will be one of the largest of its kind in the north of England. It is an 'industrial scale' development and inappropriate.

The proposed development is adjacent to Skipwirth Common, a site of special scientific interest (SSSI). The Common deserves a degree of protection through the Selby District planning process. Described as a 'jewel in the crown' by Rural England the area is frequented by walkers and enjoyed by the local population. As the proposal will require high fencing, despite the proposed screening, this will impact on the visual amenity of the local area. There is likely to be an impact on the wildlife and we urge SDC to request a full ornithological survey.

A solar panel farm can only operate during the daytime and only when there is sufficient sunlight. We are aware that the data submitted on the application suggests that the installed capacity will be, on average, only 9% effective. There

will be financial benefits to the developer from government subsidies and to North Duffield Council. However, land that has in the past been used for growing crops will be lost. There will be little or no benefit to Skipwith or its residents from a large scale development that sits on its boundary.

The Parish Council believe that by applying for a smaller scale development, during the appeal for the refusal of the larger scheme, has misled the original objectors and as a consequence they are unaware that this application has been submitted. Should this development be approved, we see it as a pre-cursor to the larger scheme being applied for again.

Skipwith Parish Council urges SDC to take this proposal before a full planning committee.

1.4.10 Thorganby Parish Council

At a recent meeting of Thorganby Parish Council the above planning application was discussed and it was unanimously agreed that the proposed development would change the area into an industrial site and the strong objections originally submitted for the previous application ref: 2014/1150/FUL would still stand (see below).

- 1) This is good agricultural land which has previously been used for growing crops. The Parish Council question the soil report and request that a new soil investigation is carried out.
- 2) The Parish Council also request that a full Environmental Impact Assessment is done.
- 3) The data submitted on the application suggests that the output would be intermittent and only 9% effective.
- 4) Concerns re the scale of the proposed development and the urbanisation of a rural area.
- 5) Traffic concerns regarding the increased construction traffic including HGV's on roads that are totally unsuitable.

1.4.11 Environment Agency

From the information we've received, it appears this proposal falls outside the scope of issues the Environment Agency wish to be consulted on.

1.4.12 Lead Officer-Environmental Health

There are no objections to the proposals so far as this department's interests are concerned.

1.4.13 Ramblers' Association

No response received.

1.4.14 East Riding of Yorkshire Council

No response received.

1.4.15 Carstairs Countryside Trust

No response received.

1.4.16 NYCC – Archaeologist

This department reiterates the comments made by this office made in response to the previous planning application. The proposed development lies within an area of high archaeological potential as demonstrated by the On-Site Archaeology Ltd Desk Based Assessment and geophysical survey report. This office has previously provided pre-application advice on this site.

There is clear evidence that an extensive Iron Age or Romano-British settlement exists to the north of the farm. A complicated pattern of enclosures and boundary ditches was previously known from aerial photographs (see fig. 21 of the On-Site Geophysical Survey report). The geophysical sample has demonstrated anomalies in each of the four tested areas consistent with archaeological features suggesting that the settlement is more extensive than previously known.

Additional documentation relating to the physical footprint of the scheme from On-Site Archaeology was received under separate cover. This consists of a plan showing the proposed location of service cables and access roads. Information was also provided on the option of installing the solar arrays using 'concrete shoes' which appear to sit on the current ground service rather than the legs being screwed or piled into the ground.

The underground cables largely follow the lines of existing field boundaries or drainage ditches, this is the preferred option from our point of view as it avoids cutting new services across open areas of ground containing archaeological features. I understand that the other cable runs between frames will be overground. Support is given to the proposal to anchor the frames with concrete shoes. From the information submitted the main impact on the heritage assets will be the cutting of service trenches and positioning of associated infrastructure e.g. substations, switch rooms and cabins and the access road. These impacts can be mitigated by archaeological recording during the development. The physical impact of the frames can be mitigated by using the 'concrete shoe' method, it would be recommended that this is carried out for all frames within the areas of known cropmarks. The developer should confirm which frames will be fixed in this manner. Although the frames that will be fixed by the conventional method of screwing or driving the leg into the ground will cause damage to archaeological deposits it is accepted that this will cause limited disturbance and the developer has attempted to mitigate this in part.

A Written Scheme of Investigation has been prepared by On Site Archaeology and has been submitted with this application. It is advised that the implementation of this document is secured through a planning condition.

14.17 NYCC – Public Rights of Way Officer

Suggested Informative to be attached to any permission granted.

1.4.18 Civil Aviation Authority

No response received.

1.4.19 NATS

No response received.

1.5 Publicity

1.5.1 The application was advertised by site notice and neighbour notification letter resulting and in 20 letters of objection being received. The issues raised can be summarised as follows:

Loss of Agricultural Land

- Concerns that the quality of the land in question for agricultural food production has not been properly assessed. The soil should be classified as at least Grade 3 subgrade 3a.
- The NPPF expresses a preference for development of solar PV farms to be on land outside the classification of Grade 1, 2 or 3a Agricultural Land.
- The proposal would result in the loss of 16 hectares of agricultural land.
- This development would represent the loss of good land for a generation.
- There is a growing market for turf production. It is attractive and doesn't hinder the movement of wildlife.
- Better and more suitable, on a smaller scale, pockets of land can be found within SDC, not amassing it all in one area in such a special area of beauty.
- The proposal is overdevelopment on currently green agricultural land within the Vale of York.
- Concerns as to why the Council would allow an industrial scale development in such a beautiful rural setting, particularly so close to Skipwith Common. There is so much vacant brownfield in the country allowing this development on good quality agricultural land makes little, if any sense whatsoever.
- No explanation is given within the supporting information to the planning application as to why alternative brown field sites have not been assessed for their suitability for accommodating the whole or part of the development. There is a clear priority to be given to brown field sites in national and local policy, both of which also seek to protect the countryside and the landscape from urbanising development.

Principle of Development

- The spatial development strategy sets out the principles which apply to the location of new development within Selby district. Those principles direct development towards nominated towns and settlements and restrict development in the countryside. Principle C sets out the types of development which are potentially permissible in the countryside. They do not include solar farms at all. The supporting text makes it clear that the development of brown field land is to be prioritised.
- Policy SP13 deals with the scale and distribution of economic growth. The proposal for a solar farm is related in part to economic development aspirations. However the operational phase of the development will generate very little employment or local economic benefit and the construction phase of the development will be short-lived and again produce very little economic benefit.
- It is clear that a solar farm of nearly 29.5 hectares in size is a very large-scale development in the open countryside and is therefore inappropriate in scale and type to its location.
- Policy SP17 deals with low carbon and renewable energy and indicates the Council's intention to identify "suitable areas for renewable and low carbon energy sources and supporting infrastructure". This scheme does not sit in any such identified site.

Sustainable Development

- Redmoor Farm and land immediately has grown crops in the past. There is a full and efficient irrigation system which makes it possible to grow a wide range of agricultural and horticultural crops.
- Ensuring land is used for growing crops would preserve and enhance our food security.
- This would adversely affect local businesses known for their quiet locations and local tourism.
- A large, traditional power station would use the land more efficiently.
- There will be no long-term employment opportunities – this would actually cause de-employment.

Flood Risk and Drainage

- Drain has been damaged by lorries which causes localised flooding. This would only get worse.

Impact on Ecology

- Trees and hedges would need to be cut down to allow access which is unacceptable. An EIA needs to be submitted as it is so close to an SSSI.
- The application site lies close to two National Nature Reserves, the Lower Derwent Valley and Skipwith Common. Both are registered as an SSI and a special area for conservation. The Lower Derwent is additionally designated as a special protection area and a Ramsar wetland site.
- There is no doubt that the increase in vehicle movements, noise and lighting associated with construction and the long term impact of the reflective surface would have an impact on the wildlife of the area and any potential detriment to the local ecosystem should be scrutinised.

Impact on the Landscape and Character

- The proposed screening plant is unsuitable – it would not be at full height all year so will be of little value for screening the panels; it is not in character with Skipwith Common; the woodland around the site comprises of birch, oak and pine; deer run freely through this landscape.
- Proposed fencing would be ugly and resemble prison fencing.
- Flood lighting would be unacceptable.
- This area would become industrialised.
- The application site would be a wholly inappropriate site for a solar farm of this size.
- This would be an iconic change in the ecological and environmental features, rural openness, characteristic views, and distinguishing features of the beautiful vale of York, characterised by some of the reports submitted for a similar application on the same land that was refused permission twice on this land.
- This would have an effect on the local characteristics of this land and area.
- This is a stunning area which would be ruined if this development goes ahead.
- The proposal would change the landscape for a minimum of 25 years, which is virtually permanent and would destroy the visual impact of the local area.
- The closely surrounding area is well known for its natural beauty with the designation of the SSSI at Skipwith Common which is enjoyed by families, dog walkers and cyclists.

- The vast size of the PV farm would have an impact on the landscape and create a harsh contrast to the natural surroundings.
- The proposal would be an eyesore on the landscape.

Impact on the Highway

- The lane is too narrow and the passing places already in place would be churned up during the wet months.
- Furthermore, the expected HGV movements of circa 2000 through Escrick & Skipwith is not acceptable as the local highway network is under capacity for such large scale traffic movements.
- This single track lane is simply not a suitable road for the HGV movements as claimed in the submitted traffic plan.
- There would be inadequate access.

Other Issues

- Not enough advertisement or community engagement. There were far more site notices for the previous application.
- There is no site notice adjacent to Redmoor House.
- The Parish Council of North Duffield and the village itself would not require any financial recompense from this solar farm – they would not even see it. The residents that would be most affected are the ones who need compensation.
- This application is nothing more than manipulation of government subsidies & tariffs, creating wealth at the expense of the tax payer, and not about being “green” with no regard to land suitability, the real environment or local communities.
- TGC Renewables are attempting to bribe the Parish Council.
- The re-submission should have made proposed changes clearer.
- How can the appeal against decision 2014/1150/FUL and this application run parallel considering they are for the same land?
- There were over 50 letters of objection to the original proposal.
- Disappointment the subsequent application has gone to appeal.
- The applicant presents an EIA, or justification why this has not been submitted.
- The application would not bring any employment opportunities in comparison to that of farming the land for 25 years and would see de-employment.
- No evidence or information to justify the scale of need that would justify a proposal of this size in this location is put forward at all.

1.5.2 Following notification 5 representations of support were received. The issues raised can be summarised as follows:

Loss of Agricultural Land

- The land has a low grade and cannot grow crops.
- The land falls into the category which is recommended by the Government.
- The land has not been used for the production of food, did not represent a landscape in keeping with Skipwith Common or the Lower Derwent Valley and did not provide environmental or habitat benefits to the local flora and fauna.
- The proposal would secure the land being maintained as agricultural land for the forthcoming years with sheep grazing alongside the solar panels.
- The classification of land has been independently and officially confirmed in several reports as being low grade and of low crop producing value.

Impact on Residential Amenity

- Loss of view into a third party's property is not a material reason to object to a planning application.
- There would not be a loss in amenity.
- There are no flood lights proposed as part of the scheme.
- There are nine properties that neighbour the proposed solar farm and there were only objections from two of these properties.

Sustainable Development

- The proposal would make significant financial contributions to the community for present and future generations.
- The expected financial and environmental benefits far outweigh concerns about the visual impact, movement of vehicles and loss of agricultural land.
- The land where the proposed solar farm would be located would be dual use; as well as providing the green and clean power, the solar farm will permit the return of the land back to traditional agriculture and food production rather than the intensive turf production it has been used for over the past 14 years as sheep will be farmed on the meadow grass that will grow between and around the panels.
- This would provide energy for approximately 6000 homes which equates to half the houses in the Selby Area, in line with the Government climate change targets while not being detrimental to Selby's air quality problem.
- The current impact of the power stations / incinerators and traffic together with other contributing factors, have resulted the local town being reported as the most polluted in the region. The installation of a solar panel scheme can surely only ever be deemed as a step in the right direction for the long term improvement of the town and local businesses?
- All land which is owned must also provide suitably for those who own it and in turn for the community and businesses surrounding it.
- The solar farm would contribute between £126,000 and £252,000 per annum to the Community Benefit Fund and £95,000 per annum in business rates.
- North Duffield's village facilities are shared by the surrounding villages so the benefits would not be restricted to the residents of North Duffield.
- Employment benefits in the construction phase.
- The need for renewable energy is one which is clear and has become more prevalent to those residing in the local area with the news of nearby power stations shutting down.
- Given the poor air quality in the Selby area it is an ideal location to begin to tackle this environmental pollution and redress the balance by adopting cleaner energy production.
- The solar farm would provide sustainability and viability for the land.

Impact on the Landscape and Character

- Much of the land where the proposed solar farm would be located would not be visible from the public accesses and neighbouring properties because of existing hedging, trees, planting and farm buildings.
- There would be additional planting which would be in keeping with the surroundings and would hide the panels from view.
- Further sympathetic planting would be introduced to hide potential areas which may be visible.
- The proposed scheme would not prevent views of the Yorkshire Wolds.

- Whilst the solar panels maybe a change to the current landscape, it is not believed that this change in scenery would detrimentally effect the enjoyment for those walking in the local area.

Flood Risk and Drainage

- The existing water main is located adjacent to the lane and not within. Previous damage has been caused by the ingression of tree roots.
- The area adjacent to the lane is low lying and is a natural drainage basin so gathers water naturally. This is not 'localised flooding'. The pasture that will be established around the solar panels will reduce run off and increase water retention in the soil therefore reducing demand on the local drainage ditches that the area adjacent to the lane discharges into.

Impact on Ecology

- Natural England do not object to the proposal – it won't impact Skipwith Common Nature Reserve and the Lower Derwent Valley Landscape Character.
- Most of the site is not visible from areas of public access and residential properties due to screening from hedges trees planting and farm buildings and additional planting will hide the panels from view.
- There will be no impact on the surrounding environment.
- There are no flood lights proposed in the scheme. A handful of low-output safety lights will be installed in the middle of the solar farm for safety purposes. These will only be visible and provide light in the immediate vicinity.
- The fencing would not resemble 'prison fencing' – deer fencing is erected throughout the countryside.
- The scheme would not prevent views of the Yorkshire Wolds.

Impact on the Highway

- Highways have not objected to the proposed vehicular access and has demonstrated its ability to accommodate large vehicles for several years
- The solar farm would bring a reduced level of traffic from what the current/previous use(s) of the land generates
- Vehicle movements will only take place for 3 months.
- The lane has successfully supported significant and high numbers of large and heavy vehicle movements without incident, damage or 'churning up' for over 14 years.

3 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.

Legal Challenge to the Selby District Core Strategy Local Plan

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

The Court of Appeal heard the case on 22 October 2015 and the Council defended the Appeal.

In the interim period Councillors will need to be aware of the Appeal as it is a material consideration. However the advice of officers is that the outcome of the challenge is pending as judgement was reserved. The Council has successfully defended its position already before the Inspector and the High Court. As such Officers advise that the challenge should be given little or no weight whilst the Core Strategy as the adopted Development Plan should be given substantial weight.

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
SP13:	Scale and Distribution of Economic Growth
SP17:	Low-Carbon and Renewable Energy
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
T1:	Development in Relation to Highway
T2:	Access to Roads

2.5 National Guidance and Policy – National Planning Policy Framework (NPPF), 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.

2.6 Other Relevant Planning Documents

Department of Energy and Climate Change: UK Solar PV Strategy Part 1: Roadmap to a Brighter Future and UK Solar PV Strategy Part 2 (updated April 2014)

Speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar photovoltaic (PV) industry on 5 April 2013

Energy Bill (2012)

The Renewable Energy Strategy (2009)

The Climate Change Act (2008)

The Energy White Paper (2007)

Building Research Establishment (BRE) National Solar Centre: Planning Guidance for the development of large scale ground mounted solar PV systems (undated)

BRE National Solar Centre: Biodiversity Guidance for Solar Developments (undated)

National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

2.7 Key Issues

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

1. The principle of renewable development
2. Impact on landscape and character of the area
3. Impact of on National and European designations (SSSI, SCA, SPA)
4. Impact on protected species
5. Impact of the highway
6. Impact on archaeology
7. Loss of agricultural land
8. Impact on Public Rights of Way (PROW) and Bridle paths
9. Other issues

2.8 The Principle of Renewable Development

- 2.8.1 The proposal is located within the countryside and therefore subject to Policy SP2 “Spatial Development Strategy” which provides the “long term spatial direction for the District” and which sets out “guidance on the proposed general distribution of future development across the District”. Criteria A(c) of Policy SP2 states that development in the countryside (outside Development Limits” will be limited to the replacement or extension of existing buildings, the reuse of buildings, preferably for employment purposes and well-designed new buildings” to meet stated criteria. This proposal, for a solar farm does not fall into any of the categories of development permitted under SP2A(c) and therefore the proposal is contrary to Policy SP2.
- 2.8.2 However notwithstanding the content of Policy SP2A(c) Policy SP17 specifically relates to proposal for renewable energy generation and therefore there is an acceptance within the plan that some renewable energy proposals will need to be located within the countryside.
- 2.8.3 The Selby District Core Strategy Local Plan (2013) sets a current local target of 32 megawatts by 2021 for renewable energy schemes. Policy SP17 of the Selby District Core Strategy Local Plan (2013) sets the local criteria for development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure. The criteria of Policy SP17 (C) are that proposals:
- i. are designed and located to protect the environment and local amenity;
 - ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and
 - iii. show how impacts on local communities are minimised.
- 2.8.4 The supporting text of Policy SP17 (paragraph 7.55) makes clear that each application in relation to a renewable energy project will be considered on its individual merits subject to national and local policies with careful consideration given to cumulative impacts where a number of proposals come forward.
- 2.8.5 Paragraph 6.28 of the Selby District Core Strategy Local Plan (2013) states that while it is important the economic growth is concentrated on Selby and the Local Service Centres, it is also important that sustainable opportunities are provided in rural locations to maintain the viability of rural communities and to reduce the need to travel. Paragraph 6.32 goes on to emphasise that the energy sector will continue to be important to the economy of the District and states that supporting the energy sector will assist in the reinvigorating, expanding, and modernising of the District's economy.
- 2.8.6 Policy SP13 of the Selby District Core Strategy Local Plan (2013) states that in rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including the diversification of agriculture and other land based rural businesses. Policy SP13 also seeks to ensure that in all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

- 2.8.7 This proposal will support the diversification of an existing agricultural business as the application site is part of a larger farm unit. Therefore the proposal is in accordance with Policy SP13 of the Selby District Core Strategy Local Plan (2013). The Planning Practice Guidance for Renewable and Low Carbon Energy (2013) states that if a proposal for solar photovoltaics involves Greenfield land then it should allow for the continued agricultural use.
- 2.8.8 In line with the Renewable Energy Guidance and Policy SP13 of the Core Strategy the proposal involves Greenfield land and would allow the continued agricultural use of the areas of land around the PV cells and equipment.
- 2.8.9 In addition to local planning policy there is a substantial amount of support at national level for renewable energy schemes. The Climate Change Act (2008) sets a legally binding target for reducing carbon dioxide emissions by at least 34% by 2020 and at least 80% by 2050, compared to 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 26% lower than 1990.
- 2.8.10 The Energy White Paper: Meeting the Energy Challenge (2007) and the Energy Act (2008) supports these binding reduction targets and will move the UK towards a low carbon economy by placing renewables and energy efficiency at the heart of the UK's future energy system. Under the EU Renewable Energy Directive, the UK has signed up to a legally binding EU target of producing 15 per cent of its energy from renewable sources by 2020. The 2009 UK Renewable Energy Strategy sets out the Government's plans for ensuring the UK meets its EU target. By sector, the Government aims to generate 30 per cent of electricity, 12 per cent of heat and 10 per cent of transport energy from renewable sources by 2020.
- 2.8.11 The planning system has an important environmental role in helping to mitigate and adapt to climate change including moving to a low carbon economy. Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework (NPPF) expects to underpin both plan-making and decision-taking through supporting the transition to a low carbon future in a changing climate and encourages the use of renewable resources such as renewable energy development.
- 2.8.12 The NPPF stresses that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. The NPPF highlights that in order to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute towards energy generation from renewable and low carbon sources. It is the role of local planning authorities to have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development; and consider identifying suitable areas for renewable and low carbon energy and supporting infrastructure.
- 2.8.13 The NPPF states that it is not the role of local planning authorities to require applicants for energy development to demonstrate the overall need for renewable or

low carbon energy but they should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and applications should be approved if their impacts are, or can be made, acceptable.

2.8.14 The Government has provided more detailed guidance for renewable energy proposals in the PPG 'Developing a Strategy for Renewable and Low Carbon Energy'. Paragraph 001 states that increasing the amount of energy from renewable and low carbon technologies will help make sure the UK has a secure energy supply, reduce greenhouse gas emissions and stimulate investment in new jobs and businesses. It recognises that planning has an important role to play in the delivery of such development in locations where the local environmental impact is acceptable.

2.8.15 Paragraph 007 of the PPG advises that LPAs should be clear that:

The need for renewable or low carbon energy does not automatically override environmental protections.

- Cumulative effects must be taken into consideration.
- Local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Proposals in areas close to AONBs [Areas of Outstanding Natural Beauty] where there could be an adverse impact on the protected area, will need careful consideration.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

2.8.16 Paragraph 013 recognises that large scale ground mounted solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well screened and well planned solar farm can be properly addressed within the landscape if planned sensitively. It sets out the key factors as follows:

- Proposals should be focused on PDL [previously developed land] and non-agricultural land, provided that it is not of high environmental value.
- Where it is on greenfield land, whether the proposed use of agricultural land has been shown to be necessary and whether poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.
- Solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed and the land restored to its previous use.
- The need for and impact of security measures.
- Ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Potential to mitigate landscape and visual impacts through, for example, screening with native hedges.

- The energy generating potential.

2.8.17 In summary therefore, Government guidance indicates that large scale ground mounted solar farms can be acceptable in principle, where they are appropriately located and designed, in the light of the considerations set out in the PPG.

2.8.18 Having considered all relevant local and national policy it is therefore concluded, on balance, that the proposal is acceptable in principle at this location.

2.9 Impact on Landscape and Character of the Area

2.9.1 Relevant policies in respect to the impacts on the landscape and character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan and Policies SP17 “Low Carbon and Renewable Energy” and SP19 “Design Quality” of the Core Strategy.

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

2.9.3 The principle reason for refusal for the previous application (Planning Reference 2014/1150/FUL) was in relation to the potential visual impacts. This revised application has sought to reduce the potential for visual impact by substantially setting back the proposed solar array from Skipwith Common and introducing a large area of semi-natural habitat as a ‘buffer’ between the public access track (along the western edge of the application site adjacent to Skipwith Common) and the proposed solar equipment. The applicant’s agent argues in the Supporting Statement for Landscape and Ecological Mitigation Scheme (July 2015) that this would create significant landscape and ecological benefits for the setting.

2.9.4 A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the previous planning application (Planning Reference: 2014/1150/FUL) which concluded that the originally proposed scheme would have few potential visual receptors, and from the east and north existing woodland, remnant hedgerow, scattered trees and Miscanthus crops would combine to enclose the proposed array. The LVIA also concluded that the potential visual receptors were identified to the south-west and west (scattered dwellings and ramblers on the public footpath), although the woodland of Skipwith Common then defines the zone of visual influence in this direction. Mitigation through setbacks and hedge planting was proposed.

2.9.5 This revised scheme divides the proposals into two main areas of panels east and west of Redmoor Farm. The Supporting Statement for Landscape and Ecological Mitigation Scheme states that in this revised application that the panels to the east of the farm would be well enclosed by existing woodland, miscanthus stands and existing hedgerow and trees along field boundaries. It is stated that the potential visual receptors within 300-500 metres would be very limited. There is new hedge planting proposed along the southern and south-western boundaries of the array which it is argued by the applicant’s agent would mitigate potential views from scattered dwellings to the south-west. It is also proposed to gap-up and grow taller the existing intermediate hedge, which the applicant also argues would provide a much faster screening contribution. A 9m setback from IDB drains has been observed by the applicant to ensure sustainable drainage management. There is

new hedge planting also proposed along the western boundary of the solar array, adjacent to existing miscanthus crops. The applicant states that this would ensure that there is screening potential in seasons when the miscanthus is cut or if the crop is removed in coming years.

- 2.9.6 The Supporting Statement for Landscape and Ecological Mitigation Scheme goes on to state that the area of panels to the west of the farm would now be setback from the public access track alongside Skipwith Common by between 100 and 240 metres. It is proposed that there would be new mixed native hedge planting that would be set along the array boundary. It is also proposed that the land between the array and the public footpath is sown with locally sourced seed and developed into a new 'heathland'. This would constitute over 12 hectares of new semi-natural habitat which would also promote ecological benefits for a range of species associated with the area including invertebrates, reptiles and bird species such as plover, woodcock, nightjar, tree pipit and woodlark. It is proposed that these heathland areas would be managed in conjunction with the Escrick Estate and grazed with the Herdwick sheep used elsewhere on the common.
- 2.9.7 The Supporting Statement for Landscape and Ecological Mitigation Scheme concludes that this revised scheme would provide around 12.5ha of new 'heathland' habitat, 2300 linear metres of new mixed native hedgerow and around 30 hectares of new permanent pasture within the solar compounds. The grass within the solar compounds would also be grazed by sheep and would also provide a species rich sward over time.
- 2.9.8 The revised scheme would also introduce a post and wire 'deer fencing' which is generally considered to provide a more acceptable 'rural' boundary than the previously proposed metal grille fencing, and it is argued by the applicant's agent that this would certainly be less obtrusive in a farm setting. The landowner has also offered that headlands of miscanthus grass could be provided along boundaries whilst the new hedgerows establish. Whilst it is stipulated in the Supporting Statement for Landscape and Ecological Mitigation Scheme that this would not provide a wholly sympathetic feature in the landscape, it is emphasised by the applicant's agent that this approach could offer an 'instant' screening effect if preferred by the Local Planning Authority, and could be removed when hedges are established.
- 2.9.9 The proposed development would result in the loss of some 29.5 ha hectares of arable land and the revised separation distance of 2m between each array would still continue to allow for the opportunity to graze livestock. It is considered by Officers that no other land uses would be affected by the proposal. In addition no landscape features of importance would be lost and the overall grain of additional planting would enhance the character of the area. On the basis of the above it is considered that the proposal remains acceptable in respect to its impacts on the landscape and character of the area in accordance with advice contained with Policies ENV1 of the Selby District Local Plan (2005) and Policy SP17 and SP19 of the Selby District Core Strategy Local Plan (2013) and guidance in the NPPF.

2.10 Impact of on National and European Designations (SSSI, SCA, SPA)

- 2.10.1 The application site is in close proximity to the Skipwith Common, River Derwent and Lower Derwent Valley Special Areas of Conservation (SACs) and the Lower

Derwent Valley Special Protection Area (SPA) which are all European sites that are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (Habitat Regulations). The sites are also notified at a national level as Skipwith Common, Lower Derwent Valley, River Derwent and Derwent Ings Site of Special Scientific Interest (SSSIs).

- 2.10.2 A number of concerns have been received in relation to the unacceptable impact on the SSSI, SPA and SAC through the development of the proposal.
- 2.10.3 The application site is not designated for any nature conservation purposes and is not known to support any habitat that is protected or considered to have special nature conservation value. Natural England have not raised any objection to the development neither have the Yorkshire Wildlife Trust, subject to minor revisions.
- 2.10.4 In accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the "Habitats Regulations") (SI 2010 No 490) a competent authority (in this instance the Council), must make an appropriate assessment of the implications on a European site. The assessment must assess, before deciding to give any consent, any significant effect of the development on the site(s) conservation objectives. This assessment has been carried out and concludes "the proposal either alone or in-combination with other plans or projects, would not be likely to have a significant effect on the interest features for which the Skipwith Common (SAC, SSSI), River Derwent (SAC, SSSI) and Lower Derwent Valley (SAC, SSSI) and the Lower Derwent Valley Special Protection Area (SPA, SSSI) which are European sites."
- 2.10.5 Therefore on the basis that the development will not create any direct or indirect significant impacts on any National or European designations the proposal is considered to be in compliance with Policy ENV1 of the Selby District Local Plan and the NPPF.

2.11 Impact on Protected Species

- 2.11.1 A number of concerns have been received in relation to the potential impact of the development on a number of species, specifically those protected species present on the site.
- 2.11.2 The applicant has supplied a number of reports in support of the proposal that specifically identify and detail, where required, the form of mitigation.
- 2.11.3 The ornithological report was based on a study area that comprised the "indicative site boundary plus a 200m buffer around the site) during 2014". The reports states "48 specieswere considered to be breeding within the survey area" of which "includes 19 species of national conservation concern". Furthermore the report states that "70 species were recorded on or over the survey area during the wintering bird surveys" of which 35 species [were] of national conservation concern.
- 2.11.4 The report looks at the potential effect on bird populations during the construction, operational and decommissioning stages and concludes that the "proposed development will only have a slight adverse impact on the breeding bird population within the site/survey area, and a negligible effect on the local breeding bird community". The report also states that the operational stage of the solar farm "will

not have any additional impacts on the breeding bird community of the site, and local area, above and beyond the impacts already detailed in the 'Potential Construction Effects'".

2.11.5 In respect to mitigation the report concludes that

1. Due to the negligible to slight adverse impact that the proposed solar farm will have on both breeding and wintering local bird populations, habitat creation or enhancement works are not considered to be necessary.
2. To minimise the risk of harming or disturbing breeding birds, vegetation clearance works will not be undertaken during the breeding season (March – August inclusive) unless a checking survey by an appropriately qualified ornithologist has shown active nests to be absent immediately prior to the start of works.
3. Following construction of the solar farm, TGC will maintain one field as permanent pasture which is considered better habitat for overwintering Golden Plover than the current turf field.

2.11.6 The applicant has commissioned a survey for amphibians. The subsequent report concludes that "No great crested newts, smooth newts or palmate newts were recorded during the surveys. The water bodies were found to support a low population of common toad (a BAP priority species) and common frog and as such, are considered to be of no more than local importance for breeding amphibians." Similarly a report in respect of Otters found that there would be no significant impacts on this species.

2.11.7 Natural England have been consulted and have not objected to the proposal on the basis of the supporting information provided.

2.11.8 Despite concerns received from objectors, the CPRE and Yorkshire Wildlife Trust it is considered that these concerns are not sufficient to warrant the refusal of the application when weighed against the advice provided by Natural England. Indeed officers consider that subject to the landscaping scheme there would be a substantial benefit to nature conservation objectives through the creation of new habitat, including heathland and hedgerows.

2.11.9 It is therefore considered that the proposals, where practicable, are designed and located to protect the environment and therefore the proposal meets the requirements of Policy SP17 (C) of the Core Strategy, Policy ENV1(5) of the Local Plan and the NPPF.

2.12 Impact on the Highway

2.12.1 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.

2.12.2A Provisional Traffic Management Plan (PTMP) accompanies the planning application and sets out factual information relating to traffic, transport and access

issues. It also assesses the potential impacts on the highway network and residential amenity. The PTMP states that the route chosen is on the basis of minimising impacts and achieving a safe access route for construction and operation vehicles. It states that the potential route via North Duffield is less preferable and was discounted because the route would pass directly through a more dense area of houses in comparison to Escrick and Skipwith (both of which the chosen route skirts or passes through the edge of). The route would also pass close to the school in North Duffield and would also require a right turn into the Site. A left turn for delivery vehicles is deemed to be safer. The route via Skipwith from the south is not suitable due to the right turn in Skipwith which would be unsafe. As such the PTMP proposes that the following route is proposed:

- Leave the A19 in Escrick and join Skipwith Road headed south-east;
- Join Mill Hill after c.1km;
- Bear left after c.5.2km and join York Road;
- After c.700m turn left onto the Lane which links the Site to York Road; and
- After c.700m enter the Site.

2.12.3 It is confirmed that long rigid (10m) vehicles would be used during the 20 week construction programme. Frequency of deliveries would be highest during the start of the construction process, then reduce substantially (refer to Figures 4 and 5 in the main report). Overall, a total of 731 vehicles (1,462 movements) is anticipated. It is confirmed that this is a reduction from 1,054 vehicles (2,108 movements) compared to the Original Proposals.

2.12.4 The PTMP also proposes a range of management and mitigation measures including avoiding peak periods, using warning signs, ensuring road cleanliness, undertaking a condition survey and making good any damage, complying with health and safety regulations and not parking vehicles or construction materials/plant on the public highway. It is stipulated that traffic levels have been considered against current levels and the likely increase is less than 1%.

2.12.5 It is confirmed in the PTMP that in terms of the subsequent amenity impacts along the route, along the short stretch of Skipwith Road between the A19 and Derwent Court, of which approximately 550m could potentially experience adverse effects, and the short stretch of Skipwith Road at the edge of the village, potential amenity impacts will be minimal. The PTMP states that this is because the majority of the homes along the route are set back from the road, well-screened by mature trees, hedgerows and fencing and only a number of driveways lead from this road. On Mill Hill, there are few houses and they are often farm houses set back from the road. Similar to the houses in Escrick, the houses in Skipwith are generally well screened from the road or set back from it.

2.12.6 The TPMP concludes that the alternative use of the Site is turf farming, which would generate c. 55,000 vehicle movements over the 25 year period of the operation of the proposals and that the proposals compare extremely favourable compared to this alternative land use in terms of impacts on the local highway network and amenity impacts.

2.12.7 Officers consider that once completed there would not be any significant increase in parking provision within the site as a result of the development. The only increase in traffic would occur during the construction and decommissioning of the proposal

which would be temporary. North Yorkshire County Council Highways have been consulted on the proposals and have stated that given that this application reduces the number of panels the impact on the highway has been slightly reduced too, as has been highlighted in the Traffic Management Plan. However it is still recommended that conditions relating to the below are attached to any permission granted:

- Approval of Details for Works in the Highway
- Completion of Works in the Highway
- Wheel Washing Facilities
- Highway Condition Survey (Broad Lane)
- On-Site Parking, On-site Storage, and Construction Traffic During Development

2.12.8 Therefore whilst the proposal would result in an impact on the existing highway network during the relatively short construction and decommissioning periods, it is considered that subject to a number of conditions and a survey to assess the impact of HGVs over a culvert on the C304 the development is acceptable. The application therefore accords with Policy ENV1 (2), T1 and T2 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan.

2.13 Impact on Archaeology

2.13.1 Policy in respect to archaeology is provided by Policy ENV28 of the Local Plan. This should be afforded significant weight as it is broadly compliant with the NPPF. Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.

2.13.2 The applicant has submitted an archaeology assessment which concludes:

“The site clearly has the potential to contain archaeological remains of importance. Crop marks of prehistoric and/or Romano-British date are known to be present, representing settlement and field systems. Previous investigations on the site, undertaken as part of a drainage scheme, have shown that archaeological features are also present in those parts of the site that do contain crop marks.

The development is to comprise the erection of a solar photovoltaic installation. Due to the nature of the development below ground impact will be limited to small diameter poles for supporting the panels, trenches for cabling, construction of access roads, inverter cabins and a substation. Following completion of construction the areas beneath the panels will be laid to grass and clover to provide grazing for sheep, which will ensure preservation of the vast majority of the archaeological remains.”

2.13.3 The County Archaeologist has assessed the updated archaeological evaluation submitted and, on the basis of this information, raised no objections to the proposal provided that, prior to the commencement of development, an additional Written Scheme of Investigation containing a programme and methodology of site investigation and recording be conditioned to any planning permission that may be granted.

2.14 Loss of Agricultural Land

- 2.14.1 Policy in respect to the loss of agricultural land is provided by paragraph 112 of the NPPF.
- 2.14.2 Objectors have raised the issue of the potential loss of agricultural land through the proposed development. Members are advised that the land is Grade 3 on the Natural England “Agricultural Land Classification”.
- 2.14.3 The Council has sought an independent assessment of the information submitted by the applicant which suggests that the site consists of “Grade 3b” agricultural land. The independent assessor (Chris Clubley & Co) has agreed with the applicant’s assessment of the grade of the land (3b), therefore the site does not constitute best most versatile agricultural land.
- 2.14.3 The perceived loss of agricultural land is not considered to be a sustainable reason for refusal in this instance. Whilst the proposal involves the position of a number of PV cells, a transformer, a series of inverter cabins, boundary fence, gates, planting and access road is semi-permanent it should be noted that the development is temporary, albeit for a period of 25 years. In addition the field could be used for grazing of sheep and therefore would still be able to be used in part for agriculture. It is therefore considered that the proposal would not be contrary to the provisions of paragraph 112 of the NPPF.

2.15 Impact on Public Rights of Way (PROW) and Bridle paths

- 2.15.1 The site adjoins or has a shared boundary with two Public Rights of Way to the north and south of the site.
- 2.15.2 The PROW team have been consulted, and they have advised that an informative is attached to any planning permission granted to ensure that no works are to be undertaken which would create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

2.16 Other Issues

- 2.16.1 Concerns have been received in relation to the distribution and amount offered as part of a community fund.
- 2.16.2 The applicant has stated that they will set up a community fund to the local community, with payments amounting between £126,300 - £252,600.
- 2.16.3 The commitment to provide the funding is a voluntary offer on the behalf of the applicant and does not form a material planning consideration in terms of the assessment of the scheme. Therefore the issue of the funds distribution/awarding is not a material planning consideration.
- 2.16.4 With regard to alternative sites, and a sequential approach to the site selection, Paragraph 11 of the NPPF encourages the effective use of land by reusing brownfield land provided that it is not of high environmental quality. The paragraph indicates that significant development of agricultural land should be shown to be necessary and poorer quality land should be used in preference to higher quality.

PPG sets particular planning considerations that relate to active solar technology and encourages.

“...the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value...” and “where a proposal involves greenfield land, the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable...” This is also reflected in Ministerial statements which adopt the same approach towards the location of solar farms.

The National Policy is therefore clear to prefer brownfield land for solar farms and to avoid the use of BMV land if it reasonably possible. However, there is no policy or guidance which refers specifically to the need for a formal sequential test.

The applicants have demonstrated that a greenfield site is necessary for the proposal and they have submitted information in respect of an opportunity register and details of discounted rooftop and brownfield sites. A detailed report, submitted with the application, identifies the sites as grade 3b land which falls outside of the scope of best most versatile land. A number of objections have been received disagreeing with this assessment.

3.0 Conclusion

- 3.1 The application seeks planning permission for the erection for the installation of ground mounted solar farm, substation; communication building; paladin perimeter fence and gates; pole mounted CCTV cameras; inverter cabin and access roads at Redmoor Farm, Common Road, North Duffield.
- 3.2 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, Selby District Local Plan and the Core Strategy. The proposals accords with the development plan. Furthermore, 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.

4.0 Recommendation

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

02. 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 planning permission, hereby granted, is for a temporary period only, to expire 25 years after either the date on which electricity from the

development is first connected with the electricity grid, or 12 months after the commencement of the development, whichever is the earliest. The Local Planning Authority shall be advised in writing within one month of the date of the grid connection.

Reason:

To ensure that the photovoltaics are removed from the site at the end of their operational life, and to protect the character of the countryside and visual amenity of the area and to accord with the objectives of Policy ENV1 of the Selby District Local Plan (2005) and Policies SP17 and SP18 of the Selby District Core Strategy Local Plan (2013).

03. Not later than 12 months after the date on which the planning permission hereby granted expires, the photovoltaics, ancillary equipment and foundation structures shall be dismantled and removed from the site and the land reinstated to its former condition and quality in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of development. The scheme to be submitted shall include the dismantling and removal of the photovoltaic equipment above existing ground levels and the removal of any foundations to below existing ground levels.

Reason:

To ensure the land is suitably reinstated to its former agricultural use, to protect the character of the countryside and visual amenity of the area and to accord with the objectives of Policies ENV1 of the Selby District Local Plan (2005) and Policies SP17 and SP18 of the Selby District Core Strategy Local Plan (2013).

04. The landscaping scheme, as shown in drawing number: Site Design (Detail) REV B8, shall be completed within the 12 months of the commencement of the development hereby permitted.

Reason:

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

05. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a) The construction of any passing places within or adjacent to the public highway.

- b) Provision of temporary signage warning of works access and vehicles turning (Traffic Signs and General Regulations Directions).

Reason:

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

- 06. 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:

- a) The construction of any passing places within or adjacent to the public highway.
- b) Provision of temporary signage warning of works access and vehicles turning (Traffic Signs and General Regulations Directions).

Reason:

In accordance with policy number and in the interests of the safety and convenience of highway users.

INFORMATIVE - Section 278 Agreement

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.

- 07. 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 the interests of highway safety and amenity.

- 08. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Upon completion of the works any damage caused to the existing highway during construction shall be agreed with the Highway Authority and repaired accordingly.

Reason:

In accordance with policy number and in the interests of highway safety and the general amenity of the area.

09. 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 policy number and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

INFORMATIVE- 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.

10. 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 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.

11. There shall be no storage of any materials including soil adjacent to the bank top of the watercourse.

Reason:

To ensure that there will be no risk of the watercourse becoming blocked by debris from the stockpiles or bank slipping due to increased loading of the bank top.

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

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

Reason:

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

13. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (12).

Reason:

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

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

Reason:

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

15. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Great Crested Newt Survey by tnei dated June 2014.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

16. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Otter and Water Vole Survey by tnei, dated July 2014,.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

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

(to be inserted into the Decision Notice)

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Selby District Core Strategy Local Plan and the National Planning Policy Framework (NPPF).

Informative:

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. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton 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.

5.1 Legal Issues

5.1.1 Planning Acts

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

5.1.2 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.

5.1.4 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the

conflicting matters of the public and private interest so that there is no violation of those rights.

5.2 Financial Issues

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

6. Conclusion

6.1 As stated in the main body of the report.

7. Background Documents

7.1 Planning Application file reference 2015/0967/FUL and associated documents.

Contact Officer: Richard Sunter (Lead Officer-Planning)

Update note

Item 6.3

APPLICATION NUMBER:	2015/0967/FUL (8/13/185C/PA)	PARISH:	North Duffield Parish Council
APPLICANT:	TGC Renewables Ltd	VALID DATE:	21 st August 2015
		EXPIRY DATE:	20 th November 2015
PROPOSAL:	Solar farm and associated development on land at		
LOCATION:	Redmoor Farm, Skipwith Common Road, North Duffield		

1.4 Consultations

1.4.20 Historic England

Historic England have assessed the proposal with reference to the Planning, Design & Access Statement (August 2015) which includes a short section on cultural heritage. It is noted that a previous heritage report is identified in the document; however this does not appear to accompany the current application. It is advised that the Council ensures that a thorough assessment has been undertaken assessing the potential impact of the solar farm upon all designated historic assets and their settings which could be affected. In particular there are a number of highly graded heritage assets located in the west and east of the application site. This assessment should consider the impact of the solar farm and associated development to consider all heritage assets which could be affected and ensure that the search area is sufficiently widely defined to capture all such assets including long distance views. In addition the assessment of setting should include views both of and from the affected heritage assets and views including sight of the proposed development and the

historic assets. In reaching its decision The Council should be satisfied that the documentation submitted meets the requirements of the NPPF in respect of the sustainable management of heritage assets.

Comments from Officers

The comments from Historic England are noted. The submitted Archaeological Desk Based Assessment OSA Report No: OSA14DT06 January 2014 concludes that there are two designated heritage assets, a Scheduled Monument and a Listed Building – Grade II Village Hall and School House which lie within the search area around the site. The Grade II Listed Building is located to the west of Crook Moor, and would not be affected by the proposed development. The Scheduled Monument is predominantly screened from the site by existing, intervening trees. Any concerns regarding views between the site and the Scheduled Monument could be mitigated by the planting of additional hedging along the northern site boundary. Officers consider that the single Grade II Listed Building (now the village hall) on the west side of York Road in Skipwith which lies approximately 700m to the southwest of the site is completely screened by the presence of woodland. Officers also note that photographs are included within this report to highlight that there would be no impacts.

The submitted Landscape and Visual Impact Assessment submitted with the application notes that there are three listed buildings in Skipwith including the Grade I listed Church of St Helen. The LVI concludes that these buildings would not be intervisible with the site. No listed buildings have been identified in North Duffield. This also makes reference to the scheduled ancient monument which is located approximately 500 metres northwest of the study site (Danes Hill iron age cemetery) which is enclosed in woodland and would not be intervisible with the site. Officers confirm that the Grade II listed buildings in Skipwith include Home Farm House, Skipwith House and Skipwith Hall and given the presence of existing woodland of the western boundary at Crook Moor Officers consider that there would not be any visibility and therefore would be no impact upon the setting of the listed buildings. Officers conclude in accordance with Policies ENV1 and ENV27 of the Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan (2013) and the policy framework provided in paragraph 129 and 134 of the NPPF the proposal is considered to be acceptable, on balance, in terms of its relationship to the identified heritage assets and their respective settings.

1.5 Publicity

Since the drafting of the Officer Report as of 1.00pm on 11th October two further letters of objection have been received and include the following issues:

- The UK needs farm land to grow food. In today's world, and with an ever increasing population good farm land, which has grown root crops amongst others, is and will be needed more and more as years pass by. With the population growth predicted for the country we may not always be able to sufficient import food for our needs: this solar farm is a good idea but in the wrong place. In addition with the world becoming more unstable, see Syria, we need to protect farm land to grow food.
- Sheep are supposed to be able to graze beneath and around the panels; poor grass is the result of Panels and therefore the few sheep that are grazed will add little or nothing to the food production needs of the UK.
- The traffic needed to erect this solar "industry" have an massive impact on the surrounding area.
- It is noted that a farm local just put on the market close to the planned site has land graded as 2; SDC needs to have carried out an independent soil survey to ensure the "quality" of the land.
- The area has much wildlife, the effect on this is not clear from the planning portal and this needs be considered: has Natural England been properly consulted? The area is

used as a wildlife corridor and risks impeding the migration of many birds, with potential lethal consequences, after all it is between two nature reserves.

- Solar farms should be placed on low grade, unproductive land, not good quality farmland.
- The development would have an adverse effect on the landscape and would most likely be seen from the Wolds. From a distance it would look rather like a prison, what with the 2 metre high fence, is it meant to look like a PoW camp?
- There is no convincing justification for the scale of the application – no explanation is given as to why the amount of solar panels are needed in the location put forward.
- That is a particular concern because this is a Green Field agricultural site and there are alternative brownfield sites available within the surrounding area which could cumulatively accommodate the proposal.
- Those are important and weighty material considerations in light of the Ministerial Statement of 25th March 2015. In the circumstances the benefits to be attributable to the generation of renewable energy are insufficient to outweigh the harm caused by the industrialisation of the landscape and the related loss of openness and of agricultural land, when more sustainable brownfield sites are available.
- Attention should be drawn the decision of the Secretary of State in appeal reference APP/U1105/W15/3007944 and APP/B6855/A/15/3005095 when both solar farm were refused planning permission on appeal.
- Previous Application Ref 2014/1150/FUL has already been considered and refused by Selby District Council Planning committee at the meeting on 10 June 2015 (Min 6.2) for which an appeal has been lodged.
- The first application appears to be tainted by the offer of a conditional significant “Community Benefit” from TGC Renewables to North Duffield Parish Council to buy the support of the larger community of North Duffield which is more remote from the development site without any consideration on the impact of the immediate neighbours, adjoining Skipwith back common land, the smaller community of Skipwith and the villages of Escrick and Skipwith that will be impacted by heavy goods vehicle movements through both villages during the construction phase.
- The area of development covering 33.6 hectares is huge when compared to the size of both North Duffield and Skipwith villages and industrial development on this scale in a peaceful tranquil environment adjacent to areas of Ings and common land designated SSSIs is wholly inappropriate.
- The allocation of 33.6 hectares of land to generate 25MW (2.5 MW with 10% load factor) represents roughly 20% of the area of a typical 2000MW coal fired power station capable of providing power to 2 million homes – 400MW to 400,000 homes pro-rata 24/7. The claim by TGC Renewables in the Appeal Statement of Case Section 3 that the solar farm installation will power c 6185 local homes annually from 20.42GWh of renewal energy produced is overstated and misleading as it fails to take account of the fact that solar power is only effective at generating power in day light conditions and is not capable at present of providing total power 24/7 until such time as an efficient and effective means of energy storage has been developed to store the wasted excess energy produced during periods of low demand in reserve for periods of high demand to keep the lights on.

Officers consider that all the points that have been raised have been addressed in the Officer Report.

Appendix B –Statement on Alternative Sites

Stillingfleet: approx. 13 hectares of land in greenfield use (agricultural use); approx. 6.5 hectares of wooded / shrub land, with possible environmental / ecology restrictions if removed. In local plan representations, Barton Willmore, on Harworth Estates' behalf, note that "Previous representations to the Selby LDF have promoted the Stillingfleet and Wistow sites for employment uses". As such, it is considered unlikely that Stillingfleet is readily available for solar development or that such development would be viable.

Riccall: approx. 15 hectares of land in greenfield use (agricultural use); approx. 12 hectares of wooded / shrub land, with possible environmental / ecology restrictions if considered for removal. Potential impact on other users of developed area (existing business units).

In Barton Willmore's local plan representations, it is stated that "Harworth Estates therefore intends to continue to grow and develop the Riccall and Whitemoor sites as successful business parks, with the scale and potential for future redevelopment and expansion to meet local needs. It is therefore requested that both sites are allocated for employment use to support this aim". As such, it is considered unlikely that Riccall is readily available for solar development or that such development would be viable.

North Selby: Discounted as informed by Northern Power Grid that no capacity available at site due to 'an alternative generation project' already being considered at site.

Gascoigne: Located outside 'local review area' by TGC; Discounted in other area review due to feedback from Northern Power Grid and proposed zoning / redevelopment plans published by Harworth Estates in January 2015. Approx. 43 hectares of land in greenfield use (agricultural use); approx. 27.4 hectares of wooded / shrub land, with possible environmental / ecology restrictions if considered for removal.

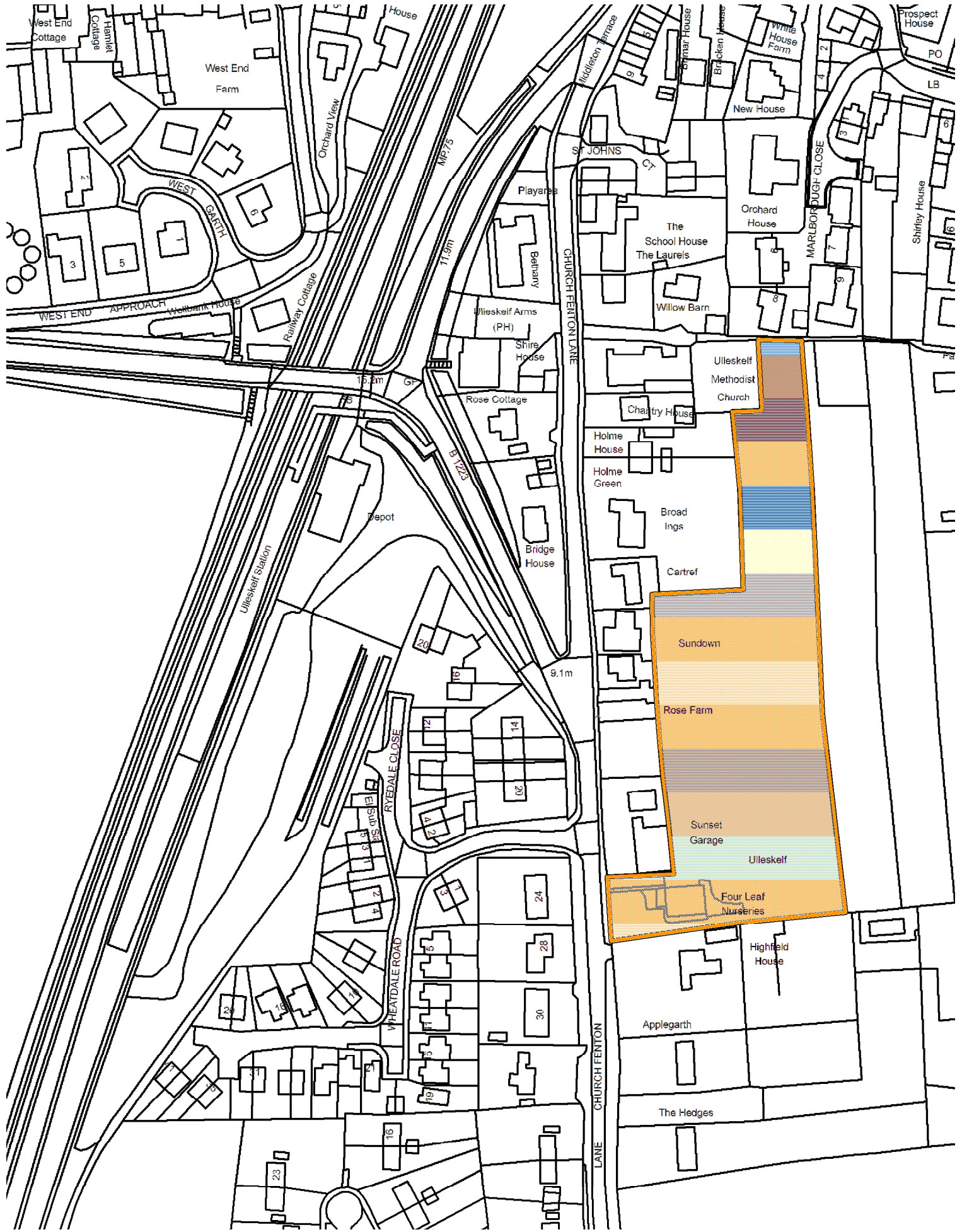
In Barton Willmore's promotional material this site is described, on Harworth Estates' behalf, as an "excellent opportunity for the delivery of strategically important employment development". As such, it is considered unlikely to be readily available for solar development or that such development would be viable.

Wistow: approx. three hectares of land in greenfield use (agricultural use); approx. three hectares of wooded / shrub land, with possible environmental / ecology restrictions if considered for removal. In local plan representation, Barton Willmore, on Harworth Estates' behalf, note that "Previous representations to the Selby LDF have promoted the Stillingfleet and Wistow sites for employment uses". As such, it is considered unlikely that Wistow is readily available for solar development or such development would be viable.

Whitemoor: approx. 15 hectares of land in greenfield use (agricultural use) with shadow impacts from hedge rows & trees; approx. 2.5 hectares of wooded / shrub land, with possible environmental / ecology restrictions if considered for removal. Potential impact on other users of developed area (existing business units).

In Barton Willmore's local plan representations, it is stated that "Harworth Estates therefore intends to continue to grow and develop the Riccall and Whitemoor sites as successful business parks, with the scale and potential for future redevelopment and expansion to meet local needs. It is therefore requested that both sites are allocated for employment use to

support this aim". As such, it is considered unlikely that Whitemoor is readily available for solar development or that such development would be viable.



APPLICATION SITE

Item No: 2016/0926/FUL

Address: Four Leaf Nurseries, Church Fenton Lane, Ulleskelf

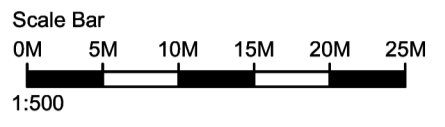
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Construction staff and operatives must ensure the principal contractor has provided thorough and accurate information on all health and safety aspects relating to the designs identified on this drawing including the review of:

- Designers/contractors risk assessments
- Method statements
- Permit to work
- Pre construction information

The designers note that the following health and safety risks relating to this drawing have not been eliminated during the design process:

ref	residual risk



SCHEDULE OF ACCOMMODATION

Accommodation	Quant
4 Bed	
Caxton	3
Grassington	3
Pateley	3
Richmond	4
Thirsk	2
Total No	15
3 Bed	
Pickering	6
Calverley	2
Total No	8
2 Bed	
Staveley	5
Total	5
Total No. Plots	28
Site Area	0.885 ha
	2.17 acres

Key

- Site boundary
- - - Boundary fence
- ▭ Private parking



O	amendments following client feedback	08.12.16	CB	CB
N	boundary to plots 7, 8 & 9 amended	08.11.16	CB	CB
M	amendments following client feedback	31.10.16	CB	CB
L	LPG tank repositioned, to suit Clients requirements	20.10.16	MV	BRA
K	plots 9, 13, 21 & 22 gates repositioned & fences removed to suit Clients requirements	19.10.16	MV	BRA
J	amendments following comments from Client	17.10.16	MV	BRA
H	Layout amended following meeting with planning officer	13.10.16	CB	CB
G	Colour added	10.10.16	CB	CB
F	LPG tank added to suit Clients requirements	29.09.16	MV	CB
E	minor amendments following comments from Client	20.09.16	MV	CB
D	various amendments in accordance with Clients comments dated 12.09.16	15.09.16	MV	CB
C	house areas updated in accordance with house type drgs	22.07.16	MV	CB
B	boundary treatment & dims added	15.07.16	MV	CB
A	plots 24+25 house types changed to suit Clients requirements	11.07.16	MV	CB

All dimensions to be verified on site and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan, all conflicts should be reported to the appointed Principal Designer.
This drawing is the Property of Bowman Riley Architects Limited ©
DO NOT SCALE FROM THIS DRAWING

- preliminary
- comment
- construction
- planning
- tender
- record

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Stonebridge Homes

drawn by	checked by	date	scale @ A2
MV	CB	July 2016	1:500
Proposed Residential Development, Church Fenton Lane, Ulleskelf			
Proposed Site Plan			
project number	drawing number	revision	
7864	(000)001	82	0

cad reference: P:\7864 - 28 New Houses, Ulleskelf\7864 - 03 Cad\000\Existing, Presentation, Planning\Church Fenton Lane - Site Plan.dwg



Report Reference Number 2016/0926/FUL (8/64/87E/PA)

Agenda Item No: 6.3

To: Planning Committee
Date: 11th January 2017
Author: Mrs Jill Low (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/0926/FUL	PARISH:	Ulleskelf Parish Council
APPLICANT:	Stonebridge Homes	VALID DATE:	5th August 2016
		EXPIRY DATE:	4th November 2016
PROPOSAL:	Proposed residential development comprising 28 dwellings, areas of amenity space, landscaping and associated infrastructure following demolition of existing nursery building		
LOCATION:	Land To The Rear Of Four Leaf Nurseries Church Fenton Lane Ulleskelf Tadcaster		

This application has been brought before Planning Committee due to the proposals being a departure from the Development Plan and more than 10 representations being received raising material planning considerations. The proposal is contrary to Policy SP2 of the Core Strategy. However, planning officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approval of the application.

Summary:

The proposed scheme is a fully detailed application for 28 dwellings on land previously used as a horticultural nursery site. The application site is outside of the development limits for Ulleskelf apart from the existing dwelling and access to the site. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy and a departure from the development plan and should be refused unless material considerations indicate otherwise. One such material consideration is the NPPF.

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 bring economic, social and environmental benefits to the village of Ulleskelf.

The proposal is considered to be acceptable in respect of matters of acknowledged importance such as highway safety, residential amenity, design and layout, climate change, protected species, archaeology and affordable housing (although comments are still awaited from consultees in respect of drainage and contaminated land.) The site is located in an area of open countryside immediately adjacent to the defined development limits of Ulleskelf. Whilst it is noted that the proposed scheme fails to comply with Policy SP2A(c) of the Core Strategy, this policy is out of date in so far as it relates to housing supply due to the fact that the Council 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 benefits as it would contribute to the local economy providing additional funds through CIL which would contribute to the maintenance/improvement of local services and facilities as well as providing employment during the construction period.

The proposals achieve a social role in that Ulleskelf is a Designated Service Village which has some scope for additional residential development to support rural sustainability. It has a range of accessible local services including a pub (250m), post office / local shop (450m), village hall (500m) and two churches (200m and 380m). The village is also served by a bus service and railway station. The new development will help to support these existing facilities.

In terms of impact on the environment, the proposed layout and house types are appropriate to this location and the scheme has been amended to reduce any impacts on residential amenity. The highway authority has raised no objections to the principle of the development. The proposals are also considered to be acceptable in terms of climate change, protected species, affordable housing and archaeology. Comments are still awaited regarding contaminated land and drainage and flooding matters, but subject to there being no objections from consultees, and having regard to the above, it is considered that the proposal would be acceptable when assessed against current Development Plan policies and policies in the NPPF.

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, apart from those policies relating to the location of housing. 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 no objections being received from consultees regarding drainage, flood risk and contamination, and delegation being given to Officers to complete the Section 106 Agreement to secure 21% on-site affordable housing provision, and a waste and recycling contribution and subject to conditions detailed in Paragraph 2.21 of the Report and any additional conditions requested regarding drainage, flood risk and contamination.

1. Introduction and background

1.1 The Site

1.1.1 The application site comprises 0.9 hectares of open pasture land which was previously part of the nurseries site. There are no buildings on the site; apart from the existing dwelling which fronts Church Fenton Lane and which would be removed should the development go ahead. Overall, the site has the appearance of an open grassed field. The majority of the site lies outside of the current development limits although the entrance to the site, which is between the 4x4 Garage site and the dwelling that was associated with the former nurseries, are within the village envelope.

1.1.2 The site is linear in nature, occupying the land behind existing residential properties in Church Fenton Lane and these back onto the application site, including the 4x4 garage. There are also residential properties to the north in Marlborough Close and to the east and south the site adjoins open land and with hedges along the boundary. At the northern end the site is very narrow, being only 15m across. It then widens out to 25metres and then again to approximately 57 metres at the widest point, excluding the vehicle access.

1.2 The Proposal

1.2.1 The application is a detailed scheme for 28 dwellings on 0.9 hectares (31.1 dwellings per hectare) with associated infrastructure and access from Church Fenton Lane. The proposals include an adopted highway serving 23 dwellings and a private drive serving 5 dwellings at the northern end of the site.

1.2.2 The proposals include a mix of dwellings – 5 x 2 beds, 6 x 3 beds and 15 x 4 beds in total. Of these, 6 would be affordable and comprise 3 x 3 beds and 3 x 2 beds, with 3 being social rented and 3 being in shared ownership. All properties are detached apart from 3 rows of terraced dwellings. All of the detached properties have off street car parking within their curtilage and the terraces have either frontage parking or courtyard parking.

1.2.3 The application site is located within Flood Zone 1 which is at the lowest risk of flooding and a sequential test is not required in this instance.

1.3 Planning History

1.3.1 The following historical application is considered to be relevant to the determination of this application:

A Full application (Planning Reference: CO/1997/00340) for the erection of two polythene growing tunnels at Four Leaf Nurseries Church Fenton Lane was granted approval on 14th March 1997.

1.4 Consultations

1.4.1 Yorkshire Water Services Ltd

The submitted Flood Risk Assessment (report dated 2/8/16, revision 03) does not conclude with a surface water disposal route. If planning permission is to be granted, a condition should be attached in order to protect the local aquatic environment and YW infrastructure.

SURFACE WATER - Sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before even considering disposal to a public sewer. Restrictions on surface water disposal from the site may be imposed by other parties. Advise applicant to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

Alternatively, and 'only' upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal i.e. soakaway test results/proof of watercourse investigation etc, curtilage surface water may discharge to the public surface water sewer. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

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.

1.4.2 NYCC - Archaeology

The village of Ulleskelf is recorded in the Domesday Book of 1086. Its place name strongly suggests a slightly earlier Anglo-Scandinavian origin. In terms of the impact of the proposal on the archaeology of the village the development is sited well back from the street frontage. This area would have been used as an open field system in the medieval period and as a result there is a low archaeological potential for remains of this period.

The environs of Ulleskelf are rich in archaeological remains of earlier periods with cropmarks representing prehistoric and Romano-British settlement known to the north-west and south-east of the village. These are however at some distance from the development site. Based on the above there are no known archaeological

deposits within the development area or its immediate vicinity. No objections to the proposal.

1.4.3 NYCC Highways

It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer under section 106 of the Town and Country Planning Act 1990, which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980. Therefore as long as the applicant is aware and fully understands the above, the Local Highway Authority has no objections subject to conditions.

1.4.4 NYCC Education

No response received.

1.4.5 Lead Officer Environmental Health

It is noted that the site lies below the possible flight path of Leeds East airport and hence the impact of aircraft noise needs to be considered in the design of the properties. Also it abuts the site of the repair garage known as Sunset Garage.

The applicant should provide a noise assessment giving details of the current noise environment and mitigation to be applied if necessary to meet the requirements of appropriate noise levels. In considering the appropriate levels the assessment should provide a BS4142:2014 assessment in respect to the noise from the repair garage, and consider the levels for residential properties in BS8233:2014 and the Who guideline levels.

In respect to the noise from the aircraft the internal noise levels achieved shall not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB LAm_{ax} (fast) in the bedrooms between 2300 and 0700 hours.

The requested information has now been provided along with some revised plans which take account of the proximity of the development to the existing 4x4 garage and Plot 1 has been re-sited. Environmental Health have been re-consulted and have made the following comments –

The assessment includes an updated proposed layout of the site moving Plot 1 away from both the access road and garage. The assessment proposes the following mitigation measures:

- Plot 1, front elevation: Paragraph 3.10 recommends that the bedrooms have a minimum performance of 37 dB Rw (eg double glazed units comprising on pane of 10mm and one pane of 6mm glass separated by a cavity of 10-20 mm) plus specialist acoustic vents with a minimum performance of 42 dB Dn, ew. Recommend that a condition is attached requiring the insulation to these areas to be agreed.
- All plots: increased specification of upper floor ceilings and rooms in roof areas with an example of double boarded with 15mm dense plasterboard (e.g. each board 12.6 kg/m²), with mineral wool in the cavity. Recommend that a condition is attached requiring the insulation to these areas to be agreed.
- Figure 4 shows the sites of the proposed acoustic fences together with their height and some detail. Recommend that it is conditioned that these fences are constructed as to the figure according to the height and to the following specification or equivalent:
The panels shall have a surface mass of not less than 17kg/m² and shall be free from gaps and cracks. The barrier shall be of solid construction with timber thickness of at least 20mm in all places. All joints to post to be effectively sealed as shall the joint between the lower edge of the panels and the soil. The barrier shall be maintained throughout the life of the development.

1.4.6 North Yorkshire Bat Group
No comments received.

1.4.7 Police Architectural Liaison Officer
The development lies within an area with relatively low crime & disorder levels. 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 what crime prevention measures are to be incorporated into the development and these measures must be agreed in writing by the Authority in consultation with North Yorkshire Police.

1.4.8 NYCC – Lead Local Flood Authority
The planning application form states that surface water will be disposed of to main sewer. The Geo environmental Appraisal section 15.8 states that due to high groundwater levels and slow infiltration rates, soakaways are very unlikely to be practical and alternative SuDS may be necessary. The Planning Statement section 6.70 states that surface water will be discharged from site at 1.4l/s/ha. No further SuDS details were located.

Attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. Requirements are detailed in North Yorkshire County Council SuDS Design Guidance.

Members will be updated at Committee on additional comments received.

1.4.9 Ainsty Internal Drainage Board

The Board notes the additional information that has been provided in relation to surface water drainage at this site and observes the applicants intention to discharge into the Yorkshire Water surface water sewer in Church Fenton Lane to the west of the site. The Board further notes that Yorkshire Water has indicated that the discharge rate should be restricted to 70% of the existing flow rate (stated by the applicant as 2.7 l/s) from the site, however the applicant proposes to discharge at a rate of 5.0 l/s.

The Board is confident that lower flow rates can be achieved, but in raising this criteria, is seeking the Planning Authority consider if the applicant can confirm that a practical technical solution will be deployed to deliver these requirements; in particular that low flow discharges can be maintained and will not be prone to blockages.

The Board has no objections to the principle of this development but feels it is appropriate that the applicant clarifies the drainage strategy to enable an evaluation to be undertaken in terms of flood risk. The Board recommends that any approval granted should be subject to conditions.

1.4.10 Parish Council

Local residents are strongly opposed to this proposed development, with 34 having submitted objections in response to this consultation. The Developers conducted a limited public consultation (which did not go to all residents of the village) prior to submission of this application and of the 66 responses they received 57 did not support the proposed development. The Parish Council support the local resident's objections that have been raised and the main concerns are:

1. Outside the development Limits

The proposed development is outside the development limits for the village and is therefore contrary to Policy SP2A(c) of the Selby Core Strategy. This was given as a reason for the refusal of planning application 2016/0309/OUT and the Parish Council understand that it has also contributed to the refusal of application 2016/0403/OUT by the Planning Committee on 7th September 2016. The Parish Council request that a consistent approach is applied in consideration of this issue with regards to this application.

2. Overdevelopment

The Proposal for 28 dwellings, when added to the 34 that have been built or approved in Ulleskelf since the start of the Plan period in April 2011 would substantially exceed the minimum growth options of between 7-24 dwellings for Ulleskelf identified by research in connection with various growth options for the Designated Service Villages as part of the development of PLAN Selby in July/August 2015. This proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Ulleskelf and conflicts with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan. Again this was given as a reason for refusal of planning application 2016/0309/OUT and the Parish Council request that a consistent approach is applied when considering this application.

Selby District Council already have a 5-year Land supply in place, which was formally endorsed by the Executive in December 2015, so this site is not needed to ensure an adequate supply of deliverable sites in the district.

3. Infrastructure concerns:

a. Schools

The Parish Council are concerned about the ability of local schools to accommodate the additional pupils this development would create at both primary and secondary level as current provision is already at capacity and the local Primary school has not further possibility for expansion. How does the Local Education Department plan to accommodate the additional pupils created by this and other planned developments in the area within the local primary schools?

The Parish Council would also like assurances from the local Education Authority that they can accommodate the additional secondary school pupils created by this development, alongside other planned developments in the area, which would allow pupils from the Parish to continue to attend Tadcaster Grammar School.

b. Transport and Roads

The planning statement states that Ulleskelf is highly sustainable due to the level of services, facilities and public transport links (7.6). The Parish Council would dispute this conclusion as the public transport services have been cut significantly, such that both the train and bus services provide little possibility of conducting regular commutes to work or education facilities by public transport. Key local services are located outside the village and are therefore also difficult to access by foot, bicycle or public transport. Car ownership is therefore almost essential for anyone living in the village and this raises concerns about the increased levels of traffic the development would create alongside other developments in the area, including the significant number of car transporters that now use the roads through the village each day. With no footpath on one side of Church Fenton Lane, and the proposed entrance being near the school bus stop, the increased traffic raises concerns about the safety of pedestrians and particularly children on the roads.

Road flooding is also a concern with Raw Lane/New Road flooding most winters, which diverts all the village traffic, on a 4-mile detour through Church Fenton and Barkston Ash, on roads unsuitable for the current level of traffic this creates, so any increase to this will only exacerbate the problem. Last year, during the severe flooding in December 2015- January 2016, all three access roads to the village flooded, cutting off the village completely, except for the limited access that was allowed through the Airfield. Again any increase in the traffic volume will exacerbate the problem if this occurs again.

c. Drainage

The existing land drainage and sewerage in Ulleskelf is insufficient to deal with existing demands in times of heavy rain and its failure causes flooding in the Main Street and Ings Road areas. Are the developer's drainage proposals sufficient to ensure they do not make this problem worse? Problems with surface water drainage on this site were highlighted in a report entitled "Geoenvironmental Survey", produced by Lithos in March 2016 and there are concerns that these problems will be significantly increased if this development goes ahead. Yorkshire Water have stated that any surface water run-off should be restricted to existing amount, are the developers able to guarantee that this will be the case?

4. Noise, Light and Pollution issues

Residents of nearby properties have also raised concerns about significant noise, light and pollution as vehicles enter and exit. In particular the residents of the bungalow directly opposite the proposed entrance would be adversely affected by the car headlights, shining directly into their bedroom.

5. Important wildlife habitat

The Ecological report states that no bats, hedgehogs or owls are found on the site, however local residents report that this is incorrect as these and other wildlife species are frequently found on the site. As a result of this inaccuracy, appropriate consideration has not been given to this issue by the developers.

6. Character of the Village

The proposed development is too large, with too many properties on it and this estate-style development is not in character with the style of nearby properties, which is contrary to Policy SP19 of the Core Strategy.

1.4.11 Council's Contaminated Land Consultant

Has requested further information from the applicants in relation to possible contamination arising from the adjacent garage use and the applicants have agreed to provide this prior to the committee meeting. Members will be updated on any additional information received at the Planning Committee meeting.

1.5 **Publicity**

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting in 34 letters of representation being received. The application was advertised as a departure. The issues raised are summarised below:

Contrary to Development Plan Policies regarding location of new housing

- Outline approval already granted for 30 dwellings at Church Fenton Lane
- 25 houses at West End recently refused
- Exceeds amount of development recommended for Ulleskelf in Growth Options report (7-24 properties, based on size and accessibility to services)
- Outside of Development Limits
- Unacceptable level of growth
- Contrary to Core Strategy Policy SP2A
- Recent outline permission for 5 dwellings refused in June 2016 on basis that village is already over quota and applications in Sherburn in Elmet have been refused on the same basis
- two further developments have been recently approved for 9 and 39 dwellings respectively on the former Church Fenton airbase, which lies within Ulleskelf Parish.
- Application reference 2016/0309/OUT was recently refused by the Council because the site was outside the parish envelope; it would lead to an unacceptable level of growth for the village, being inappropriate to the size and role of Ulleskelf, since the number of dwellings built/agreed for development since 2011 would significantly exceed the growth options of 7-24 dwellings. The application was considered intrusive and totally out of character with that part of the village. Current application should be refused to ensure consistency.

Demand for Housing

- There is a range of properties of different types and sizes for sale within the Parish. This coupled with existing and approved development would lead to a glut in supply when there is no demonstrable demand for the dwellings.

Density

- the density of dwellings on the land is disproportionately high and not in keeping with the rest of the village.

Flood Risk and Drainage

- Majority of village is in Flood Risk Zone 2
- Flooding events in Ulleskelf are recurrent and severe – development would lead to additional surface water run-off thus affecting other properties downstream
- Floods at Christmas 2015 damaged several homes and rendered the village isolated with all 3 roads out of the village impassable. The road to Tadcaster remained closed for 3 months. On an annual basis the road to Tadcaster floods and is forcibly closed to traffic at least every year if not twice a year.
- Will increase surface water run-off. The village itself is built on sloping land with the area closest to the river Wharfe significantly lower than the southern end of the village (where the proposed site sits). As a result excess rainfall and surface water drainage caused by the development would run directly downhill to the lower part of the village exacerbating the flood risk and damage in the event of water breaching
- The proposed development will reduce the green field soak away capacity, even with additional measures such as a soak away tank, and increase the surface water run-off into the remainder of the village – including my property and land. This can only serve to increase further the risk of flooding within the village
- Foul water drainage is already a problem during flood events with additional impact upon Bolton Percy where the water is pumped to. The Council acknowledge that foul water services require an upgrade.
- In Bolton Percy raw sewage has been seen on several occasions running down public roads into residential properties
- Selby District Council have already estimated the rebuild cost of Ulleskelf flood defences as being in the region of £10 million and this scheme has not yet been developed due to underlying cost/benefit analysis.
- Such were the concerns around flooding and land drainage on the site that a previous developer withdrew their interest in acquiring the land after a significantly lower sale price was refused by the current landowner/s.
- Flood risk assessment is incomplete.
- No report from Yorkshire Water with regard to impact on sewerage.
- Standing water often seen on the site. Difficult to understand how the developer's surface water storage tank could function in such conditions

Highways /Traffic /Transport Issues

- Limited train and bus services
- Key local services have to be accessed by car
- No cycle paths
- Combination of this and the other development on Church Fenton Lane are likely to put another 100 cars on the road at peak times.
- Risk of accidents, as site is adjacent to the pick-up/drop-off point for primary and secondary school buses.
- Already congestion in Church Fenton at rush hour
- Roads used by car transporters from airfield at Church Fenton

- Transport Consultant's report is flawed. It highlights the virtue of the close proximity of the national cycle network at Bolton Percy (section 4.6), but neglects to note that it is impossible to cross the river Wharfe by bicycle between Tadcaster and Cawood therefore rendering the cycle route totally inaccessible. Also makes no reference to flooding, which causes congestion and accidents.
- In places in the village there are no footpaths so pushchairs and wheelchair users have to use the road. The risk of accident would be increased with circa 50 extra cars in the village with much on road parking and several blind corners.

Out of Character/ impact on Landscape and Wildlife

- Scale and location inappropriate and intrusive
- Detrimental impact upon character of the area and the setting of the village
- Contrary to policies SP19 and ENV1
- Four Leaf Nursery field and adjoining green strips are an inherent part of the character of the village
- Site supports Barn Owls, Sparrow-hawks, Kestrels, Bats and Hedgehogs.
- Ecological report is misleading and incorrect. Bats are seen in numbers every night hunting over the site and adjoining gardens. Hedgehogs are seen on a daily/nightly basis (during the warmer months) using the Four Leaf Nurseries site as both foraging ground and 'transit corridors'.
- Planning application form incorrectly completed re wildlife/ hedgerows
- Incongruous and out of character with the form and layout of the village.
- Style of houses not in keeping and squashed together. Houses that border the site are of individual design and a variety of materials and new dwellings will be out of character

Noise and Light Pollution

- Houses opposite and along the stretch of road adjacent to the development will incur significant and intrusive noise and light pollution as vehicles enter and exit the site
- Rise in noise and light pollution not only from the dwellings, their inhabitants and vehicles but also street lighting.
- The additional presence of approximately 45 vehicles will lead to a fall in air quality and a rise in particulate pollution to my property.
- Main bedroom window directly opposite the entrance and will be badly affected by car headlights, people looking directly into the window, noise and pollution. Same applies to no 28 which has a living room window opposite. Difficulty exiting the drive as a result of the development.

Impact upon Education/Services and Infrastructure

- Water pressure in the village is already very low and further development will exacerbate this.
- The nearest primary school (Kirk Fenton) is already at capacity despite the construction of 3 new classrooms in the last few years. Other local primary schools in Barkston Ash, Tadcaster and Saxton are also at, or close to, capacity.
- The parish currently falls within the catchment area for Tadcaster Grammar School which is already one of the largest secondary schools in Great Britain and is currently oversubscribed with applications from pupils from as close as Church Fenton being refused.
- Should be refused on the grounds of insufficient capacity within the education sector.

- Only one pub, post office/store and garage to serve this village.
- No employment opportunities in the village which will result in commuting.
- No gas supply to the village

Loss of Privacy

- Unacceptable overlooking of adult and child bedrooms as well as reception rooms which cannot be mitigated sufficiently by the erection of additional fencing or screening.
- Impact will be felt by every adjoining property and indeed by properties further away in the village.

Community Consultation Exercise

- Despite an overwhelmingly negative response to their own “community consultation exercise”, Stonebridge Homes have forged ahead with breath-taking and flagrant disregard for the views of the community.
- 86.5% of residents do not support the development.

Amended plans have been received incorporating minor changes to the layout and providing boundary details. Neighbours have been re-consulted and the following comments have been received:

- The amendments make no difference to original objections and still totally opposed to the development
- Does not address any of my original objections
- Where will people come from to occupy these properties?
- Wholeheartedly object to this planning application on grounds of insufficient capacity within the education sector, the development is significantly detrimental to the character of the village, the infrastructure and local transport links, noise, light and intrusion and privacy issues,
- There is no demand for the properties. At present there are 6 dwellings for sale on Church Fenton Lane, all of varying size and accommodation. These have all been on the market for over 6 months so cannot see the point in building more.
- The new proposed entrance T junction is directly opposite my property. Vehicles leaving the development at night will point straight at my master bedroom and living room windows, bringing potential light pollution and extra traffic noise. I fear the disruption during the construction phase. I will permanently lose my parking on the road outside, and will face extra hazards using my driveway. I think that this development will adversely impact on my property more than any other in the village, and wish to once again object in the strongest terms.
- Since our previous objections the minutes for the Selby District Council Planning Committee Meeting 7th September 2016 have been published, making it clear that the reason the West End Farm Development (2016/0403/OUT) was refused was that "The proposal for 25 dwellings, when added to the 34 dwellings that have been built or approved in Ulleskelf since the start of the Plan Period in April 2011 would substantially exceed the minimum growth options of between 7 -24 dwellings for Ulleskelf identified by research in connection various growth options for the Designated Service Villages as part of the development of PLAN Selby in July / August 2015. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Ulleskelf and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan".

The proposed Four Leaf Nurseries development should be refused on the same ground

- Unacceptable level of growth which would be inappropriate to the size and role of Ulleskelf and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.
- Would be located partially within the open countryside and approval of this application for housing is in conflict with the recently adopted Core Strategy's spatial development strategy for this Designated Service Village in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A) and (E).
- Development has not been widely publicised in the village
- Ulleskelf reported in a Sky news feature in respect of flooding
- Concern about lack of footpaths re-iterated
- Loss of light
- Pollution
- Loss of privacy
- Noise and light disturbance from car park adjacent back garden
- Sewerage and drainage systems can't cope
- Ground water and river contamination possible
- Site is home to bats , owls and hedgehogs
- New builds are generic and don't match the varied nature of village properties.
- Doesn't respect character of surroundings
- In rural areas and on the edge of settlements, intensive livestock units can create problems associated with smell. PPG7 suggests that new residential development should not normally be permitted closer than 400 metres from existing intensive livestock units."- how can you ensure local farmland isn't used for livestock in the future?
- The council want to reduce car journeys so how can it make sense to approve a development where there are no school, employments or shops which will lead to increased pollution?
- For this development to proceed it requires a perfectly good property to be demolished
- Car transporters and heavy farm plant making walking to adjacent villages dangerous
- By the councils own admission the train service can be described as limited at best.
- Scheme at Boggart Lane Ulleskelf was rejected due to "the level of development already approved." Hope for consistent decision making.

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
SP8 - Housing Mix
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

2.3 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads
RT2 - Open Space Requirements
CS6 - Development Contributions-Infrastructure

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 and the NPPG.

2.5 Other Policies/Guidance

Affordable Housing Supplementary Planning Document, 2013
Developer Contributions Supplementary Planning Document, March 2007
Ulleskelf Village Design Statement, February, 2012
North Yorkshire County Council SuDs Design Guidance 2015

2.6 Key Issues

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

1. The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
2. Identifying the impacts arising from the development in terms of:
 - Impact upon the Character and Form of the Locality
 - Flood risk, drainage and climate change
 - Highway issues
 - Impact upon nature conservation and protected species
 - Affordable Housing
 - Recreational Open Space
 - Education, Healthcare, Waste and Re-cycling
 - Contaminated Land and ground conditions
 - Residential Amenity
 - Archaeology
 - Other Issues
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

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

2.7.2 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 Ulleskelf 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.”

- 2.6.4 The proposal does not meet Policy SP2A(c) as it is not 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.
- 2.6.5 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.
- 2.6.6 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."
- 2.6.7 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 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

- 2.6.9 In respect of sustainability, the site is adjacent to the development limits of the village which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village contains a public house, a village hall, a Methodist Chapel, a general store including Post Office, and sport and recreation facilities which include playing fields, a multi-purpose general sports area for older children and a play area for younger children. It also benefits from a railway station and bus services to York and Selby, albeit these offer limited services. Notwithstanding this in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.
- 2.6.10 In addition to the above it is noted that the village of Ulleskelf has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location. The village is considered to be “least sustainable” in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, however this is due to the settlement not being very well served by public transport and its limited access to employment. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Ulleskelf, 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.
- 2.6.11 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 contribute to the local economy providing additional funds through CIL which would contribute to local services and facilities as well as providing employment during the construction period.

Social

The proposal would support the existing local facilities in the village, such as the church, shop and public house, helping to maintain their viability.

Environmental

The proposal would not have an adverse effect upon the local landscape or nature conservation and the scheme would mitigate against climate change through the use of solar panels to help provide energy for the development.

The above factors weigh in favour of the development.

Previous Levels of Growth and the Scale of the Proposal

- 2.6.12 Core Strategy Policy SP4 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. Policy Officers have confirmed that Ulleskelf has seen 34 dwellings built and/or approved in the settlement since the start of the Plan Period in April 2011.
- 2.6.13 Core Strategy Policy SP4 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Ulleskelf has exceeded its dwelling target. As a guide, Policy Officers have confirmed that the Council consulted on various growth options for the Designated Service Villages as part of the development of PLAN Selby in July/August 2015 and at this point the research indicated minimum growth options of between 7-24 dwellings. While the level of development in the settlement may be broadly on track to achieve more than the stated potential growth options, the scale of this individual proposal, at an indicative 25 dwellings, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.
- 2.6.14 Members will recall that planning permission was recently refused for the erection of 25 dwellings on land at West Farm West End Ulleskelf and residents have drawn attention to this in their comments on the current application, suggesting that it can be refused for the same reasons. However, the application was refused at a time when the Authority had an appropriate 5 year supply of housing. In the circumstances the reasons for refusal used in the West End Farm case may not stand up to scrutiny, in the absence of a 5 year supply and this case needs to be treated on its own merits.
- 2.6.15 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 section looks at the impacts arising from the proposal.

2.9 Impact on the Character and Form of the Locality

- 2.9.1 Relevant policies in respect to design and impact on the character and appearance 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 requires an appropriate housing mix to be achieved.

- 2.9.2 Significant weight should be attached to 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, 60, 61, 65 and 200.
- 2.9.3 The application is a detailed one where full layout and house type drawings have been supplied. The scheme proposes 28 dwellings served by an adopted highway with access from Church Fenton Lane and leading to a private drive at the northern end serving 5 properties. A mixture of 2, 3 and 4 bedroomed properties are proposed and this is considered to accord with Policy SP8 of the Core Strategy regarding housing mix.
- 2.9.4 Layout - The shape of the site tapers at the northern end and is quite narrow, which restricts possibilities with regard to the layout. The possibility of reducing the number of dwellings and turning the plots sideways on was discussed but dismissed by the applicants because it would reduce the number of units and also these plots would then be less able to take advantage of rural views to the east over countryside.
- 2.9.5 Since submission the layout has been amended to move Plot 1 away from the boundary with the 4x4 garage and the entrance road has been realigned to be more central within the site. These amendments mean that Plot 1 now aligns with the adjacent dwelling to the south and now has the access road separating it from the 4x4 garage. Plots 2 and 3 have also been amended so that they are now detached rather than semi-detached and the parking arrangements have been improved. Plots 22-27 remain unchanged, although Plot 28 now has a different house type with a separate garage.
- 2.9.6 Other changes to the layout are as follows:
- Changes to the car parking spaces to plots 7-12
 - Provision of LPG tank storage area next to Plot 10
 - Provision of rear access to all mid-terrace plots
 - Provision of 1m gap to rear of plot 4 to allow for existing conservatory to boundary
 - Minor adjustment to position of plots 7 and 14
 - Change of plot 4 from 3 bed unit to a 2 bed unit
- 2.9.7 The above changes are, in the main, considered to be an improvement upon the original scheme. However, it is disappointing that the applicant has chosen not to provide an area of recreational open space within the site. This is considered in more detail in paragraph 2.14 below.
- 2.9.8 Appearance - The applicant proposes 15 x 4 bedroom units, of which there are 5 house types, 8 x 3 bedroom units, of which there are 2 house types and 5 x 2 bed units all of the same house type. The house types proposed are of a fairly traditional design being mainly of brick under tiled pitched roofs, with white upvc windows and black rainwater goods.
- 2.9.9 The Ulleskelf Village Design Statement states at paragraph 1.7 that “variety in the buildings is the key to the character. Some later developments have introduced standardisation and uniformity but these are few.” Whilst the house types proposed are considered to be acceptable and sufficiently varied, in keeping with the Church Fenton Lane Character Area, the proposed palette of materials in the materials

schedule is fairly limited and it is therefore recommended that a condition be applied requiring details of materials to be submitted and agreed.

2.9.10 Scale and Density – All of the dwellings proposed are two storeys in height and in keeping with the character of existing properties on Church Fenton Lane. The density of development is higher than that of Church Fenton Lane at some 31.1 dwellings per hectare, but it is nevertheless appropriate to this location and not out of character with the rest of the village. For a number of years the Government advised that densities should not be less than 30 dwellings per hectare and although this is no longer enshrined in policy it is still considered to represent an acceptable density for most locations.

2.9.11 Landscaping and trees – The applicants have carried out a tree survey which has found that the trees on the site are generally in good condition. Only one section of hedge and one tree require removal to facilitate the development and the rest are to be retained. There are hedgerows along the southern and eastern boundaries as well as a small section of the western boundary at the northern end of the site. The applicant has not as yet submitted a landscaping scheme and this will need to be conditioned should planning permission be granted.

2.9.12 To conclude, the overall layout, design, appearance and tree proposals are considered to be appropriate for the site and in accordance with Policies ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 “Design Quality” of the Core Strategy and Policy SP8 regarding housing mix.

2.10 Flood Risk, Drainage, Climate Change and Energy Efficiency

2.10.1 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.

2.10.4 The application site is located within Flood Zone 1 which is at the lowest risk of flooding and the sequential test is therefore not required in this case. Notwithstanding this, there is unease amongst local residents about the drainage of the site, particularly since the floods of 2015 where roads in and out of the village were badly affected by flood water and there are worries that the development of this site could make existing drainage and flooding problems in the village worse.

2.10.5 The applicants submitted a Flood Risk Assessment (FRA) with their application which concluded that the site may flood during a 1 in 100-year event when the effect of climate change is considered. The effect of this on the development can be overcome by setting the ground floor level of the new dwellings to be at a minimum of 9.38m AOD, 0.600m above the flood level of 8.78m AOD. It goes on to say that good design practice should be followed in the design of the new site surface water drainage system to ensure it has sufficient capacity to cope with extreme rainfall events. The IDB raised some concerns regarding the lack of a drainage strategy for the site and the applicants subsequently revised the FRA and prepared more drainage information.

2.10.6 The Internal Drainage Board, Yorkshire Water and the County Council as Lead Local Flood Authority have all been re-consulted on the additional drainage

information but at the time of writing only the IDB has responded. The IDB has raised concerns about the rate of surface water run-off and the applicants have been asked to provide more details on how this matter will be dealt with. The applicants are intending to submit further details and stipulate that they are confident that the surface water can be attenuated appropriately. It is considered that drainage concerns can be overcome through the inclusion of planning conditions to ensure that the proposal is built in accordance with the submitted Flood Risk Assessment and through the development of a drainage strategy before any development commences. A further report will be made to members on this issue at the Planning Committee meeting.

2.10.7 It is noted that in complying with the 2013 Building Regulations Standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(b) and criterion (c) of Policy SP16 of the Core Strategy. In order to comply with the specific requirements of Policy SP16 which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources, a condition should be imposed in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy.

2.10.8 Having taken the above into account, and subject to the submission of an appropriate drainage strategy by the applicants, the proposed scheme can adequately address flood risk and drainage subject to appropriate conditions. In addition climate change and energy efficiency measures can be secured via condition, in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.11 Highways Issues

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

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

2.11.2 The application is accompanied by a Transport Assessment which examines the existing highway provision, traffic flows, accident levels and sets out the trip generation and traffic flows anticipated as a result of the proposed scheme. The report concludes that the proposed development could be accommodated on the existing highway network, without any significant negative impacts. The report concludes that there are no highway capacity reasons why the development should not be granted planning permission.

2.11.3 The report indicates that there is a continuous, lit footway along the western side of Church Fenton Lane, opposite the proposed development site and that the principal desire line for pedestrians is likely to be north from the site access towards Ulleskelf and the railway station. Facilities within the preferred maximum walking distance of 2km include bus stops on Church Fenton Lane (70m) and Main Street (200m), Ulleskelf Train Station (220m), the Ulleskelf Arms pub (250m), post office / local shop (450m), village hall (500m) and two churches (200m and 380m). The report also points to nearby cycle routes and concludes that despite the relatively rural

location of the site, residents will have access to a range of key services both within Ulleskelf and further afield by sustainable travel modes.

2.11.4 The application site would be served by a single vehicle access which would be positioned fairly centrally within the site frontage onto Church Fenton Lane. The County Highway Authority have raised no objections to the principle of the development subject to a number of conditions. However, the position of the access has moved slightly on the amended layout plan and the Highway Authority has been re-consulted. Any further comments received will be reported at the Planning Committee meeting.

2.11.5 Local residents have raised concerns about the additional traffic that would be generated from the development on already busy roads, through the village, some without footways. However, in the absence of any objections from the highway authority a refusal of permission on these grounds would be difficult to substantiate.

2.11.6 It is therefore considered that the scheme would accord with Policies ENV1 (2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network, subject to conditions.

2.12 Impact upon Nature Conservation and Protected Species

2.12.1 Relevant policies in respect of 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 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration. The application site is not a formal or informal designated protected site and nor is it in close proximity to any site supporting protected species or any other species of conservation interest.

2.12.3 In respect of the requirements of the Habitats Regulations 2010, it is noted that as a competent authority the local planning authority should have regard to the requirements of the Directive so far as they might be affected by those functions. The Directive allows “derogation” from the requirements of the Directive where there are reasons of “overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment” and provided that there is “no satisfactory alternative” and the proposal would not be “detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

2.12.4 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 that cannot be avoided (through locating on an alternative site with less harmful impacts), be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

2.12.5 The application is accompanied by a Phase 1 Ecological Survey. The report concludes that the site comprises mainly semi improved neutral grassland with hedgerows along the eastern, southern and small stretches of the western site boundaries. Although none of these hedgerows could be classed as “important” under the Hedgerow Regulations 1997, they still provide areas of higher ecological value.

2.12.6 Impacts on the nearby statutory and non-statutory wildlife sites would not be expected due to lack of habitat connectivity. The site’s hedgerows are considered to be of some value to nesting birds but there are no protected species present on the site other than general use for foraging purposes. In order for the development to make a positive contribution to biodiversity, the following recommendations are made in the report:

- Plant additional hedgerows around the western and northern site boundaries and include in garden areas. Existing gappy hedges should be planted with additional native species and non-native species should be removed.
- Landscaping should utilise a range of native species, relevant to the local area such as holly, oak (*Quercus* sp.), hawthorn, blackthorn, crab apple (*Malus sylvestris*) and buckthorn (*Rhamnus pumila*).
- Where fences are used in gardens, connect by creating at least one small hole (at least 15cm in diameter) in each boundary fence line, thus increasing the amount of accessible foraging habitat for hedgehogs.
- Incorporation of bird and bat boxes within new builds.

2.12.7 Both Natural England and the North Yorkshire Bat Group have been consulted on the proposals. The former has not raised any objections and the latter has not provided comments.

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

2.13 Affordable Housing

2.13.1 Policy SP9 states that the Council will seek to achieve 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. 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 A viability appraisal has been submitted in support of the application which indicates that the development will only support 3 affordable dwellings. The appraisal has been reviewed by the District Valuer and following further negotiations the applicant has agreed to provide 6 affordable dwellings which works out at 21%. Whilst this is less than the 40% we would normally require, officers are satisfied that this is

reasonable due to abnormal costs which would ensue on this site through the need to provide an appropriate drainage solution.

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.

2.14.2 Policy RT2(b) states that for schemes of more than 10 but less than 50 dwellings there are four options for the provision of recreational open space and that these are subject to negotiation. In this case the applicants do not wish to provide any on-site open space as they argue that there are adequate facilities locally within the village, including a children's play area, playing fields and a MUGA. This argument is accepted in this case as these facilities are all within walking distance of the site and there is no deficiency of recreational open space reported in the Recreation Open Space Strategy. A contribution will, in any event be made towards off-site recreational open space through CIL.

2.15 Education, Healthcare, Waste and Recycling

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, 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 North Yorkshire County Council Education team were consulted on this application but they have not responded. However, since the adoption of the Community Infrastructure Levy (CIL) a sum would be collected by this means which can be spent towards education provision in this area.

2.15.3 No response has been received from the Healthcare Service in relation to healthcare contributions, however, the adoption of CIL means that a sum will be collected which could contribute towards healthcare provision if required.

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 Section 106 agreement.

2.16 Contaminated Land and Ground Conditions

2.16.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is accompanied by a Geo-environmental Appraisal prepared by Lithos, which concludes that there is no made-up ground within the site there is no hydro-carbon contamination, and there are no known quarries or areas of landfilling within 250 metres of the site.

2.16.2 The Council's Contaminated Land Consultant has been consulted and these comments will be reported to Members at the Committee. It is most likely that any

contamination issues can be controlled by condition and this would accord with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.17 Residential Amenity

- 2.17.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by Policies ENV1 (1) and ENV2 of the Local Plan and Paragraph 200 of the NPPF.
- 2.17.2 The proposed development is close to existing residential properties to the north and west and some residents have concerns regarding overlooking of their properties. At the northern end of the site properties in Church Fenton Lane are 32 metres away from plots 15-18 which directly face existing rear elevations. However at this distance it is not considered that a reason for refusal on the grounds of overlooking could be substantiated. Plot 14 backs onto the side elevation of the property and the end of Marlborough Close. The plans have been adjusted to increase the distance from the rear elevation of plot 14 to the side elevation of the existing dwelling to 16 metres and this is considered to be acceptable.
- 2.17.3 Plots 7 and 10 are side on to the existing dwellings. Plot 7 is close to the boundary with an existing dwelling in Church Fenton Lane but this is also side on to the new plot and there is a high wall along the boundary. Whilst the proposed new dwelling on Plot 7 would have some impact on sunlight to first floor south facing windows to the existing dwelling, this would only occur in the morning and would not cause such significant loss of amenity to warrant refusal of permission.
- 2.17.4 Adjacent to Plot 10 are sited LPG storage tanks which would provide a gas supply to the site. Although this would be close to properties in Church Fenton Lane, the tanks would be located below ground and have minimal visual impact. Environmental Health have been consulted on the revised plans and a verbal report on any comments received will be made at the Committee meeting
- 2.17.4 Plots 4, 5 and 6 face towards an existing bungalow with rooms in the roof and a large conservatory which has been built with glazing along the boundary of the application site. The applicant has no legal right to a view over the application site although they appear to have enjoyed this view for some time. The applicants could build a wall or fence right alongside the glazed wall of the conservatory as permitted development. However, they propose a metre gap at this point to enable light to the conservatory to be maintained and also to facilitate maintenance. The end wall of the existing dwelling has a window at first floor which would be 13 metres away from the rear of plots 4, 5 and 6. Whilst this is close, the elevation facing the application site is the side elevation with the main aspect to the property facing north/south. The conservatory has an opaque roof which means that the first floor windows to plots 4, 5 and 6 cannot see down into it. There would potentially be some overlooking of the existing first floor window however, and in order to minimise overlooking it is recommended that the first floor windows to plots 4, 5 and 6 be fitted with obscure glazing to the lower half of the windows.
- 2.17.5 Local residents have raised concerns about noise and light pollution arising from the development. In particular they are concerned about noise from additional traffic using the site and also problems with light pollution from additional street lighting and car headlights shining into windows. Residents have also raised concerns in

respect of air quality. Whilst there will inevitably be impacts arising from the development it is not considered that any loss of amenity arising would be so significant as to warrant refusal of permission. Environmental Health have been consulted and have not raised any concerns in these respects.

2.17.6 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.

2.18 Impact on Heritage Assets

2.18.1 Relevant policies in respect to the impact on the historic environment and archaeology include Policies SP18 of the Selby District Core Strategy Local Plan and Policy ENV28 of the Selby District Local Plan. Policy ENV28 should be afforded significant weight as it is broadly compliant with the NPPF. Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.

2.18.2 The County Archaeologist has been consulted regarding this application and has stated that there are no known archaeological deposits within the development area or its immediate vicinity and no objections to the development are raised. As the potential for archaeological remains on the site is low, it is considered that a condition for an archaeological watching brief would, in this instance, be unnecessary. The proposal therefore complies with relevant Development Plan policies.

2.18 Presumption in Favour of Sustainable Development

2.18.1 In assessing the proposal, the development would bring economic, social and environmental benefits to Ulleskelf. Matters of acknowledged importance such as design, effect upon the character of the area, landscaping, boundary treatments, impact on trees, drainage and climate change, impact on highway safety, residential amenity, nature conservation and protected species, affordable housing, recreational open space and impact on heritage assets are considered to be acceptable.

2.18.2 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, Selby District Local Plan and the Core Strategy.

2.18.3 The proposals accord 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 Other Issues

2.19.1 The Police Architectural Officer has been consulted on the proposals and has confirmed that the development lies within an area with relatively low crime & disorder levels. It has been requested that a planning condition is attached to any

permission granted requiring that prior to the commencement of any works that the applicant provides full written details of what crime prevention measures are to be incorporated into the development.

2.20 Conclusion

2.20.1 It is considered that the layout and appearance of the development are acceptable and the proposals would not significantly detract from highway safety or residential amenity. The proposals are considered to be acceptable in respect of the impact on flooding, climate change, archaeology, affordable housing and protected species. Subject to satisfactory additional information being received with respect to drainage and no objections being received from consultees with regard to contaminated land, it is considered that the proposal would be acceptable when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

2.21 Recommendation

This planning application is recommended to be APPROVED subject to no objections being received from consultees regarding drainage, flood risk and contamination, and delegation being given to Officers to complete the Section 106 Agreement to secure 21% on-site affordable housing provision and a waste and recycling contribution and subject to conditions of a similar nature to those detailed in Paragraph 2.21 of the Report and any additional conditions requested regarding drainage, flood risk and contamination.

01. The development for which permission is hereby granted shall be begun within a period of 3 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. Notwithstanding the submitted details, prior to the commencement of work above foundation level, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

03. The boundary treatment shall be carried out in accordance with drg no (to be inserted into the decision notice) unless otherwise agreed in writing with the Planning Authority.

Reason:

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

04. No development shall take place until full details of the proposed means of disposal of foul drainage, have been submitted to and approved in writing by

the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To ensure that the development can be properly drained and in the interests of satisfactory and sustainable drainage in accordance with Policies SP15, SP16 and SP19 of the Core Strategy

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. (To ensure that no surface water discharges take place until proper provision has been made for its disposal.)

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system causing overloading, in accordance with Policies SP15, SP16 and SP19 of the Core Strategy

06. Before any development is commenced the approval of the Local Planning Authority is required to a full scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

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

07. 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.

08. Details of external lighting of the development shall be submitted to and approved in writing by the Local Planning Authority before the external lighting works for the phase of the development are commenced. The proposed scheme shall:
- Indicate the location of external lighting and provide technical details of the type of lighting to be installed and spillage resulting;
 - Ensure that it represents the minimum level required for security purposes;
 - Be designed to minimise glare and spillage.

Reason:

In the interests of ensuring that the proposals would not have an adverse impact on this rural location.

09. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) 4089/FRA01B, dated April 2016, and the following mitigation measures detailed within the FRA:
1. There should be no development on land that is currently below 9.13m above Ordnance Datum (AOD); the flood level recorded from the Winter 2015 flood event.
 2. Finished floor levels are set no lower than 9.73m AOD.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

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

10. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Preliminary Ecological Site Appraisal.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

11. No development shall take place until a Construction Method Statement 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
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction

- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routes

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 12. No development shall take place until full details of the proposed lighting for the site including external lighting to the dwellings, have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and no further external lighting shall be added to the properties.

Reason:

In the interests of ensuring that the proposals would not have an adverse impact on this rural location.

- 13. The development shall be carried out in accordance with the recommendations in the submitted Arboricultural Survey received on 5th August 2016.

Reason:

In the interests of the appearance of the site in this countryside setting and to accord with Policy ENV 1 of the Selby District Local Plan.

- 14. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings shall be inserted, without the prior written consent of the Local Planning Authority.

Reason:

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

- 15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing

- traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

INFORMATIVE

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

Reason:

In accordance with Policy T1 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.

16. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

In accordance with policy T1 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.

17. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Church Fenton Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason:

In accordance with policy T1 of the Selby District Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

18. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

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

19. The development shall be carried out in accordance with the recommendations of the Noise Assessment prepared by NoiseAssess Ltd received on 20th October 2016 and in particular, the following details shall be submitted to and agreed in writing with the Planning Authority prior to commencement of work above foundation level :

- a) Details of glazing and acoustic vents to Plot 1 front elevation bedrooms. (Windows should have a minimum performance of 37 dB R_w (eg double glazed units comprising one pane of 10mm and one pane of 6mm glass separated by a cavity of 10-20 mm) plus specialist acoustic vents with a minimum performance of 42 dB $D_{n,ew}$.)
- b) Details of an increased specification of insulation for upper floor ceilings and rooms in roof areas for all plots (eg double boarded with 15mm dense plasterboard (e.g. each board 12.6 kg/m²) with mineral wool in the cavity.

Reason:

In the interests of the amenity of future occupiers and to ensure that the development complies with the requirements of Policies SP19 of the Core Strategy and ENV1 of the Local Plan.

20. The acoustic fences shall be constructed in accordance with Figure 4 of the submitted noise assessment with regard to their height and shall be in accordance with the following specification :
The panels shall have a surface mass of not less than 17kgm² and shall be free from gaps and cracks. The barrier shall be of solid construction with

timber thickness of at least 20mm in all places. All joints to post to be effectively sealed as shall the joint between the lower edge of the panels and the soil. The barrier shall be maintained throughout the life of the development.

Reason:

In the interests of the amenity of future occupiers and to ensure that the development complies with the requirements of Policies SP19 of the Core Strategy and ENV1 of the Local Plan.

21. Prior to the commencement of work above foundation level, full details of crime prevention measure to be incorporated into the scheme shall be submitted to and agreed in writing with the Planning Authority and subsequently implemented in accordance with those details.

Reason:

In the interests of the security of the site and to ensure that the development complies with the requirements of Policies SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

22. The rear first floor bedroom windows to plots 4, 5 and 6 shall be fitted with obscure glazing to the lower half of the windows, in accordance with a scheme to be submitted to and agreed in writing with the Planning Authority prior to first occupation of those dwellings. The obscure glazing shall be retained in perpetuity for the lifetime of the development or unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy SP19 of the Core Strategy and ENV 1 of the Selby District Local Plan.

23. The proposed LPG Storage Tanks shall be maintained in accordance with the details submitted by the applicant unless otherwise agreed in writing with the Planning Authority.

Reason:

To maintain the safety and amenity of adjacent residents in accordance with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

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

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**

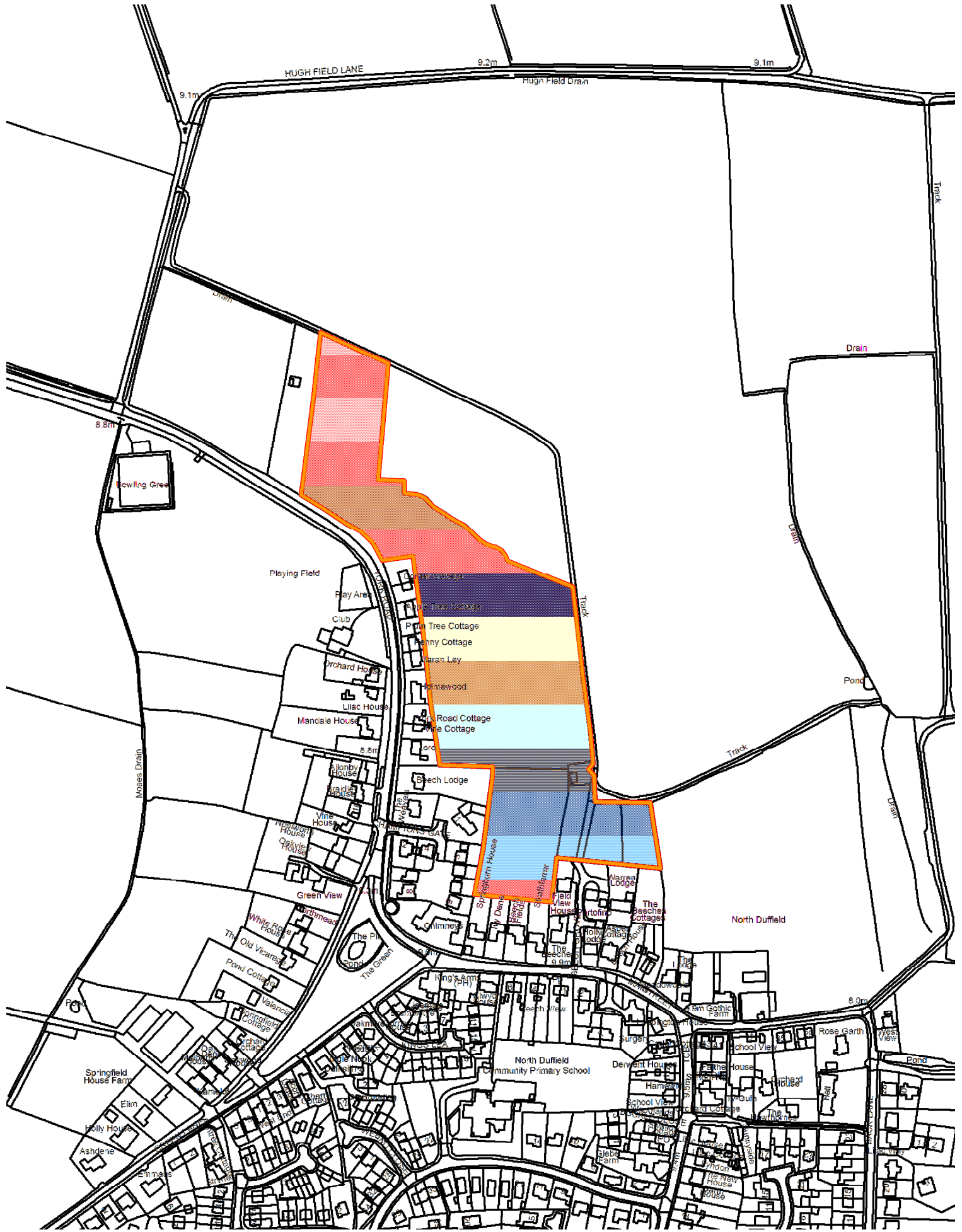
4.1 As stated in the main body of the report.

5. **Background Documents**

5.1 Planning Application file reference 2016/0926/FUL and associated documents.

Contact Officer: Jill Low, Principal Planning Officer

Appendices: None

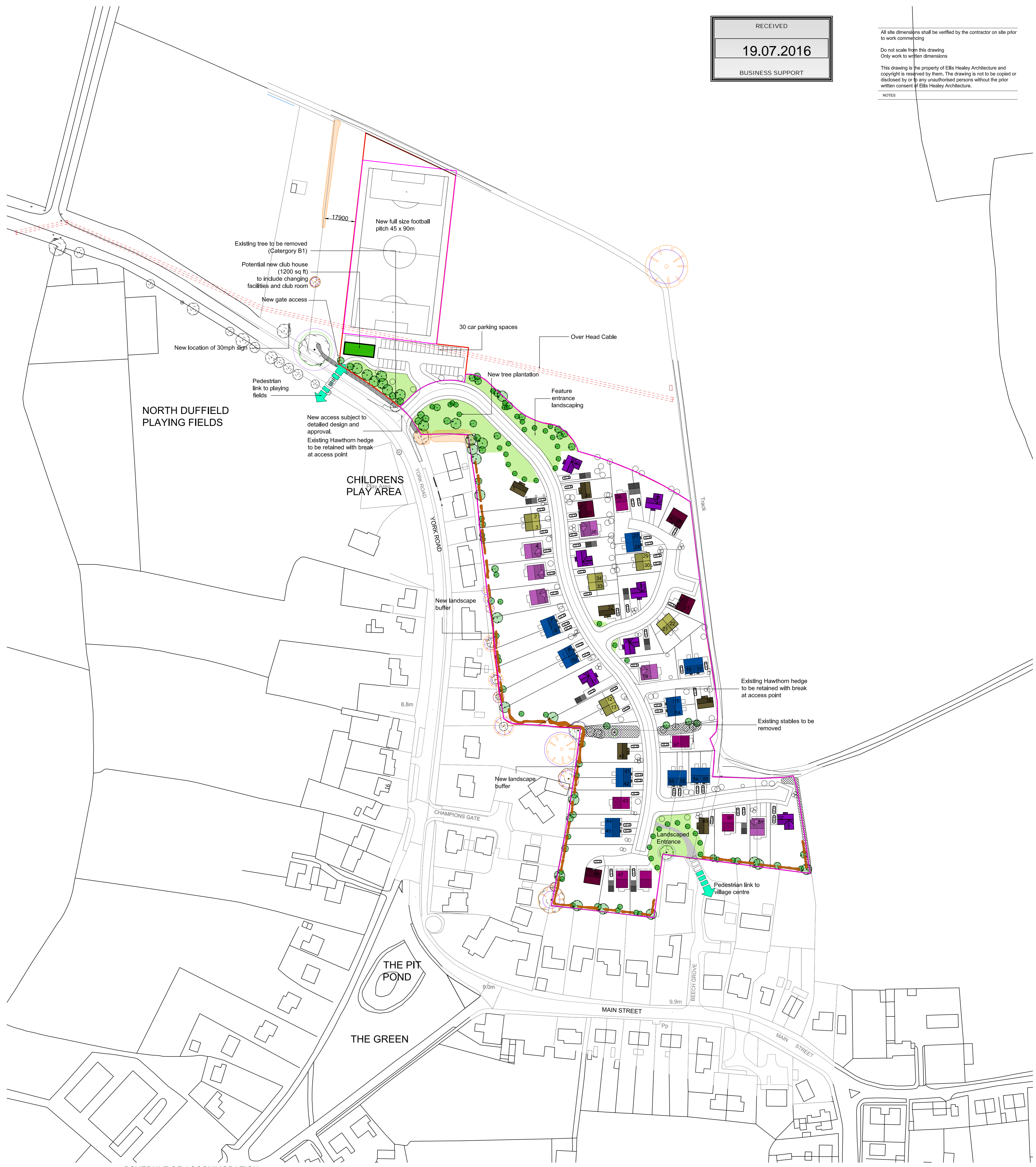


APPLICATION SITE

Item No: 2016/0644/OUT

Address: Main Street, North Duffield

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SCHEDULE OF ACCOMMODATION

TYPE 2A - 2 BED SEMI-DETACHED - 700 SQ FT (65 SQ M)	10
TYPE 3A - 3 BED SEMI-DETACHED - 785 SQ FT (73 SQ M)	18
TYPE 3B - 3 BED DETACHED - 1,177 SQ FT (109.4 SQ M)	6
TYPE 3C - 3 BED DETACHED - 912 SQ FT (84.7 SQ M) DETACHED GARAGE	6
TYPE 4A - 4 BED DETACHED - 1,170 SQ FT (108.7 SQ M)	6
TYPE 4B - 4 BED DETACHED - 1,237 SQ FT (115 SQ M)	7
TYPE 4C - 4 BED DETACHED - 1,157 SQ FT (107.5 SQ M)	4
TOTAL	57

NOTE: G.I.A. SHOWN EXCLUDING GARAGE SPACE

SITE AREAS	
NEW SPORTS FACILITIES	1.82 ACRES (0.74 HA)
RESIDENTIAL AREA (INCLUDING ACCESS)	7.51 ACRES (3.04 HA)
19 dwelling per hectare/ 7.7 dwellings per acre	

**AMENDED
DRAWING**

Rev A	LAYOUT AMENDED TO COMMENTS	07.07.16	(DPE)
Designation	Details of Revision	Date	Initials/Sign

ellis healey
 architecture

PLANNING

PROJECT: PROPOSED DEVELOPMENT AND EAST OF YORK ROAD NORTH DUFFIELD

TITLE: PROPOSED SITE LAYOUT

DRAWING NO: 1524 - PL - 10 A

BY/CHECKED: SCF / DPE DATE: MAY 2016

SCALE @A1: 1:1000

Round Foundry Media Centre, Foundry Street, Leeds, LS11 5DP
 Tel: 0113 3944355 E-mail: info@ellishealey.com



Report Reference Number 2016/0644/OUT (8/13/271A/PA)

Agenda Item No: 6.4

To: Planning Committee
Date: 11 January 2017
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0644/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	KCS Development	VALID DATE: EXPIRY DATE:	1st June 2016 31st August 2016
PROPOSAL:	Outline planning application for up to 57 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York Road and		
LOCATION:	Main Street North Duffield Selby North Yorkshire		

This application has been brought before Planning Committee because the proposal is contrary to the development plan. However, there are material considerations which would justify approval of the application. There has also been a high level of local objections.

Summary:

The proposed scheme is an outline application for residential development on land to the North East side of North Duffield abutting the development limits of the village. Outline planning permission is sought for up to 57 dwellings to include access (all other matters reserved) on land off York Road. The scheme includes the provision of the land only capable of accommodating the stated intended use for a new community football pitch with parking and a changing room/clubhouse.

The proposal would be contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. One such material consideration is the National Planning Policy Framework (NPPF).

Paragraph 14 of the NPPF requires that where the development plan is absent silent or out of date, planning permission should be granted unless the adverse benefits of doing so would significantly and demonstrably outweigh the benefits or specific policies of the framework indicate development should be restricted.

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

The NPPF indicates at paragraph 119 that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered. The scheme is assessed in this context and subject to no adverse comments being received from the RSPB on the additional survey information, concludes there would be no harm to protected habitats or species.

There would be some harm from the scale of the development and the level of growth of the village. Furthermore, although the site is well related to the settlement limits it does represent a large extension. However, no specific limits for the growth of the village have been set and the growth options at present are only a guide. The proposal is considered, on balance, to be acceptable in principle. In respect of matters of acknowledged importance such as climate change, flood risk, nature conservation interests (subject to comments of the RSPB and YWT), drainage (subject to comments from the North Yorkshire County Flood Authority on the additional drainage information), highway safety, contaminated land, archaeological considerations and impact on residential amenity it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits in terms of housing delivery of the application. Therefore the proposal is considered acceptable when assessed against the policies in the Selby District Local Plan, the Core Strategy and the NPPF in particular paragraph 14, taken as a whole. It is on this basis that permission is recommended to be granted subject to conditions and a Section 106 agreement.

Recommendation

This planning application is recommended to be APPROVED subject to:-

- i) No adverse comments from RSPB and NYCC Flood Authority on the additional bird surveys and drainage information, and to any appropriate conditions recommended.**
- ii) Delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, the provision of on-site recreational open space in accordance with Policy RT2 of the Local Plan and a waste and recycling contribution**
- iii) The conditions set out in paragraph 3 below.**

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the open countryside but adjoins the defined development limits of North Duffield on the north east side of the village. It comprises an area of 3.70 hectares of currently open undeveloped grassland.

1.1.2 The site is bounded to the west and south by existing housing development of mixed form, size, design and materials. To the north and east is open countryside.

1.2 The proposal

- 1.2.1 Outline planning permission is sought for up to 57 dwellings to include access, the provision land for a football pitch and associated facilities including a changing room/clubhouse and car parking area for 30 vehicles (all other matters reserved) on land off York Road, North Duffield.
- 1.2.2 Access would be from the north end of the site just beyond the village limits onto York Road. A pedestrian link from the south end of the site is indicated, linking through to existing housing.
- 1.2.3 The indicative plans suggests a layout providing for a mix of detached and semi-detached house types accessed from a main spine road running from north to south of the site. The layout includes the provision of land for a football pitch, car park and clubhouse to the north of the housing area.

1.3 Planning History

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

2015/1025/OUT (Refused- 25.11.2015) Outline planning application for up to 65 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) on land off York Road was considered at the Planning Committee Meeting of 23 November 2015 and was refused for the following reasons;

01. The applicant has failed to provide sufficient information, in the form of trial trenching to allow the Local Planning Authority to make an appropriate and full assessment of the archaeological significance of the application site, given that the site had been indicated to have potential for archaeological remains from the Iron Age/ Romano British periods. The proposal is therefore contrary to Policy ENV28(A) of the Selby District Local Plan, Policy SP18 of the Core Strategy and paragraph 128 of Section 12 of the National Planning Policy Framework.

02. The applicant has failed to provide sufficient information to allow the Local Planning Authority to undertake a full and proper assessment of the drainage strategy for the sustainable disposal of surface water and therefore to mitigate against flooding elsewhere as required by Policy SP15 (d) of the Selby District Core Strategy Local Plan and paragraph 103 of the National Planning Policy Framework.

03. The applicant has failed to provide sufficient information to allow the Local Planning Authority to fully assess the ecological importance of the site, and in particular to birds and therefore to assess the proposal against the requirements of Policy ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and paragraph 118 of the National Planning Policy Framework.

04. Notwithstanding the indicative nature of the Indicative Plan the proposal would by virtue of the density of the proposed development unacceptably alter the outlook from neighbouring properties and by virtue of the resulting proximity between existing and proposed dwellings result in unacceptable levels of overlooking. As such the proposal would fail to provide a good standard of amenity as required by Policy ENV1(1) of the Selby District Local Plan and paragraph 17 of the National Planning Policy Framework.

However, at a6th January 2016t was resolved that the proposed scheme, made in outline for residential development on land abutting the development limits of North Duffield village is considered to be acceptable in respect of flood risk and drainage. Therefore, should an appeal be submitted against the refusal by Selby District Council to grant planning permission, it is recommended this issue (Reason 2) be conceded by the Council.

1.4 Consultations

Responses summarised below;

NYCC Highways

The required visibility splay is 2.4 metres by 215 metres. This is achievable to the north west of the site but not to the south. However the site is at the end of the residential section of North Duffield and therefore no objections would be raised to moving the 30mph speed limit signs. This will help reduce speeds and ensure adequate visibility splays can be achieved. The applicant has suggested that the 30mph signs are relocated to the area where the village sign is located. This is considered too far from the site and the environment would lead to the speed limit not being adhered to. Therefore recommend that the signs are placed approximately 92 metres from the proposed access accompanied by roundels on the carriageway at a cost to the applicant.

Recently NYCC has changed its parking standards has affected the amount of car parking required on the site. Minor changes recommended to some plots. This should be noted and could be addressed with any reserved matters application submitted.

Consequently the Highway Authority recommends conditions and informative be attached if permission is granted.(see attached at section 3)

Further Highway Authority response received in relation to queries regarding the need for traffic surveys.

States when looking at larger developments it does ask for Transport Assessments to accompany planning applications. A Transport Assessment will cover a wide range of highway issues including capacity. North Yorkshire County Council's policy on Transport Assessments is that they are set in relation to minimum gross floor areas and units. Where residential developments are concerned the requirement for a Transport Assessment is 80 units. The Council does however have the right to request a Transport Assessment in other instances; for example where the location and/or nature of the development area of a particularly sensitive nature. Such situations include if accident data highlights a particular problem in the vicinity.

Whilst the developer would not be expected to provide a Transport Assessment, a development of this size would be expected to include a Transport Statement with the application. A Transport Statement is a simplified transport report. The applicant has provided a Transport Statement with the application and in this statement it has identified the anticipated traffic generation from the development of the site. The figures supplied are calculated from a computer system called TRICS and whilst the developer does set the parameters into the database, the data supplied is assessed by North Yorkshire County Council to ensure it is not misrepresenting a true likeness of traffic flows.

Therefore given the size of the development, the applicant does not need to provide details of the existing flows on York Road but they do need to advise on the likely additional traffic flows that the development will create.

Yorkshire Water Services Ltd

Recommends a condition for the discharge of surface water to a satisfactory outfall other than the existing public sewer (which does not have the capacity for surface water) to protect the local aquatic environment and YW infrastructure. SuDs should be encouraged and may be suitable. (see attached at section 3)

Ouse and Derwent Internal Drainage Board- second response following amended Drainage and Flood Risk Report

Detailed comments made regarding drainage options. However, The Board does not have any objection to the principle of this residential development proposal subject to the production of a detailed drainage strategy. Appropriate conditions are recommended. –(see attached at section 3)

NYCC Flood Authority (Sustainable Drainage Systems)

Since the previous application for this site (2015/1025/OUT), SuDS information requirements for planning applications have been revised and further detail is required to assess the propriety of proposals. These requirements can be found within North Yorkshire County Council SuDS Design Guidance and must be satisfied to enable comment on the propriety of proposals.

[Members are advised NY Flood Authority has been re-consulted on the additional drainage and flood risk report provided by the applicant and will be updated on the response at the day of the Committee. However, on the previous scheme it was concluded that the scheme submitted offered realistic options for surface water management and an appropriate condition regarding the detailed design could be imposed.]

WPA Consulting – (Contaminated Land Consultants)

Consulted on previous application. Not re-consulted as comments still apply. Recommend that standard conditions CL1 and CL5 in place. (CL1 requires a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy. CL5 covers what to do in the event that contamination is found).

Historic England

On the basis of the information provided, does not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

NYCC Heritage Officer

The archaeological desk based assessment supplemented by a report on archaeological trial trenching demonstrates that archaeological remains of the Iron Age and Romano-British periods are preserved at the site.

Based on the results of the trial trenching report agree that the archaeological remains are of significance but not of such significance as to require physical preservation. A mitigation response would be appropriate as suggested.

Advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal and copy of results forwarded for Environmental record. Details given of what this should cover. Appropriate conditions discussed and recommended to secure this.

Education Directorate North Yorkshire County Council

No response received

Environmental Health

The proposed development is relatively large scale and may entail an extended construction phase. This may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise & vibration. Therefore recommend a condition requiring submission of a construction management scheme to be submitted, agreed and implemented to protect local residential amenity.

North Yorkshire Fire & Rescue Service

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

Natural England

Points out that the application site is in close proximity to European designated sites and therefore has the potential to affect its interest features. The site include the Lower Derwent Valley Special Area of Conservation (SAC), the Lower Derwent Valley Special Protection Area (SPA), the River Derwent (SAC) and Skipwith Common (SAC).

The site needs a Habitats Regulations Assessment, and in relation to a HRA, Natural England advise that;

- The proposal is not necessary for the management of the European site
- The proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

No Objection and no conditions requested in this respect.

Natural England is satisfied the proposed development will not damage or destroy the interest features for which the site has been notified. Therefore the SSSI is not a constraint in determining the application.

Natural England expects the LPA to assess and consider in respect of local site, local landscape character and local or national biodiversity priority habitats and species.

In relation to protected species, Natural England makes no assessment. Standing advice is for LPA's to decide if there is a reasonable likelihood of protected species being present.

Opportunities may exist to enhance the biodiversity of the site.

In relation to the Derwent Valley, where possible development proposals should enhance local distinctiveness and be guided by the LPA Landscape Character Assessment.

Yorkshire Wildlife Trust – Second response August 2016

Queries the market research on the dog and cat ownership and dog walking. Lack of background information to enable the data to be generalised and applied to the application site.

The Trust would agree with the comments of Richard Barnard of the RSPB on the Rebuttal Statement from Smeedon Foreman to the previous comments from the RSPB and Yorkshire Wildlife Trust. The rebuttal statement assumes that the results of the bird surveys done from January to April will be applicable to the potentially very different conditions and bird species in the period from September to December. Without further bird survey data to cover the winter period the Trust would advise that the local authority is unlikely to have sufficient information to ensure that an adequate Habitats Regulations Assessment can be carried out.

(Members to note that further survey work over the winter period has been undertaken and submitted for re-consultation in December. an update will be given at the meeting)

RSPB -Second response

The additional information is a response to the RSPB's and Yorkshire Wildlife Trust's concerns over the lack of wintering bird surveying for the period September to December inclusive.

The response provides comparative bird data from the January to April period in an attempt to justify the lack of surveying. However, the approach adopted in the response is flawed and therefore the RSPB continues to object to the application. The response relies on the assumption that the key species in question would use the LDV and the surrounding habitats in the same way throughout the wintering period, i.e. that the patterns of usage recorded in the Applicant's surveying of the application site and nearby areas in January to April would be replicated in the September to December period. The RSPB does not consider that the evidence provided by the Applicant supports this assumption. There are a wide range of factors that vary during the wintering period and drive bird use of habitats; for example, flooding, prey availability, cropping, etc. These, and numerous other factors, vary between and within seasons. Therefore bird usage of the LDV and surrounding areas, potentially including the application site, may well be different between September and December, compared to January to April.

Based on this, the RSPB's position continues to be as described in our letter of 27th June 2016.

(Members to note that further survey work over the winter period has been undertaken and submitted for re-consultation in December. an update will be given at the meeting)

North Yorkshire Bat Group

No response

Public Rights Of Way Officer

No comments received

Designing Out Crime Officer

Notes the changes to the buffer zone on the western boundary.

The architect outlined how previous comments that made would be addressed at a more detailed stage. Therefore, at this stage, have no concerns or issues with the proposal in 'designing out crime' terms.

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
4. Relation of the Proposal to the Development Limit

1.The Principle of Development

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

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

CS Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. North Duffield is defined in the Core Strategy as a Designated Service Village which has some scope for additional residential and small scale employment to support rural sustainability.

This outline proposal for 57 dwellings is on land that is adjacent to, but outside of, the defined Development Limits of North Duffield as defined on the Policies Map of the SDLP. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy. However, Development Limits are currently under review as part of the PLAN Selby sites and allocations document in line with commentary detailed in the Core Strategy. In evaluating the application, the relationship of the proposal to the edge of the settlement and defined Development Limit (as set out on the Policies Map) should be given due consideration as detailed under Section 4 of this response.

2. Impact on the Council's Housing Land Strategy

On the 3 December 2015, the Council's Executive formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 5.8 years, as set out in the Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. This application would provide additional dwellings to housing supply, although it will be a matter of analysis and discussion with the applicant over the scale of this contribution to the five year housing land supply position.

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

CS policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. To date, North Duffield has seen 11 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 72 dwellings, giving a total of 83. CS policy SP5 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether North Duffield has exceeded its dwelling target.

As a guide, the Council consulted on various growth options for the DSVs as part of the development of PLAN Selby in July / August 2015 and at this point the research indicated minimum growth options of between 26-36 dwellings for North Duffield. While the level of development in the settlement may have exceeded its potential growth options, the scale of this individual proposal, at 57 dwellings, is not considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.

4. Relation of the Proposal to the Development Limit

Core Strategy Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment; therefore it is important to determine the impact the proposed scheme has on its surroundings. The site is located in the countryside and outside of Development Limits. The draft PLAN Selby evidence document "Settlement Setting Landscape Assessment" (January 2016) finds that that the overall landscape assessment parcel for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect

from development. The proposal extends into the countryside and in determining the application, thought will need to be applied as to:

the overall impact of the proposed development on the countryside;
whether the current Development Limit as defined in the Policies Map remains robustly defined, or has changed and,
whether the proposed development would set a new clearly defensible boundary.

Detailed issues to consider when reviewing the Development Limit and the potential impact of the development, include:

planning history;
physical extent of existing settlement;
settlement form and character;
the type, function and range of buildings on the edge of the settlement;
impact of the development on the countryside, environment and amenity, and
the extent of current defensible boundaries, which are durable and likely to be permanent, and whether the development would erode or contribute towards maintaining a clear defensible boundary.

Parish Council -

Main grounds of objection summarized as follows;

1. Outside village limits. Not in keeping with the Village Design Statement. Density of housing not compatible with ENV1 and Selby core strategy
2. Road safety issues -entrance on a blind bend. Traffic approaching from the South will be turning into the site with no sight of any oncoming traffic. Moving the 30mph signs won't make much difference. Strongly suggests a committee site visit to highlight the issues raised by position of this junction.
4. Transport statement states "No surveys of existing traffic flows in York Road have been undertaken". But PC consider that Highways Department expect that a development of this size would include existing traffic flow surveys and the fact it didn't is unacceptable. Parish Council therefore insists on a survey to verify the actual traffic figures.
5. Green Lane never designed for a large volume of traffic and large agricultural vehicles also use this road on a regular basis.
6. No recreational area included within the development. Assumes children will access the play area on the opposite side of the main York Road with proposed pedestrian crossing. Not a safe place to cross the road due to sharp bend and does not conform to the Highway Code recommendations. No street lighting or footpath at this point in the village. Crossing is dangerous. The latest Highways report included the provision of the above pedestrian crossing but no details.
7. PC happy to see village grow but only if it is proportionate and fair. The CS listed ND as being able to sustain 44 new houses and the current total is around 60 houses. This would result in 25% increase of village. The school, drainage, surgery and the remaining infrastructure can't cope with such an increase and it is therefore not sustainable.
8. Potential overlooking, loss of privacy, and garden enclosure.
9. History of drainage issues, particularly at the southern end of the site, which has been exacerbated by the development of Champions Gate, where a pond was filled in.
10. Current bus service timetable very limited.-not enough to access employment. (times given) Recently the 18A Sunday bus service to York has now ceased. North Duffield is listed as "least sustainable" when assessed for public transport.
11. Buffer zone is an invitation to crime. Unclear as to the responsibility of maintenance of this zone.
12. Local residents concerned over the proposed Beech Grove link. This is a private drive but the developer claims to have secured legal rights to use this as a pedestrian link to

Main Street. A very narrow drive, with no footpath or street lighting which will be used as the main access on foot to all the village services. Not safe for pedestrians to share the road with vehicles, which will be reversing on to the drive from their garages. Serious issue where children are concerned going to and from school.

13. The open space to the north of the site is to be given to North Duffield Dragons Football Club. All that is being offered is the land. To turn this into a suitable surface for a full size football pitch with clubhouse, changing rooms and parking would need substantial funds from the likes of the FA and Sport England, with no guarantee of success. Unclear about who will take responsibility for this area. If however successful, this area would then be for the exclusive use of The Dragons and therefore not what could be classed as a Community Benefit. No dialogue between the developer and the Parish Council as suggested by the NPPF. The Parish Chairman spoke to the developer at a subsequent public meeting and expressed concerns about this proposed football pitch and suggested other facilities that could be provided in the village, which will benefit the WHOLE community, but this was ignored. North Duffield has one of the largest playing fields in the district and although not wanting to discourage sport, we feel that there are adequate facilities for football already.
14. The majority of those in favour have a direct connection the above Dragons football club.
15. There is local evidence of protected newts in a pond on Main Street in a private dwelling where the owner had photographic documentation of the presence of protected newts, which have resided there for 20 years. This pond backs onto the school and is within 500 metres of the proposed development. This does not seem to be included in the ecological survey carried out by the developer's advisors; surely this is a serious omission.
16. Application 2015/0193/FUL, is for a single disabled access bungalow with an access onto York Road. This will be very close to the proposed access and, from studying both sets of plans; the proposed pedestrian crossing will be sited almost on top of the access to the bungalow.
17. Several outline planning applications for the village have been approved amounting to 51 dwellings plus a current development of 5 properties. An additional 56 dwellings would lead to an increase of over 20%, is unsustainable. A key factor according to the NPPF and therefore this application should be refused.

1.5 Publicity

The application was advertised by site notices, press notices and neighbour notification letters resulting in 19 households objecting and 7 letters of support.

Grounds of objection

1. Previous scheme only recommended for approval due to lack of five year land supply. Five year shortage now addressed.
2. Sufficient land exists in Selby.
3. Site is outside of development limits. Early indications for emerging plan Selby indicate only a small increase in housing for the village.
4. Not in accordance with N Duffield village design statement and adversely affects the form, character and natural layout of the village.
5. Multiple smaller developments have less impact than a single large development.
6. Developer in planning statement refers to the site being a large portion of a preferred option in the withdrawn Selby Site Allocations DPD but fails to point out that it was for the development of only 29 units.
7. Further land alongside may be targeted for future development leading to countryside sprawl.
8. Scheme is little changed and no better. Previous comments made by the planning committee about a reduction by at least half the number of houses has been ignored.

9. Many comments re-iterating all previous objections and endorsing PC comments made.
10. Support only from those with a vested interest.
11. Buffer zone could lead to anti-social behaviour and there is no information on how this will be maintained.
12. Object to Buffer zone being removed. Houses still too close. Thought this was to be offered to houses on York Rd that have small gardens. this would satisfy concerns of the NY Police
13. Conflicts with GB policy
14. Adverse effect on residential amenity with loss of privacy, outlook, overlooking. Previous reason for refusal number 4 is still relevant.
15. Queries raised over the legality of using the unadopted Beech Grove (maintained, lit and drained at the residents expense) for pedestrian access. Developer should take responsibility. Also safety concerns for pedestrians due to cars reversing, inadequate width for cars and pedestrians, increased lighting needed for pedestrians.
16. Noise- from mopeds using Beech Grove for access.
17. Additional pressure on village's already oversubscribed school. School landlocked and can't be extended. This will vastly increase the population.
18. Traffic-Survey based on an assumption that traffic flow is light. No surveys have been undertaken. The development would add 10% increase approx. and according to NY Highways a traffic flow statement should be expected. This has not been done. Resident surveys suggest 248 vehicle movements per hour at peak times at present which is far in excess of the 37-39 consultation transport response states.
19. Road Safety –Dangerous blind right turn into the site when approached from the south through the village. Green lane to Selby not designed for large volume traffic.
20. No permission obtained from the Playing field association to provide the pedestrian access between the existing facilities and the proposed new. Pedestrians using it would have to walk on unkempt strip of and on a dangerous very busy corner, blind to oncoming traffic. No room for a new footpath to be installed.
21. Infrastructure overstretched. Localised flooding exacerbated. Drains and sewers at capacity.
22. Plans are misleading. None of the football facilities are to be provided. Only the land. Funds would be needed from the FA and Sports England with no guarantee of success. So there is no guarantee that facilities could be provided. Could take many years to get the funding.
23. ND Playing Field Association comment specifically that there has been no discussion with the developers and is far from given that the PFA would want to take on the additional land.
24. No play area within the site. Children will have to cross the road to access lay facilities- safety is an issue.
25. Guidelines state that for a development of this size there should be public consultation to determine what the residents require for further recreational facilities. Public meetings have taken place but the issue of the use of this land has not been up for discussion. Developers claim PC has been approached but no response. This is not true. Unfair for recreational contribution to be entirely for the benefit of the football club. This would not be a community benefit. Why not tennis courts or something for the whole village.
26. Football club don't want ownership, just the end use. No other organisation has agreed to take over the responsibility.
27. No need for a second football pitch. The village already has one. This could attract large volumes of traffic from visiting teams (figures of 300 vehicles from recent events mentioned). Leading to difficulties parking and road safety issues. Problems already occur with verge parking
28. Amount of housing for N Duffield envisaged in Core Strategy has already been exceeded by 110%. This would mean 2.5 times the recommended number. The level of expansion is unsustainable. recent draft studies for Plan Selby identified options for growth of DSV's. One option was just 11 new houses for N Duffield. This reflects the

- level of services and accessibility for the village. Additionally ND scored low on access to employment.
29. Fails to meet the requirements of Policy ENV1-existing properties along the development boundary will be seriously affected.
 30. Numbers should be reduced to at least half.
 31. Core Strategy and village design statement require infill sites to be linear. This can't be achieved on this site with this number of houses.
 32. Not a sustainable location, bus service due to cease, limited employment within the village, limited resources and excessive number of new developments already granted.
 33. Ecology -survey missed a pond with newts which would be affected. Applicants have been informed with photographic evidence. Therefore failed in duty of disclosure and guilty of misleading planners.
 34. Ecological- Potential adverse effect on barn owls, bats, loss of prime agricultural land,
 35. Proposed site has historical and archaeological interests. Query why only one trench dug leaving larger area unevaluated.
 36. Disagree with veiled threat from developers that the development is less dense and a better scheme than would be the standard for land allocated through a local plan.
 37. Construction will cause dust, noise and vibration

Grounds of support

1. Delivers much needed affordable and market housing
2. Continued development of local village is unavoidable. This scheme brings community benefits
3. significant monetary contribution to local education
4. Previously raised questions about the effect on birds and archaeology positively answered plus a less dense scheme.
5. Construction will bring jobs and help local services
6. Families and children's benefit from new improved sports facilities
7. extra housing will attract new families and bolster school numbers
8. Scheme brings the gift of a playing field with room for club house and parking. Current playing fields is at capacity.
9. Extra car parking would benefit local residents
10. Support for new football facilities – major opportunity to provide all weather facility and changing facilities, indoor community/social space.
11. Great Benefit to children of North Duffield and the junior football club. Will provide
12. Positive benefits outweigh the negative
13. Extending the 30 mph speed limit outside the village will improve road safety on the bend approaching the playing field entrance.

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
SP8 - Housing Mix
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

2.1.2 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads
RT2 - Open Space Requirements

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

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

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

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

2.2 Key Issues

2.2.1 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) Specific policies of the NPPF which indicate development should be restricted.

a) Sites Protected under the Birds and Habitats Directive

3) The impacts of the proposal:

- a) Character and form of the village
- b) Highway Safety conditions
- c) Flood Risk, drainage and climate change
- d) Residential Amenity
- e) Contaminated land and ground conditions
- f) Recreational Open space
- g) Heritage Assets
- h) Education Healthcare and waste recycling
- i) Affordable Housing
- j) Other matters

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

2.3 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 and should be afforded significant weight.

2.3.3 The site lies outside the defined development limits of North Duffield and therefore is located in open countryside.. Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.

2.3.4 In light of the above policy context the proposals to develop this land for residential purposes are contrary to policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material circumstances exist that would indicate otherwise. One such material consideration is the National Planning Policy Framework.

2.3.5 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.

- 2.3.6 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."
- 2.3.7 This does not, however, lead to an automatic assumption that planning permission should be granted. Rather, paragraph 49 aims to ensure that in situations where the development plan policies have failed to secure a sufficient supply of deliverable housing sites, the "presumption in favour of sustainable development" is applied.

Sustainability of the development

- 2.3.8 In respect of sustainability, the site is adjacent to the development limits of the village of North Duffield which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village contains a public house, a village hall, a part time doctor's surgery, a general store including Post Office, a Primary School, sport and recreation facilities which include children's equipped play area, playing fields with a pavilion, bowls club, cricket and junior football clubs. The nearest secondary school is Barlby High 3.5 miles away and direct bus services are provided by the high school. The village has a limited public bus service. One bus runs between Hemingbrough and Selby but this has only 1- 2 daily services towards Selby. One bus runs between York and Market Weighton with 8-10 services weekdays. Consultations on the subsidies for this service are currently under consideration and it is likely to be cancelled on Sundays.
- 2.3.9 In addition to the above it is noted that the village of North Duffield has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy, which demonstrates that the Council has considered the village a sustainable location for some quantum of development. The village is also considered to have an overall ranking of 4 for sustainability in 'Background Paper 5 of the Core Strategy (in a range of 1-4 with 4 being the least sustainable). This overall ranking is due to North Duffield ranking lower in terms of access to local employment opportunities and in terms of accessibility by public transport due to distance and lower frequency of public transport. It is also one of the smaller settlements in terms of size, ranking 4 out of 5 levels of size. However, in terms of basic services it ranks highly having the essential and most important services needed within villages. Having taken these points into account, despite the fact that the site is located outside the defined development limits of North Duffield, it is adjacent to the boundary and would be served by the basic essential facilities within this sustainable designated service village.
- 2.3.10 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 government has made clear that house building plays an important role in promoting economic growth. The proposal would generate some employment opportunities in both the construction and other sectors linked to the construction market and longer term in additional residents contributing to the local economy and supporting local facilities. Moderate weight should be afforded to this benefit.

Social

The proposal would deliver levels of both open market and affordable housing in North Duffield and hence promote sustainable and balanced communities and would assist in the

Council meeting the objectively assessed need for housing in the district. The proposals would provide 40% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would include provision for recreational open space through on-site provision. The proposals would also be Community Infrastructure Levy (CIL) liable, raising funds towards local services and infrastructure. The benefits in terms of housing provision should be afforded significant weight.

Environmental

In environmental terms no significant harm has been established. The proposal would deliver high quality homes for local people and take into account environmental issues such as flooding and impacts on climate change. Moderate weight is afforded to this benefit.

The above factors weigh in favour of the development.

Previous levels of growth and scale of the proposal

- 2.3.11 The Core Strategy designates levels of growth to settlements based on their infrastructure capacity and sustainability. When assessing whether the adverse impacts of a housing scheme would significantly and demonstrably outweigh the benefits, it is important to determine 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.
- 2.3.12 To date, North Duffield has seen 3 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 59 dwellings, giving a total of 62. CS Policy SP5 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether North Duffield has exceeded its dwelling target. However, 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 26-36 dwellings for North Duffield. The extant approvals exceed this guide for a growth option. As such the scale of this proposal which would provide a further 57 dwellings, exceeds what is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.
- 2.3.13 Members will recall that an appeal was recently dismissed for a scheme on the south of Selby road in North Duffield with an indicative layout of 81 dwellings. However, the application was refused at a time when the Authority had an appropriate 5 year supply of housing and being on the other side of the A163 was considered to be quite out of character with the form and layout of the main part of the village. In the circumstances of this site the reasons for refusal may not stand up to scrutiny, in the absence of a 5 year supply.
- 2.3.14 Representations have been received commenting that in combination with recent permissions the proposal exceeds the limit of what the village can absorb and the growth should be proportionate and fair. However, as a Designated Service Village (DSV) North Duffield is an appropriate location for some additional housing growth, in accordance with Policy SP2 of the Core Strategy. Furthermore, there is no specified limit within the Core Strategy as to the amount of development that should be directed to the settlement. The plan does indicate that a greater amount of housing should be located in those villages with a good range of services. Members will recall that an appeal was recently dismissed for a scheme on the south of Selby road in North Duffield with an indicative layout of 81 dwellings. However, the application was refused at a time when the Authority felt it had an appropriate 5 year supply of housing and being on the other side of the A163 was considered to be quite out of character with the form and layout of the main part of the village. In the circumstances of this site the reasons for refusal may not stand up to

scrutiny, in the absence of a 5 year supply. The impact on the form and character is discussed later in this report.

2.3.15 The developer points out that the Council has approved a much greater amount of development in other DSVs and provides figures given include - Barlby (229 dwellings), Carlton (208 dwellings), Hambleton (129 dwellings), Thorpe Willoughby (430 dwellings), Ulleskelf (123 dwellings), Brayton (221 dwellings). These communities have therefore, according to the applicant, absorbed far higher levels of development than North Duffield. In addition it is noted that no evidence has been received from statutory consultees to suggest that there is insufficient infrastructure to accommodate the additional dwellings in the village.

2.3.14 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 presumption in favour of sustainable development still does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with the development plan. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should be refused.

2.4 Whether specific policies of the NPPF indicate development should be restricted.

2.4.1 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in 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."

2.4.2 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 application site is not within a formal or informal designated protected site for nature conservation. However, the site is within close proximity to European designated sites including the following;

- Lower Derwent Valley Special Protection Area (SPA) and Special Area of Conservation (SAC), also listed as the Lower Derwent Valley Ramsar site¹ and notified at a national level as Derwent Ings Site of Special Scientific Interest (SSSI).
- River Derwent SAC, also notified at a national level as the River Derwent SSSI.
- Skipworth Common Sac, also notified at a national level as Skipworth Common SSSI

2.4.3 Therefore under the Habitats Regulations the Council should have regard for any potential impacts the projects might have. A Habitats Regulations Assessment is required and this has been produced by the applicants. Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development

requiring appropriate assessment under the Birds or Habitats Directives is being considered.

- 2.4.4 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.
- 2.4.5 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.
- 2.4.6 The application scheme is supported by a set of ecology reports comprising Ecological Appraisal (EA), a Habitat Regulations Assessment Screening Report (HRASR) and a Wintering Bird Survey Report (WBSR). The latter two reports have been prepared to address the ecology reason for refusal of the previous scheme.
- 2.4.7 In order to determine if there is a requirement for a Habitat Regulations Assessment to consider impacts on nearby Natura 2000 (N2K) sites, a HRASR has been prepared. This has been informed by a recreation survey of local residents carried out in February 2016 by NEMS Market Research, to determine the likely behaviour of the occupants of the proposed development.
- 2.4.8 Due to the nature and small scale of the proposed development, surrounding land use, existing settlements, lack of complimentary habitats, and the limited likely increases in disturbance and predation, the HRASR finds that it is ‘Unlikely’ that a significant impact on a N2K site would occur as a result of the proposed development alone, providing a number of recommendations are implemented in respect of lighting, drainage/hydrology and planting of native trees and shrubs.
- 2.4.9 In respect of cumulative impacts, when considered in conjunction with existing residential approvals there would be an increase in the number of households of North Duffield of 20%. Given that all of these proposals would form an extension of existing residential areas, and bearing in mind that the NEMS survey shows that existing residents tend to stick to designated footpaths when utilising N2K sites, then it is considered unlikely that there would be a significant combined adverse effect on such sites. The HRASR concludes that it is considered ‘*Unlikely*’ that a significant adverse effect on a N2K site will occur as a result of the proposed development, alone or in conjunction with other developments within the local area. As a result it is considered that, under Article 6(3) of the EC Habitats Directive, an Appropriate Assessment (stage 2) is not required.
- 2.4.7 The ecological survey has concluded the site has a low conservation value. The hedgerows and associated trees at the site are of local value only and provide limited wildlife connectivity. It is recommended that hedgerows are retained or replacement planting occurs using native species and there is use of temporary protective fencing to protect retained hedgerows and trees including those immediately adjacent to the site. Other protective measures include the use of directional lighting during construction and lighting scheme within proposals to avoid illumination of hedgerows and trees within and adjacent to the site.
- 2.4.8 The report recommends native hedgerow planting and native tree and shrub planting should be undertaken where feasible and consideration of seeding of areas associated with hedgerow/tree planting with a suitable wildflower mix. Such matters can be conditioned as part of a landscaping scheme on the reserved matters.
- 2.4.9 In relation to protected species, there are local records for bats. Two trees at the site are considered to have bat potential. If either of these trees were to be affected by the

proposed development then a climb and inspect survey for signs of bat use prior to works (no timing restrictions) is recommended. In the event of bat roosts being found a licence from Natural England may be required, with appropriate mitigation and working methods. A condition is added requiring the retention of the trees and their protection during construction.

- 2.4.10 Habitat within and adjacent to the site is considered suitable for hedgehog which is a UK BAP priority species. It is recommended that small gaps (0.2m) are left under any fences installed at the site to allow passage of hedgehog across the site.
- 2.4.11 In relation to Great Crested Newts, further survey work was undertaken due to the presence of GCN on other sites in the village. A HSI assessment of ponds within the local area determined that four ponds are of 'average' suitability. The nearest potential GCN breeding pond is located approximately 235m SE. Taking a more likely route to the site the shortest path is 265m. The shortest distance to the nearest known breeding pond is 365m. This pond was found to have a 'small' (1-10) population in 2014. There are no other suitable/known GCN breeding ponds that may act as stepping stones between the site and these local ponds. Given the above, with terrestrial habitats on site being sub-optimal and known/potential breeding ponds being over 250m from the site, it is considered reasonable to discount presence of GCN at the site, and that the proposed development should not adversely impact upon this species.
- 2.4.12 In respect of a comment made by a local resident regarding the omission of a pond from the GCN survey, this was discussed with the applicants ecologists, Smeeden Foreman. The pond in question is located within a private garden, and there are intervening houses and kerbed estate access roads between Iydene and the application site. It is considered unlikely that GCN could survive transit between the pond and the proposed development, should they attempt to make this journey. As a result it is maintained that GCN is not a constraint to the development of the site.
- 2.4.13 A further ecological addendum statement has been produced in response to local resident claims to the presence of GCN at Beeches View North Duffield'. This concluded that the pond is unlikely to support great crested newt (GCN) and the photographs provided could be verified as smooth newts. GCN are not generally found within small, ornamental garden ponds.
- 2.4.13 The Ecological report recommends that vegetation which is suitable breeding bird habitat is only removed outside of the breeding bird season (March to August inclusive) or subsequent to a checking survey by an appropriately qualified ecologist. In order to enhance the site for bird species the installation of bird boxes and the incorporation into the landscape planting plan of species known to be of value to wildlife is recommended.
- 2.4.14 In relation to the wintering bird survey report, since the initial objection back in 2015, bird surveys of the site and adjacent habitats were undertaken for eight months over the overwintering period (January – April and this application has been on hold whilst further surveys during August –November 2016 have been done) to establish whether the site is functionally linked to the SPA located 600m to the east. The surveys found no qualifying SPA species associated with Lower Derwent Valley (LDV) to be using the site. The use of improved grassland habitat on site by target bird species is considered to be very limited due to the presence of grazing livestock, the close proximity to existing residential housing and road noise which will present a high level of disturbance to foraging individuals.
- 2.4.15 The report submitted concludes that land within or immediately adjacent to the site is not functionally linked to the Lower Derwent Valley SPA and the loss of agricultural fields within the site to the development will not translate to a significant adverse effect on the conservation status of target species such as ruff or golden plover. Reference is made to

an email from Richard Barnard the RSPB Conservation Officer for Yorkshire, Humber & Peak District, dated 18th November 2016, states the following:

“Assuming the November survey also does not record any waders or wildfowl, I would agree that it is reasonable to omit the December survey and conclude that the site is not functionally linked to the SPA.”

- 2.4.16 Subject to confirmation of this by the RSPB, this objection has now been satisfied. A further response is expected from the RSPB and Yorkshire Wildlife Trust before committee and an update will be given at the meeting.
- 2.4.16 In summary, subject to no adverse comments from the RSPB and YWT the comprehensive ecology surveys that have been carried out confirm that the proposed development would comply with the biodiversity elements of Core Strategy Policy SP18 and ecological policy within the NPPF. The extent of information relating to ecology is considered to be more than proportionate to the likely impacts of the development, and the proposed mitigation measures would enhance wildlife habitat. The previous scheme reason for refusal relating to ecology has been fully addressed.
- 2.4.17 Subject to the above it is therefore concluded that, subject to the recommendations and mitigation measures set out in the HRA and The Ecological Report by Smeedon and Foreman, that there would be no adverse effects on any of the nearby protected sites, any protected species or local wildlife. Subject to a condition to ensure compliance with the recommendations and mitigation measures in the ecology report the proposal would comply with Policy SP18 of the CS and Policy ENV1 of the LP and the aims of the NPPF.

2.5 The Impacts of the Proposal

- 2.5.1 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. The site would be a rounding (albeit a significant one) on this end of the village which would reflect the pattern of other developments which have evolved the villages current form and shape.

2.6 Character and form of the village

- 2.6.1 The irregular shape site comprises open countryside that is agricultural land on the north east side of the village. It is located to the east of the linear row of mainly semi-detached properties which front the main street at the northern end of the village opposite the hall and playing fields. To the north and east are further open tracts of arable land. To the south the site adjoins the dwellings on Main Street and those around Beech Grove
- 2.6.2 This is a significant scale site being 3.7 hectares including the land proposed for the football pitch. In terms of location it is well related to the settlement adjoining on relatively flat open grazing/farm land with no significant landscape features. The indicative layout proposes a housing area which would not extend beyond the existing northern limit of housing at this edge of the village. The housing would extend to the east where an existing track would form a new natural boundary. Physically the position and extent of the housing shown on the indicative layout relates well to the existing layout and pattern of housing. The football pitch and facilities proposed would extend further north than the extent of existing housing. However, these would be essentially open in character with a club house and a parking area located close to the road opposite the existing village hall and playground. These recreational facilities on both sides of the road at the northern end of the village would create a natural end to housing development and transition to the open countryside beyond.

- 2.6.3 There will be some visual change in the landscape context as a result of the site's residential development; however it would not result in an uncharacteristic or unacceptable impact on the landscape. Given the site's location on the edge of the settlement then it is considered that a suitable landscaping scheme and boundary treatment could be achieved at reserved matters stage to ensure that there would be no harm to the character or form of the locality.
- 2.6.4 The design and materials on the surrounding properties are a mixture and as such it is considered that proposals could incorporate appropriate materials and detailed design finishes at reserved matters stage which would respect the character of the surroundings reflective of the approaches outlined in the Village Design Statement and the submitted Design and Access Statement.
- 2.6.5 Paragraphs 58 and 69 of the NPPF 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.' The Police Architectural Liaison Officer makes detailed comments on how to achieve these objectives which can be taken into account before the reserved matters application is submitted. Therefore it is considered that it would be beneficial for the developer to consult with a Police Designing out Crime Officer, so that a better understanding of the design and layout is achieved and that any areas of conflict are discussed and agreed upon prior to the submission of the reserved matters submission.
- 2.6.6 It is considered that the site could provide an appropriate layout, appearance, scale and landscaping at reserved matters stage. Furthermore, given the location of the site, its context and surroundings considered that an appropriate scheme could be achieved without harm to the character or form of the village or the locality. Overall the site would be a rounding (albeit a significant one) on this end of the village which would reflect the pattern of other developments which have evolved the villages current form and shape. As such the development would be in accordance with the provisions of Policies ENV1(1) and (4) of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.7 Highway Safety conditions

- 2.7.1 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. Significant weight should be attached to the Local Plan Policy as it is broadly consistent with the aims of the NPPF.
- 2.7.2 The submitted highways plan shows provision of a single main access point into the site on the North West side off York Road. The Highway Authority points out that required visibility (based on current traffic speed limit) can be met to the North West but not to the south. However, it is proposed to move the speed limit signs so that speeds can be reduced and the achievable visibility would be acceptable. The applicant initially suggested the 30mph speed signs are relocated to where the village sign is located but Highway' felt this would be too far and could result in the speed limit not being adhered to. The applicants agreed to the position as suggested by the Highway Authority and the scheme is therefore considered acceptable from a road safety perspective with an acceptable standard of visibility being achievable for the access in this position.
- 2.7.3 Objections raised locally consider the proposed access on a bend to be dangerous. However, its design provides sufficient visibility and the Highway Authority considers this to be satisfactory, subject to the imposition of conditions in relation to the full details of the access. Objectors also consider the extension of 30mph limit is unlikely to be respected. The application cannot mitigate for drivers who break the law, however at this point the Highway Authority is satisfied with the proposal to extend the 30mph limit. A condition is recommended requiring the details of this and its position to be submitted and agreed.

- 2.7.4 Other comments made refer to the Traffic survey data being based on assumption that traffic flow is light. Objectors and the Parish Council consider that traffic survey should be undertaken. The queries have been raised with NYCC Highways. Their response indicates that the applicant has provided the necessary Transport Statement and has identified the anticipated traffic generation from the development of the site. The figures supplied are calculated from a computer system called TRICS and whilst the developer does set the parameters into the database, the data supplied is assessed by North Yorkshire County Council to ensure it is not misrepresenting a true likeness of traffic flows. Given the size of the development, the applicant does not need to provide details of the existing flows on York Road only the likely additional traffic flows that the development will create. This has been done and indicates the overall traffic impact is likely to be modest. Highways are satisfied on this basis that the scheme is acceptable.
- 2.7.5 Concern was also raised about the pedestrian crossing to the existing recreational area and the risk to children. The proposed pedestrian crossing recognises that there may be movements of adults and children between the proposed football field and the existing recreation facilities, and therefore it seeks to provide a safe means of crossing the road. There is no such facility in place at present between houses on the opposite side of York Road and the existing recreation facilities. The location of the existing recreation facilities in the village must lead to movements across Main Street/York Road already. The proposed development provides for a pedestrian crossing and will help to ensure that such movements can take place in a safe manner. The Highway Authority has not raised any concerns about the proposed crossing.
- 2.7.6 Further letters comment that the pedestrian link to the village via Beech Grove is private and unadopted, and therefore cannot be used. However, the applicant states they have secured rights to use this link to serve the development. Concerns are raised regarding the potential use of this by the whole site as a pedestrian link to the village and point out the dangers due to lack of lighting, footpath and vehicles reversing out of drives. Beech Grove does serve only 5 dwellings and is not therefore heavily trafficked. Although no concerns are raised in their consultation response, a response on this issue has been requested of the Highway Authority. An update will be given to members at the meeting.
- 2.7.7 Subject to clarification of the above, having had regard to the above it is considered that the scheme is acceptable and would not harm road safety conditions in accordance with policies ENV1(2), T1, T2 and T7 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

2.8 Flood Risk, drainage and climate change

- 2.8.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design. These policies should be afforded significant weight.
- 2.8.2 The application site is located in Flood Zone 1, which comprises land assessed as having a less than 1:1000 annual probability of flooding. It is therefore low risk and is considered to be at a low probability of flooding.
- 2.8.3 The application is accompanied by a Flood Risk Assessment which examines potential flood risk as above and considers the options for Surface water drainage and Foul water drainage.
- 2.8.4 A Drainage Report has been provided which shows that infiltration is a potential surface water drainage solution, and also considers alternative options in the event that this method of drainage is not feasible. It indicates that ground tests will be required to confirm the feasibility of infiltration, but that work will be carried out at detailed planning stage.

- 2.8.5 The Environment Agency, Yorkshire Water and the Internal Drainage Board have raised no objections subject to a series of drainage conditions. The Strategic Flood Risk Authority, have updated their advice and comments are awaited on the additional information submitted by the applicants. However, on the previous scheme it was concluded that the scheme submitted offered realistic options for surface water management and an appropriate condition regarding the detailed design could be imposed.
- 2.8.6 In the light of this it is considered by officers that, subject to receipt of comments from the County Flood Authority, sufficient information has been submitted to allow the Local Planning Authority to undertake an appropriate assessment in respect to drainage. Officers consider that in respect of drainage, all issues can be satisfactorily addressed by conditions on the outline permission.
- 2.8.7 With respect to energy efficiency, in terms of Policy SP16 requires that 10% of the total predicted energy requirements to the development be provided from renewables, low carbon or decentralised energy sources as part of the development. It is considered that this can be secured via condition and as such the proposals accord with Policies SP15 and SP16 of the Core Strategy. The dwellings will be constructed to code for sustainable homes level 4, and appropriate glazing and insulation will be required in order to meet this standard. The proposal therefore can accord with Policies SP15, SP16 and SP19 of the CS and the NPPF

2.9 Residential Amenity

- 2.9.1 Relevant policies in respect to impacts on residential amenity include Policy ENV1 (1) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.
- 2.9.2 One of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The key considerations in respects of residential amenity are considered to be the potential of the proposal to result in overlooking, overshadowing and overbearing.
- 2.9.3 The revised indicative layout plan is a significant improvement over the plans proposed under 2015/1025/OUT. The distance between the proposed dwellings and existing properties has been significantly increased. The minimum distance back to back is now over 29 metres and in most cases a larger distance is achieved. Moreover, there is a reduction in the number of dwellings backing onto existing houses and consequently a greater amount of spacing between the buildings. As such the indicative layout plan demonstrates that a satisfactory standard of residential amenity which respects the amenity for current occupants can be achieved. A satisfactory standard of amenity for the proposed dwellings is also demonstrated. this plan is indicative only but it is appropriate to impose a condition limiting the number of dwellings on the site so that these are not increased at the reserved matters stage.
- 2.9.4 The proposal was to include a landscape buffer between houses on York road and the new housing backing on to it. This followed in the light of comments received at the public exhibition. The feature was included to increase separation between existing and proposed properties whilst ensuring no development or structures could be provided in that gap. However, concerns were raised regarding security and maintenance of the buffer, and therefore a revised layout plan has been submitted that replaces it with garden space within the proposed dwellings. Additional objections have now been received regarding the loss of the buffer. However, the extent of the gap between existing and proposed dwellings would be maintained.

- 2.9.5 All of the proposed dwellings would be no greater than two storeys in height and of conventional design. Whilst the planning system does not provide for the protection of views, the proposed development meets and exceeds normal separation distances, and this is shown by the building footprint plan provided with the application. Residential amenity would therefore be safeguarded by the proposals.
- 2.9.6 Comments have been received raising concerns over the noise and disturbance from construction. The development would be subject to a construction management plan (by condition) which would ensure that the amenity of local residents would be protected during the construction process. The Environmental Health consultation response also requests a condition that requires a scheme to minimise the impact of noise, vibration, dust and dirt on existing residential properties.
- 2.9.6 It is therefore considered that an appropriate scheme could be designed which would ensure that no significant detrimental impact is caused to existing residents through overlooking, overshadowing or creating an oppressive outlook in accordance with policy ENV1(1) of the Local Plan and the NPPF.

2.10 Contaminated land and ground conditions

- 2.10.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.
- 2.10.2 The Council's Contamination Consultant (WPA) was consulted on the previous application (2015/1025/OUT) and considered that the submitted Desktop Study (Phase 1 Investigation) broadly meets the requirements of good practice. The main reasons for potential contamination relate only to the made ground and a pond. The consultant recommending further investigation and WPA agree the risk of contamination is low. Given this there were no objections from a contamination perspective and conditions were recommended which can be repeated here.
- 2.10.3 The proposals, subject to the conditions at section 3 are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.11 Recreational Open space

- 2.11.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF are also relevant.
- 2.11.2 It is noted that Policy RT2 sets out the requirements for provision to equate to 60sqm per dwelling and as such it would be appropriate to ensure that this is secured by Section 106 agreement given that the detailed layout and design could alter at reserved matters stage.
- 2.11.3 The submitted scheme requires on site recreational provision of 3420 sqm on the basis of the 57 units proposed. The application indicates that the size of land being provided as ROS land could accommodate a football pitch and is significantly in excess of the requirement. In addition it can accommodate 30 parking spaces and a club house. There are also pockets of landscaped areas within the housing development including land flanking the new main access and a small pocket at the southern end adjacent to the link to Beech Grove. However, these do not form dedicated recreational open space and can't be included in the calculation of the provision.
- 2.11.4 In terms of simply the quantity of land provision, the requirements of RT2 are exceeded. Objections have been received from the Parish Council and residents on the nature of the

recreational provision on the basis that only the land is provided and funds would be needed to provide the pitch and associated facilities. Objectors also point out that it is unfair for the recreational provision to be entirely for the benefit of the football club which would not be a community benefit. Moreover, consultation should take place to determine the resident's requirements.

- 2.11.5 Objections have been raised to the scheme on the grounds there would be no guarantee that the football proposal would go ahead as this provides the land only and funding would be required from other sources to secure the facilities. However, the developers have carried out a public exhibition and sought to discuss matters with the PC and locals. The extent of the ROS land would be secured by way of the Section 106 Agreement as open space provision required by the development, and the land for the pitch proposed could be subject to obligations requiring it to be community use and for it to be laid out to enable to be used for the purpose intended.
- 2.11.6 In terms of the general provision of the ROS land, the location at this end of the village near to the existing community facilities is considered acceptable in quantitative terms to meet the requirements of RT2.
- 2.11.7 It is therefore considered that subject to a Section 106 agreement to secure the on-site provision of Recreational Open Space, the proposals are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.12 Heritage Assets

- 2.12.1 Relevant policies in respect to the impact on the historic environment and archaeology include Policies SP18 of the Selby District Core Strategy Local Plan and Policy ENV28 of the Selby District Local Plan. Policy ENV28 should be afforded significant weight as it is broadly compliant with the NPPF. Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.
- 2.12.2 The site has been indicated to have potential for archaeological interest. The North Duffield Conservation and Local History Society together with local residents raise concerns about the site's historical potential.
- 2.12.3 A Desk-Based Archaeological Assessment (DBAA) incorporating a Geophysical Survey was provided with the previous planning application, and this report has also been submitted with the subject application. The DBAA finds that the potential for any archaeology within the site to be of national interest is low. The Planning Committee took the view that such works should be undertaken prior to a grant of permission, and one of the reasons for refusal was that insufficient information had been provided to allow the Authority to make an assessment of the archaeological importance of the site.
- 2.12.4 Since the refusal of the previous application KCS Development has instructed a specialist archaeological contractor to carry out excavations on the site, in accordance with a scheme of investigation agreed with North Yorkshire County Council's (NYCC) archaeology unit. A total of 14 no. 50m long trenches have been excavated, followed by detailed analysis of the contents. The analysis is provided within an Archaeological Evaluation Report (AER). The AER concludes that the site has some archaeological features, and various pottery remains were found as part of the investigation. However, nothing has been discovered which would prevent development - as long as a satisfactory programme is agreed with NYCC to monitor and record any archaeology discovered during ground works. Such a programme would normally be a requirement of a strip and record planning condition.

- 2.12.4 Given the above, there is no evidence to suggest that the site accommodates archaeology of great significance, and therefore any harm or loss associated with the proposed development should be considered in that context. The County Archaeologist has been re-consulted and is satisfied the scheme can proceed subject to appropriate conditions which are included at section 3 of this report.
- 2.12.5 It is therefore considered that having had regard to Policy ENV28 of the Selby District Local Plan (2005), Policy SP18 of the Selby District Core Strategy Local Plan (2013) and Paragraph 135 of the NPPF it is considered that, on balance, any harm to the non-designated archaeological features, subject to the attached condition would be outweighed by the benefits of the proposal.

2.13 Education Healthcare and waste recycling

- 2.13.1 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. However, education is now covered by CIL.
- 2.13.2 Objections have been received concerned that the school capacity insufficient and there is no room to expand. The education authority has a statutory duty to ensure that sufficient school places are provided to meet the needs of the occupants of the proposed development, whether or not that capacity is provided within North Duffield.
- 2.13.3 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via Section 106 agreement.
- 2.13.4 Since the applicant has agreed to make appropriate contributions by way of section 106 towards re-cycling facilities 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.

2.14 Affordable Housing

- 2.14.1 Policy SP9 states that the Council will seek to achieve a 40/60% affordable/ general market housing ratio within overall housing delivery. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings.
- 2.14.2 The policy goes on to state that the actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.
- 2.14.3 The Selby District Council Strategic Housing Market Assessment 2009 has identified a need for both 2 and 3 bedroom affordable homes with a required tenure split of 30-50% Intermediate and 70-50% Rented. The Section 106 agreement would secure up to the 40% provision on site and would ensure that a detailed Affordable Housing Plan is provided setting out the size and tenure mix. However, a different mix may be considered if it has been agreed in principle with an identified Registered Provider (RP) partner. The outline scheme proposes a total of 65 no. units, and as such our Core Strategy requires a contribution of up 26 units. The applicants have agreed to this level of provision which will be secured by way of a Section 106 agreement.
- 2.14.4 The proposals are therefore considered acceptable with respect to affordable housing provision having had regard to Policy SP9 subject to the completion of a Section 106 agreement.

2.15 Other matters

- 2.15.1 Comments have been made about loss of property values. However, property values are not a matter that can be taken into account in the determination of planning applications
- 2.15.2 Other comments relate to the site being Green Belt land. However, although the site is in open countryside outside the established development limits it does not comprise Green Belt.
- 2.15.3 Comments are made that there is sufficient housing land in Selby at present. However, the council conceded at the recent inquiry that it did not have a 5 year housing land supply.

2.16 Conclusion

The scheme would bring benefits through the delivery of market and affordable housing in the district with an acknowledged shortfall. This is a benefit of significant weight. Added to this there would be some benefit in environmental terms from landscaping in economic terms the scheme would provide construction jobs and local investment.

The applicants refer to the benefits of the land for football facilities. However, the provision of new recreational open space in housing developments is a policy requirement and an expectation in new housing development and is therefore afforded little weight.

The Core Strategy indicates that North Duffield is a Designated Service Village and thus a village where is some scope for additional residential growth to support rural sustainability. Weighed against the above benefits, the site lies outside of the development limits in land defined as open countryside. According to the Strategy only certain types of development should be permitted here, of which the development proposal is not one. The proposal therefore conflicts with the locational requirements of the adopted development plan. This weighs in the planning balance. However the weight to be given to the conflict with the development plan is reduced by the Council's inability to demonstrate a 5 year supply of deliverable housing. The NPPF is clear that when this situation arises, relevant policies for the supply of housing should not be considered up to date. These include policies setting development limits.

The development would broadly comply with the development locational strategy of the development plan being adjacent and well related to a sustainable service village where the basic essential facilities are provided. Still, the presumption in favour of sustainable development still does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with the development plan, if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should be refused.

There would be some harm from the scale of the development and the level of growth of the village. Furthermore, although the site is well related to the settlement limits it does represent a large extension. However, no specific limits for the growth of the village have been set and the growth options at present are only a guide. The proposal is considered, on balance, to be acceptable in principle. In respect of matters of acknowledged importance such as climate change, flood risk, nature conservation interests (subject to comments of the RSPB and YWT), drainage (subject to comments from Suds on the additional drainage information), highway safety, contaminated land, archaeological considerations and impact on residential amenity it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits in terms of housing delivery of the application. Therefore the proposal is considered acceptable when assessed against the policies in the Selby District Local Plan, the Core Strategy and the NPPF in particular paragraph 14, taken as a whole. It is on this basis that

permission is recommended to be granted subject to conditions and a Section 106 agreement.

3.0 Recommendation

This planning application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, the provision of on-site recreational open space and a waste and recycling contribution and subject to the conditions detailed below:

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

Reason:

This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Applications for the approval of the reserved matters referred to in No.1 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

3. The number of dwellings on the site shall not exceed 57 and the location of the dwellings shall not extend into the area of land indicated to be provided for the open space, the landscaping area, the football pitch and associated facilities.

Reason:

Any further dwellings or encroachment of built form further north than indicated on the indicative layout would be an intrusive form of development harmful to the character and form of the village and would be a harmful urban encroachment into the open nature of the area of land to the north contrary to ENV1 of the LP, and SP1, SP2 and SP19 of the CS.

4. The development hereby permitted shall be carried out in accordance with recommendations, findings and mitigation measures outlined in Ecological Appraisal dated May 2016 and the Habitat Regulations Assessment Report dated May 2016 and the Wintering Bird Surveys of May and November 2016 by Smeedon Foreman Ecologists.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1 (5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

5. No dwelling shall be occupied until a scheme to demonstrate that at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources including details and a timetable of how this is to be achieved, including details of physical works on site, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be

implemented in accordance with the approved timetable and retained as operational thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainability, to minimise the development's impact in accordance with Policy SP16 of the Core Strategy.

- 6 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.

7. 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.

8. 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. The approved scheme shall be implemented before the development is brought into use. The following criteria shall be considered within the scheme:

- (i) Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- (ii) 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.
- (iii) A 20% allowance for climate change should be included in all calculations.
- (iv) A range of durations should be used to establish the worst-case scenario.
- (v) 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.

9. 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

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and
. sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

INFORMATIVE

In imposing condition number 8 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid

abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

Reason;

In accordance with Policies ENV1, T1 AND T2 of the 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.

- 11 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

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

Reason;

In accordance with Policy T1 of the 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.

- 12 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(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.

(iv) Provision of tactile paving in accordance with the current Government guidance.

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 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.

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.

- 13 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel

lines of the major road York Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason;

In accordance with policies ENV1, T1 and T2 of the 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.

INFORMATIVE

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

14 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) A programme for the completion of the proposed works has been submitted.
The required highway improvements shall include:
 - a) The provision of a pedestrian crossing adjacent to the site on York Road.
 - b) Relocation of 30mph/national speed limit signs.
 - c) Installation of roundels.

Reason

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

15 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12 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 Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garages 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 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.

17 Unless approved otherwise in writing by the Local Planning Authority 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 Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

INFORMATIVE

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.

- 18 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 Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

INFORMATIVE

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

- 19 Notwithstanding the parking provisions on the indicative layout plan, the level of car parking provision should meet the NYCC amended parking standards or any revised standards appropriate at the time of the submission of the reserved matters application.

Reason;

In the interests of road safety requirements and to meet the requirements of Policies ENV1, T1 and T2 of the Local Plan.

20 No demolition/development shall take place until a written scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- (i) The programme and methodology of site investigation and recording
- (ii) Community involvement and/or outreach proposals
- (iii) The programme for post investigation assessment
- (iv) Provision to be made for analysis of the site investigation and recording
- (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- (vi) Provision to be made for archive deposition of the analysis and records of the site investigation
- (vii) Nomination of a competent person or persons/organisation to undertake the works set out in the written scheme of investigation.

Reason

To ensure the satisfactory investigation and recording of any matters of archaeological interest and to comply with Policy SP18 of the CS and the NPPF

21 No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 20 above.

Reason

To safeguard any features of archaeological interest on the site

22 The development shall not be occupied until the site investigation and post Archaeological investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 20 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured unless otherwise agreed in writing with the local planning authority.

Reason

To ensure the satisfactory investigation and recording of any matters of archaeological interest and to comply with Policy SP18 of the CS and the NPPF

23 A copy of any resulting reports from the archaeological fieldwork shall be forwarded to the Historic Environment Record Officer at North Yorkshire County Council for inclusion in the North Yorkshire Historic Environment Records

Reason

To ensure the safe keeping of any recording of any matters of archaeological interest and to comply with Policy SP18 of the CS and the NPPF

24 The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how light, noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority. The plan shall include details of

monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed.

Reason:

To protect the amenity of the area, the environment and local residents from noise pollution and to comply with Policies ENV1 of the LP.

25 Details of external lighting of the development shall be submitted to and approved in writing by the Local Planning Authority before the external lighting works for the phase of the development are commenced. The proposed scheme shall:

- Indicate the location of external lighting and provide technical details of the type of lighting to be installed and spillage resulting;
- Ensure that it represents the minimum level required for security purposes;
- Be designed to minimise glare and spillage.

Reason:

In the interests of ensuring that the proposals would not have an adverse impact on this rural location.

26 No development shall commence on site until the trees on the site which are to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas

REASON:

To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity and in accordance with Policy ENV1 of the Local Plan

27 The development hereby permitted shall be carried out in accordance with recommendations, findings and mitigation measures outlined in Tree Report by Elliott Consultancy Ltd dated June 2016.

Reason:

To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity and in accordance with Policy ENV1 of the Local Plan.

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

(to be inserted into the decision notice)

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

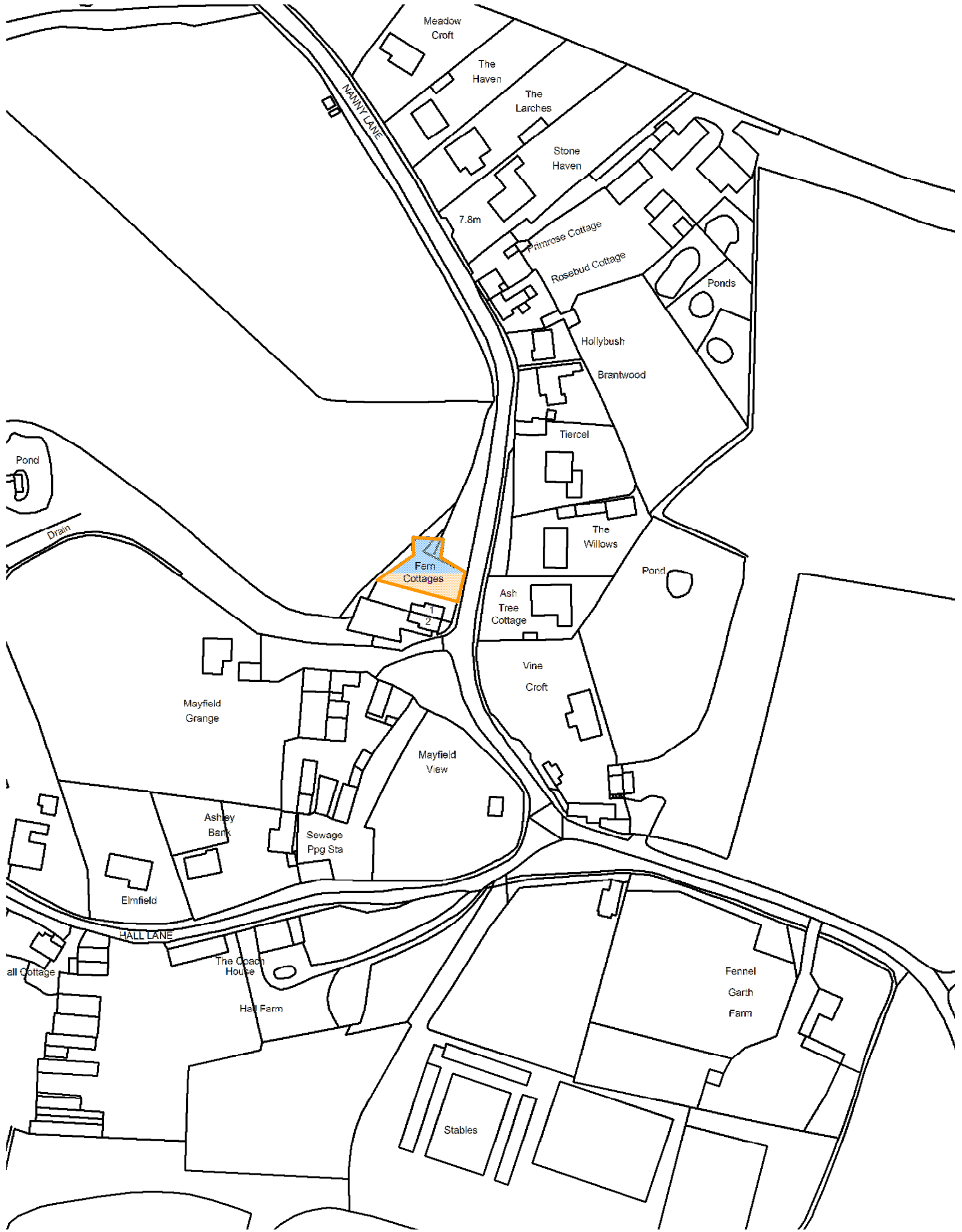
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0644/OUT and associated documents.

Contact Officer: Fiona Ellwood (Principal Planning Officer)

Appendices: None



APPLICATION SITE

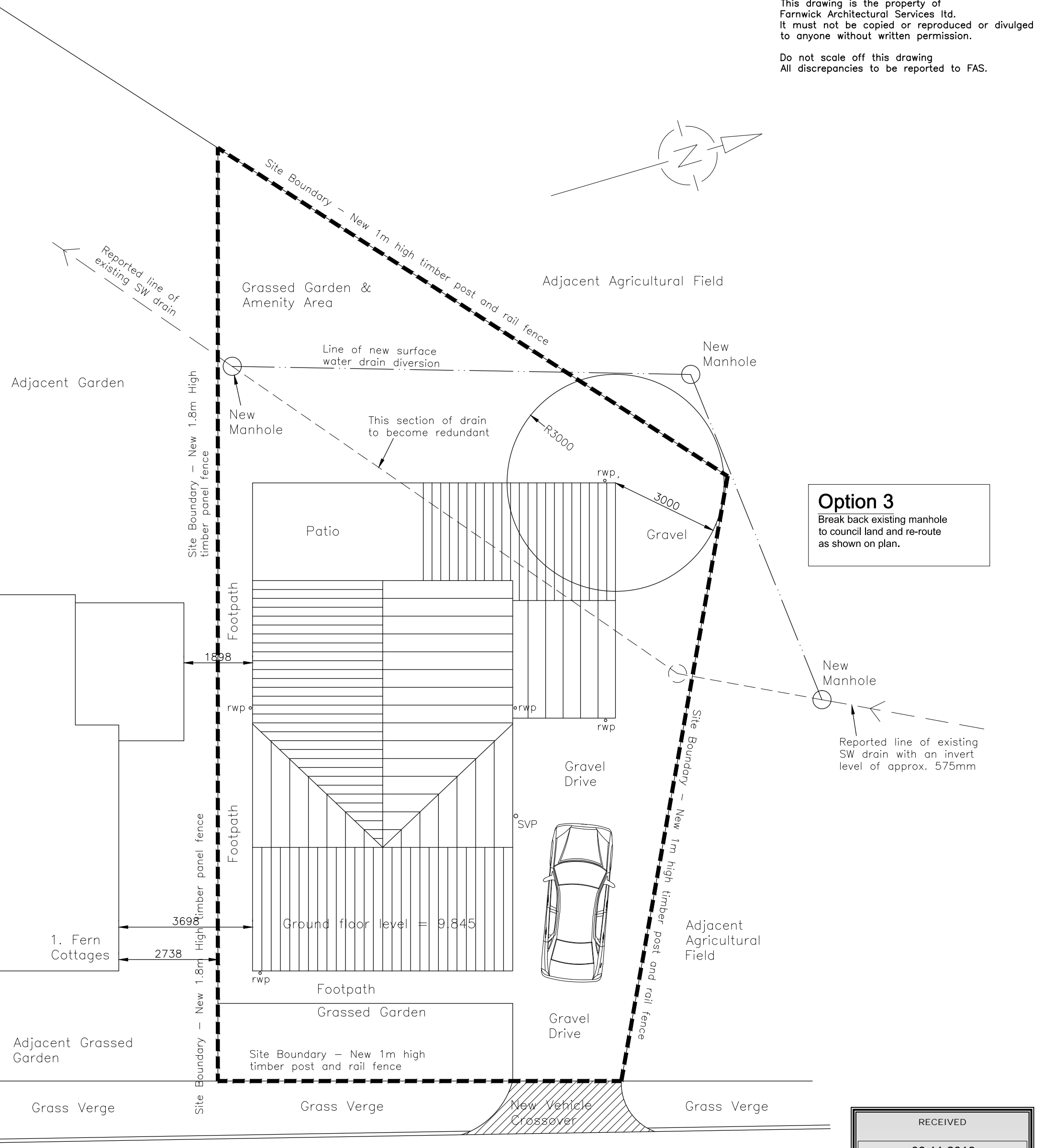
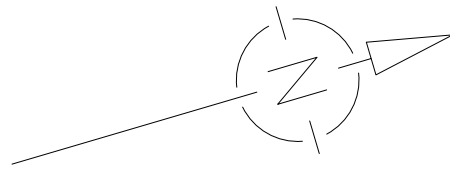
Item No: 2015/1220/FUL

Address: 1 Fern Cottages, Nanny Lane, Church Fenton

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Option 3
Break back existing manhole to council land and re-route as shown on plan.

RECEIVED
09.11.2016
BUSINESS SUPPORT

NANNY LANE

AMENDED DRAWING

Scale	1:100@A3	Drawing No.	Rev.
Date	April 2016	066-10	

Client Mr A Moore

Project Detached Dwelling on Land Adjacent To 1 Fern Cottages, Nanny Lane Church Fenton

Drawing Proposed Drainage - Option 3

Farnwick
Architectural Services

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w: www.farnwick.co.uk

To: Planning Committee
Date: 11th January 2017
Author: Simon Eades (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2015/1220/FUL (8/62/131D/PA)	PARISH:	Church Fenton Parish Council
APPLICANT:	Classic Developments Ltd	VALID DATE:	11 November 2015
		EXPIRY DATE:	16 January 2016
PROPOSAL:	Proposed erection of a detached dwelling on land adjacent to		
LOCATION:	1 Fern Cottages, Nanny Lane, Church Fenton, Tadcaster, North Yorkshire, LS24 9RL,		

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 and the application has five letters of objection. Prior to this judgement the Council was able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD from development under 10 residential units. However, following the recent Court Judgement the proposal is contrary to the provisions of the Development Plan but there are material considerations which would justify approving the application without the need to secure an affordable housing contribution.

Summary:

The proposed scheme is for the erection of a detached dwelling. The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Given paragraph 49 of the NPPF it is considered that policies SP2 and SP4 are out of date so far as they relate to housing.

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, Selby District Local Plan and the Core Strategy.

The proposals do not accord with the development plan but there are material considerations of sufficient weight to outweigh the provisions of policy SP9 of the Core Strategy Local Plan. Furthermore it is 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 is recommended be granted subject to the attached conditions.

Recommendation

This planning application is recommended FOR APPROVAL subject to conditions detailed in Paragraph 2.19 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 Church Fenton and is location in Flood Zone 1.

1.1.2 The site comprises overgrown scrub land to the north of the garden area of 1 Fern Cottages. All access to the site is from Nanny Lane. The surrounding area consists of a mixture of single and two storey semi-detached and detached dwellings..

1.2. The Proposal

1.2.1 The proposal seeks permission for a proposed two storey dwelling.

1.2.2 The proposed dwelling would be two storeys with a pitched roof, being 4.8 metres to eaves and 7.3 metres to its ridge, 7 metres in width and 10.4 to 13.1 metres in depth. The dwelling would have access from Nanny Lane with a driveway to the side serving a pitched roof garage attached to the side of the property. The front elevation would line up with the adjacent properties (Fern Cottages) to the south and there would be a small front and rear garden. The proposed scheme is a 2015 application and the delay in determination has been due to resolving a 3 metre clearance of a manhole, sewerage diversion and technical drainage issues, which is to go on land not owned by the applicant. A series of discussions have been required between, the applicant, Yorkshire Water and the other land owner. This matter has now been resolved requiring amended plans, amended redline application site and serving notice on other land owner including an updated certificate B on the application form.

1.3 Planning History

1.3.1 2006/0014/FUL (REF - 10.04.2006) Erection of a two storey detached dwelling on land – It was refused for the following reasons:

1. The application site does not constitute previously developed land as defined by Annex C of Planning Policy Guidance Note 3, and does not benefit from any presumption in favour of residential development. The proposed development is unnecessary as there is an adequate supply of sequentially preferable sites available for residential development within the District. Accordingly, to allow the proposal would be contrary to Regional Policy Guidance for North Yorkshire (1995), Planning Policy Guidance Note 3, which promotes the re-use

of previously developed land, as well as policy H2A of the adopted Selby District Local Plan (2005), which states that planning permission for residential development on Greenfield sites will be refused.

2. The Local Planning Authority considers that clear visibility of 90 metres can not be achieved along the public highway in the southerly direction from a point to 2 metres from the carriage way edge measured down the centre line of the access road and consequently traffic generated of the proposed development will be likely to create conditions prejudicial to highway safety and it is contrary to Policies ENV1, H2B, H6 , T1 and T2

1.3.2 2006/0943/FUL (REF - 12.09.2006) Resubmission of previously refused application 8/62/131A/PA for the erection of a two storey detached dwelling on land adjacent. It was refused for the following reasons:

1. The application site does not constitute previously developed land as defined by Annex C of Planning Policy Guidance Note 3, and does not benefit from any presumption in favour of residential development. The proposed development is unnecessary as there is an adequate supply of sequentially preferable sites available for residential development within the District. Accordingly, to allow the proposal would be contrary to Regional Policy Guidance for North Yorkshire (1995), Planning Policy Guidance Note 3, which promotes the re-use of previously developed land, as well as policy H2A of the adopted Selby District Local Plan (2005), which states that planning permission for residential development on Greenfield sites will be refused.
2. The Local Planning Authority considers that clear visibility of 90 metres can not be achieved along the public highway in the southerly direction from a point to 2 metres from the carriage way edge measured down the centre line of the access road and consequently traffic generated of the proposed development will be likely to create conditions prejudicial to highway safety and it is contrary to Policies ENV1, H2B, H6, T1 and T2

1.3.3 2013/0867/HPA (PER - 11.10.2013) Retrospective application for ground floor extension to rear and side of property

1.4 Consultations

1.4.1 Church Fenton Parish Council
No response received

1.4.2 NYCC Highways

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

Public Highway

On 8 December 2015 the following was sent to Selby District Council regarding the above planning application :

The Highways officer is aware that previous planning applications for the site (ref's 2006/0014 and 2006/0943/FUL) were refused partly on highway grounds, but since 2006, the sight line requirement has reduced from 70m to 43m. Therefore, after

visiting the site and measuring the sight lines, confirms that the required sight lines of 2m x 43m can be achieved in each direction.

Subsequently, it has been confirmed that the land which the proposed sight lines run over is public highway. Therefore, the Local Highway Authority recommends that the following Conditions are attached to any permission granted:

1. Private Access/Verge Crossings: Construction Requirements
2. Visibility Splays
3. Provision of approved access. Turning and parking areas
4. Construction management plan

1.4.3 Yorkshire Water

No objection subject to a condition.

1.4.4 Selby Area Internal Drainage Board

No response received

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

The application will 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.

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 7 metres of the edge of a watercourse are permitted without Consent from the IDB.

ANY surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

1.4.5 WPA Consulting - Contaminated Land Consultants

Having reviewed the Screening Assessment Form for the above site, WPA do not consider there to be any requirements for additional information or planning constraints due to the presence of any potential contamination at this time, based on the information provided.

1.5 **Publicity**

1.5.1 All immediate neighbours were informed by letter and a site notice was erected on site. Five letters of representation have been received which outline the following issues:

- Planning permission has been refused twice previously
- A land drain is vital to draining of surface water and plans do not take this into consideration
- The new development is in very close proximity to 1 Fern Cottage and the plans appear to be incorrect as the approved extension to the cottage in 2013 is not shown and therefore accurate consideration has not been given to the neighbouring property.
- A 4 bedroom house would require parking for two cars and possibly more.
- The site is a green field site
- The area has rural character
- The dwelling is too large for the plot and out of character to the area
- Will cause highway safety issues
- Will have detrimental impact of overshadowing and oppression to the bedroom on the flat roof two storey offshoot and dining room window on the single storey side extension
- The proposal allows very little space for landscaping and believe that it would lead to gross over development of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.
- Human Rights Act states that a person has the substantive right to respect for their private and family life. Private and family life therefore encompasses not only the home but also the surroundings and garden.
- The proposed site of the development is at such an angle that the primary amenity area of our garden, a raised patio with seating, would be severely overlooked from all rear windows and side windows of the new development, resulting in a serious invasion of our privacy.
- A right to light is generally acquired when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years, which I can confirm that the cottage has acquired, dated from when it was built in 1866.

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
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 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) Design and Impact on the character and form of the area
 - d) Affordable Housing
 - e) Impact on Residential Amenity
 - f) Highway Safety Issues
 - g) Protected Species
 - h) Contaminated Land
- 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

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. The application is for the erection of one dwelling and the site is situated within the defined development limits of Church Fenton 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 greenfield land of an appropriate scale (including garden land) within the defined development limits of a designated service village such as Church Fenton.

2.7.3 The National Planning Policy Framework, Annex 2 provides a definition of what constitutes previously developed land and states previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition goes on to state that it excludes land in built up areas such as private residential gardens. The NPPF therefore indicates that planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

- 2.7.4 The application site is located on part of the residential curtilage to no1 Fern Cottages and therefore does not constitute previously developed land in terms of the definition in Annex 2 of the NPPF. However, the NPPF is clear that such proposals would be unacceptable where they cause harm to the local area. An assessment of the impact of the proposal on the character of the area is discussed in Section 2.11. Impact on the Character and Form of the area detailed below.
- 2.7.5 In conclusion, the site is within the defined development limit of a Designated Service Village and therefore would meet Policy SP2 of the Core Strategy. The proposal should therefore be approved unless material planning considerations indicate otherwise. ”
- 2.7.6 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.
- 2.7.7 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 2.7.8 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.
- 2.7.9 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.
- 2.7.10 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:

2.7.11 Economic

The proposal would provide jobs in the creation of a new dwelling. Future occupants would contribute to the maintenance of local services.

2.7.12 Social

The proposal is for one dwelling it would also contribute towards the objectively assessed housing need in the district.

2.7.13 Environmental

The proposal does not result in the use of high grade agricultural land or land of significant nature conservation value.

2.7.14 The above factors weigh in favour of the development.

2.7.15 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 section 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.

2.10.3 The application form states the proposed scheme will dispose of surface water and foul sewerage via the mains sewerage

2.10.4 The application has received no response from the internal drainage board.

2.10.5 The proposed scheme is a 2015 application and the delay of the scheme has been due to resolving a 3metre clearance of a manhole, sewerage diversion and technical drainage issues, which is to go on land not owned by the applicant. Series of discussion have been required between, the applicant, Yorkshire Water and the other land owner. This matter has now been resolved requiring amended plans, amended redline application site and serving notice on other land owner including an updated certificate B on the application form.

2.10.6 Yorkshire Water was consulted on several occasions and the amended plans have now resolved the previous concerns subject to a condition.

2.10.7 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 on the character and form of the area are Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 56, 60, 61 and 65.

2.11.2 The surrounding area consists of a mixture of house types which differ in size, design and age. The proposed dwelling proposes a height 4.8metres to eaves and 7.3metres to its ridge. The proposed scheme retains the existing character and form of the area in so much as they have driveways to the front and garden space. It is noted that the application site does provide a limited amount of amenity space, however, the amenity space proposed in this scheme compared to the previously refused application are very similar. The amount of amenity space proposed did not form the previous reason for refusal and it would there considered to unreasonable to considered the limited amenity space to warrant refusal considering it was considered acceptable in the previous applications. The proposed dwelling has a simple symmetrical fenestration detail which is sympathetic to the character and form of the surrounding area. The proposed layout involves a mixture of parking immediately adjacent to the front or side elevation and has a grassed garden to the rear. The proposed scheme would retain the existing 1.8metre high timber fence on the north, south and west boundaries and 1metre high timber post and rail fence to

east boundary which is considered to be in keeping with the character and form of the area.

2.11.3 On the basis of the above the proposed scheme is considered to be acceptable in terms of its design and its impact on the character and form of the area of the proposed development is considered to be acceptable in accordance with Policy ENV1 of the Selby District Local Plan and 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. 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.

2.13 Impact on Residential Amenity

2.13.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1 (1) of the Local Plan and Paragraph 200 of the NPPF.

2.13.2 The nearest neighbouring property to the proposed dwelling is 1 Fern Cottages to the south, and it is located the following distances away from the following features:

- 3.6metres away from the two storey gabled end of 1 Fern Cottages
- 2.7metres away from the boundary 1 Fern Cottages
- 1.8metres away from the single storey side extension of 1 Fern Cottages
- 4.8metres away from the two storey off shot of 1 Fern Cottages

2.13.3 The neighbouring property also has several windows on its north elevation which are as follows:

- One window on the two storey gabled end which serves a first floor bathroom and which is a non-habitable room. This is the only window to that room, but the new dwelling is located 3.6 metres away from it.
- One window on the two storey off shot which serves a first floor bedroom which is a habitable room and this is the only window to that room. (The new dwelling would be 4.8 metres distant from this window).
- Two windows on the single storey side extension which serve a kitchen / dining room which is a non-habitable room and there is one patio door in the west elevation of this extension which also serves this room.

- 2.13.4 The proposed dwelling is considered not to have a significant adverse effect of overshadowing and oppression upon the windows of the single storey extension windows on 1 Fern Cottages due to the nature of the room being a kitchen / dining room which is a non-habitable room. In addition to this the kitchen dining room has window openings on two elevations. With this being the case the windows on the north elevation are smaller secondary windows compared to the larger window opening of the patio door on the north elevation which is considered to be the primary window. With this being the case the proposal is considered to be acceptable on balance in regard to its impact on those windows to the kitchen-dining room of 1 Fern Cottages.
- 2.13.5 The proposed dwelling is considered not to have a significant adverse effect of overshadowing upon the first floor bedroom window to the north elevation of 1 Fern Cottages due to the orientation of the site, facing north. The proposed scheme is considered to have a degree of overshadowing of this window but not sufficient to warrant refusal due to the separation distance between 1 Fern Cottage and the proposed dwelling. The same would apply to the bathroom window referred to above.
- 2.13.6 The proposed new dwelling proposes 3 windows on its west elevation, two at ground floor and one at first floor. The first floor window serves a bathroom and a condition would need to be imposed that this window be fitted with obscure glazing for the lifetime of the development and another condition that permitted development rights be removed for any further windows at first floor level on that elevation. One of the ground floor windows serves a utility room and the other a dining room. The scheme proposes a 1.8metre high full boarded timber fence along the boundary between the proposed dwelling and 1 Fern Cottages which is considered to provide sufficient screening to prevent overlooking. With this being the case it is recommended to impose a condition that the 1.8metre high full boarded timber fence is retained for the lifetime of the development to prevent any future overlooking issues to 1 Fern Cottages.
- 2.13.7 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 policies ENV1(1) and ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF

2.14 Highway Safety Issues

- 2.14.1 Policy in respect of highway safety and capacity is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. These policies should be afforded significant weight.
- 2.14.2 The proposed scheme proposes a new access from Nanny Lane and proposes parking to the front of the property. NYCC Highways have no objections to the proposal subject to a condition. It is therefore considered that the scheme would be acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

2.15 Protected Species

- 2.15.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPPF and accompanying PPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 2.15.2 There is a pond located within close proximity of the application site and the applicant has submitted a Great Crested New Survey that states the following:
- 2.15.3 “Although the pond was assessed at a sub-optimal time for surveying for great crested newts, there are factors that suggest it is unsuitable for great crested newts for the following reasons:
- the presence of large fish which will eat all the amphibian eggs and young.
 - the high maintenance of the pond banks using petrol lawn mower and strimmer to keep a short sward around the pond
- 2.15.4 The HSI score suggests the pond to be of average suitability for newts but the density of large fish is likely to prevent successful amphibian breeding.
- 2.15.5 The proposed development on Nanny Lane will not impact the pond or the habitat corridor leading to the pond but will result in some loss of scrub and damp areas when the development site is cleared. As GCN are not thought to be using the pond, the clearing of the site should not be a significant issue. No great-crested newts were found during the survey visit conducted at the site which was to be expected, but based on the survey results great-crested newts are not considered to be a receptor in respect of the proposed development adjacent to Nanny Lane.”
- 2.15.6 Given the above, the application site is unlikely to have any great crested newts present and having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the Ecological Appraisal.

2.16 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 having reviewed the Screening Assessment Form for the above site, WPA do not consider there to be any requirements for additional information or planning constraints due to the presence of any potential contamination at this time, based on the information provided.”
- 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 Presumption in Favour of Sustainable Development

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 impact on highway safety
6. The scheme does not have detrimental impact on Nature Conservation and Protected Species
7. The scheme does not have a detrimental impact with regard to Land Contamination

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 scheme 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 the erection of a detached dwelling. The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Given paragraph 49 of the NPPF it is considered that Policies SP2 and SP4 are out of date so far as they relate to housing.

2.18.2 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, Selby District Local Plan and the Core Strategy.

2.18.3 The proposals do not accord with the development plan but there are material considerations of sufficient weight to outweigh the provisions of policy SP9 of the Core Strategy Local Plan. Furthermore it is 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 Recommendation

That this planning application is 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. No development shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the dwellings have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

03. The development hereby permitted shall not be occupied until the first floor level window in the west elevation 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.

04. Notwithstanding the provisions of Class A to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 no further windows and openings other than those permitted by the development approved shall be placed in the west elevation of the proposed development 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.

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

- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be constructed and maintained thereafter to prevent such discharges.

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 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.

06. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road (Nanny Lane) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Core Strategy and in the interests of road safety.

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 (Reference 066-05). 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 Policy SP19 of the Core Strategy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

08. 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. wheel washing facilities
 - e. HGV routes

Reason

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Core Strategy and in the interests of road safety.

09. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the sewer i.e. a protected strip width of (6) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason

In order to allow sufficient access for maintenance and repair work at all times.

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

Floor Plan as Proposed	066-02
Elevations as Proposed	066-03
Sections	066-04
Existing Plans	066-01A
Street scene	066-06A
Planning Layout	066-10
Location	HPS06127/001A

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

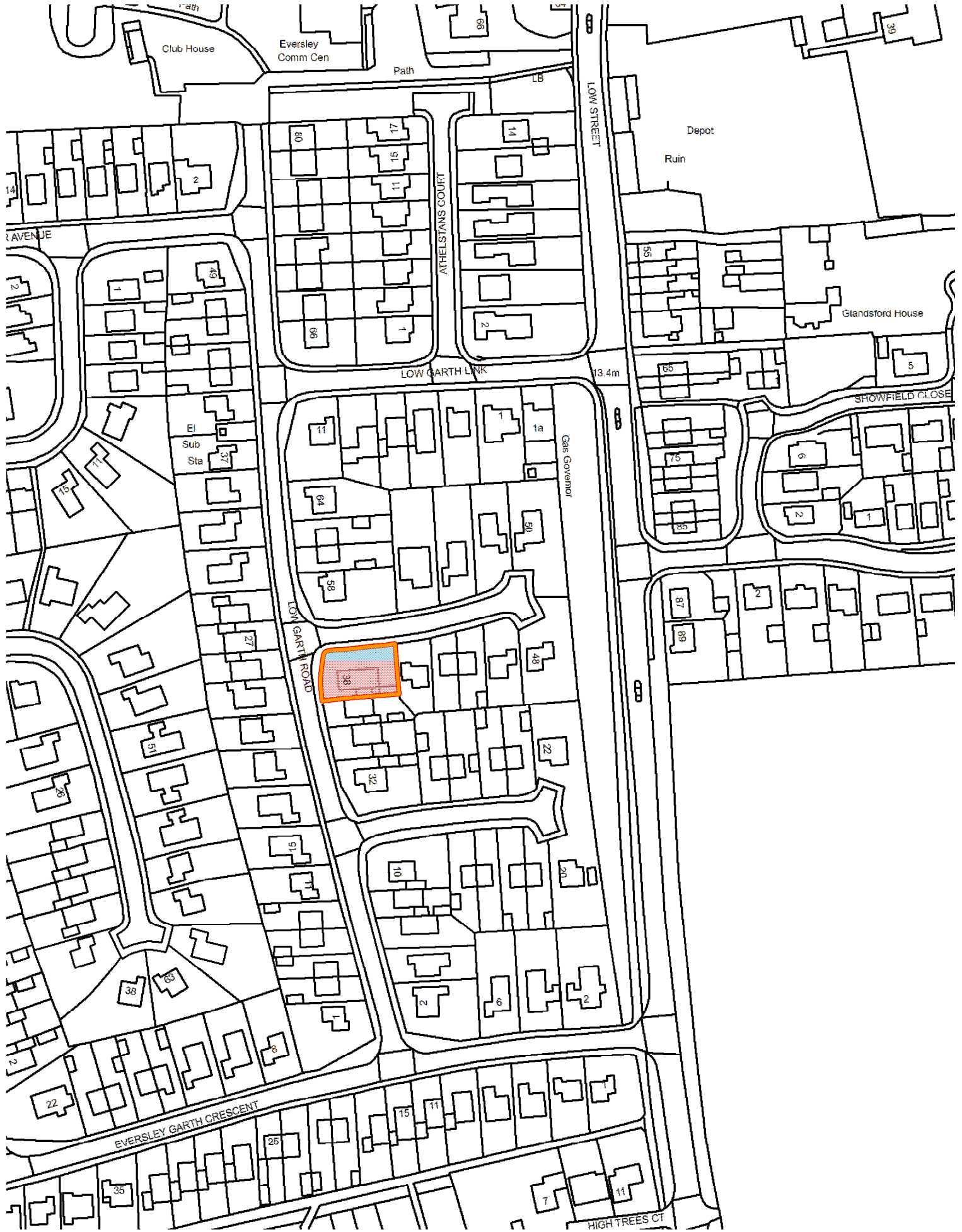
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2015/1220/FUL and associated documents.

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

Appendices: None

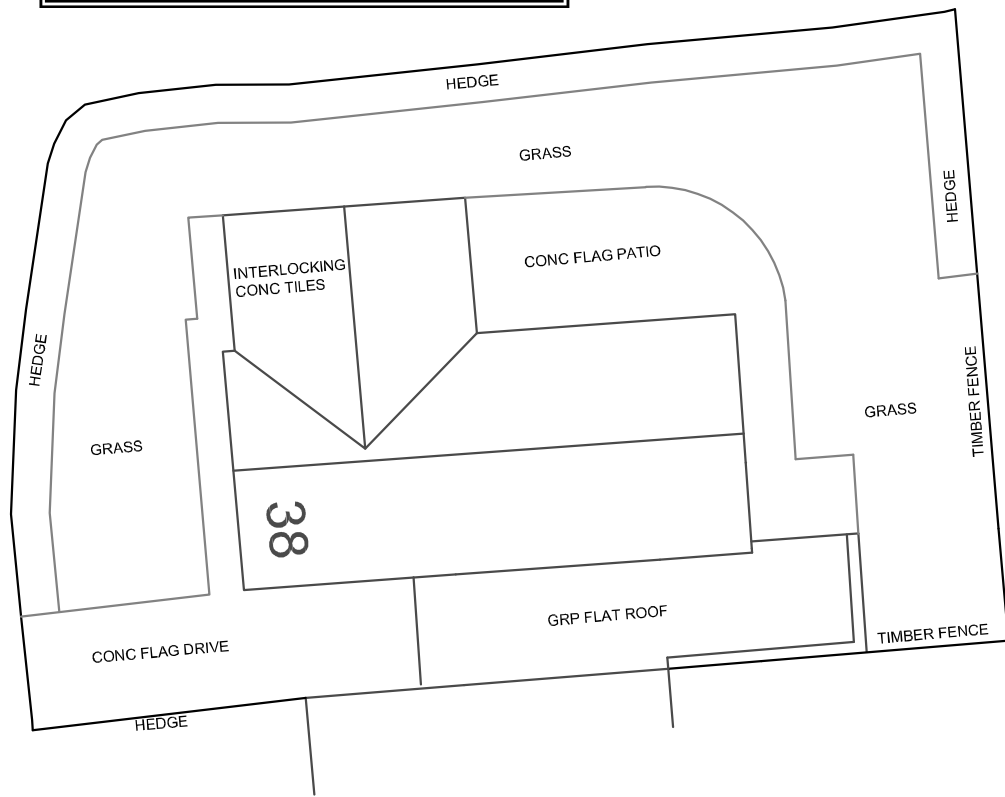


APPLICATION SITE

Item No: 2016/1207/HPA

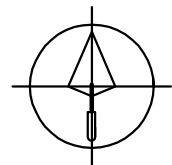
Address: 38 Low Garth Road, Sherburn in Elmet

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PROPOSED SITE PLAN - 1:200



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To: Planning Committee
Date: 11 January 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1207/HPA (8/58/326A/PA)	PARISH:	Sherburn in Elmet
APPLICANT:	Ms A Shepherd	VALID DATE:	17 October 2016
		EXPIRY DATE:	12 December 2016
PROPOSAL:	Proposed single storey side extension and proposed single storey side and rear extension following demolition of an existing garage.		
LOCATION:	38 Low Garth Road Sherburn in Elmet		

This application has been brought before Planning Committee at the request of the Councillor Buckle due to concerns that the proposed extension would be close to the neighbouring property and out of proportion with the rest of the properties in the surrounding area.

Summary:

The application is for the proposed demolition of a single garage, and for the erection of a single storey extension to the side and a single storey extension to the side and rear.

This application would re-configure the internal accommodation to provide at the ground floor an kitchen/lounge, and the side extension to provide an additional bedroom. The utility room would replace the single garage which would be demolished, and a new garage erected to the side of the property. There would also be revisions to the external openings / window details.

The scope of the changes noted above are considered to be acceptable in design and amenity terms. Therefore, it is considered that the overall proposal would still retain the character of the property.

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

Recommendation

This application is recommended to be GRANTED subject to the noted conditions at Section 4.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site is located within the defined development limits of Sherburn in Elmet. The application site is a corner plot situated within a large housing estate.
- 1.1.2 The host dwelling is a detached bungalow situated along Low Garth Road, where there are various house types. Access to the dwelling is taken from Low Garth Road.
- 1.1.3 The properties in proximity to the site are mixed in design, materials and age.
- 1.1.4 The site lies within Flood Zone 1 a low risk of flooding.

1.1 The Proposal

- 1.2.1 The application is for the erection of a single storey side extension, and a single storey side rear extension following the demolition of an existing garage.
- 1.2.2 The proposal would provide a reconfigured kitchen / dining space, lounge, a utility room, and an additional bedroom on the ground floor. As part of these works external alterations were agreed including additional window openings.
- 1.2.3 A single garage would be erected between the host dwelling and neighbouring property.

1.3 Planning History

- 1.3.1 CO/1984/0972 (Per 14.06.1984) Erection of an extension to form a kitchen and study

1.4 Consultations

1.4.1 Parish Council

Have raised objections with concerns of overdevelopment of the plot compared to that of the surrounding area.

1.4.2 NYCC Highways

No objections, subject to conditions.

1.5 Publicity

1.5.1 All immediate neighbours were informed by letter, advertisement in the local newspaper and a site notice was erected. Four letters of objection have been received in summary they are below:

1.5.2 The recent development in Sherburn have substantially changed the village so that much of the open space in the area has or will soon disappear. The application would create a planning precedent that may ultimately see the end of the open look and feel which was part of the vision for the old Eversley Park Estate.

1.5.3 The proposed new garage at the front of the property is out of keeping with other bungalows, and given the appearance of it being linked to the detached bungalow at number 36 Low Garth Road, the neighbour would be unable to access their side of their property for maintenance. From the plans it appears that the roof and the rear/side extension has skylights given the appearance of a dormer property making it inconsistent with the neighbour bungalows.

1.5.3 There seems to be a narrow space between what are currently two detached bungalows and that the proposed extension has a flat roof. It is considered that this could lead to environmental problems.

1.5.4 Concerns regarding the visual appearance of the bungalow on the street scene.

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
SP15:	Sustainable Development and Climate Change
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
T1:	Development in Relation to the Highway Network

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

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

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

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

2.5 Key Issues

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

1. Principle of development.
2. Design and Impact of the Character of the Area
3. Impact on residential amenity.
4. Impact on highway and parking arrangements.
5. Other Matters

2.6 The Principle of the Development

- 2.6.1 Relevant policies in respect to the principle of development, the presumption in favour of sustainable development and reducing carbon emissions and the effect of climate includes Policies SP1 and SP15 (B) of the Core Strategy and Paragraph 14 of the NPPF.
- 2.6.2 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. Having had regard to the nature and scale of the proposal for a single storey side extension and a side storey side and rear extension following the demolition of the existing garage. It is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.
- 2.6.3 Therefore having had regard to policy SP15 (B) it is considered that the proposal is acceptable.
- 2.6.4 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.6.5 The site is located within the defined development limits of Sherburn in Elmet and the proposal is for a single storey side extension and proposed single storey side and rear extension following the demolition of an existing garage. There is nothing within the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.
- 2.6.7 Therefore having had regard to policy SP1 it is considered that the proposal is acceptable.

2.7 Design and Impact of the Character of the Area

- 2.7.1 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 of the Core Strategy.
- 2.7.2 Significant weight should be attached to the Local Plan policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.7.3 Relevant policies within the NPPF, which relate to design include paragraphs 56, 60, 61,65.

- 2.7.4 The application site is located within the defined development limits of Sherburn in Elmet and within the local area of there are a various house types situated along Low Garth Road. The proposal would be visible from Low Garth Road.
- 2.7.5 The proposed northern side extension would be above gable pitched roof which would be integrated into the existing roof of the host dwelling. The extension would measure approximately 6.0 metres in depth and 4.0metres in width with the height measuring approximately 4.4 metres in height to the ridge.
- 2.7.6 The proposed side and rear extension would protrude from the southern side and the rear eastern elevation, where a flat roof design would be integrated into the host dwelling and neighbouring property 36 Low Garth Road. The extension would measure approximately 11.5 metres in depth and 2.0metres in width with the height measuring approximately 2.4 metres in height. This would follow the demolition of an existing single garage.
- 2.7.7 Included in the proposal is the reconfiguration of the internal layout of the host dwelling which would include roof lights to be incorporated, two windows to be filled in to create an open plan living space to the rear of the host dwelling.
- 2.7.8 Comments from Sherburn in Elmet Parish Council have been received stating that the site would be an over development of the plot, the garage would give the appearance of linking the host bungalow and the neighbouring bungalow.
- 2.7.9 The host dwelling is a detached bungalow, situated on a corner plot, with the principal elevation facing on to Low Garth Road. Low Garth Road is a long road within the Eversley Park housing estate. Within this street there is a mixture of detached and semi-detached two storey properties and detached bungalows, some of which have been altered and extended to provide additional living accommodation. The original design of the detached bungalows included car ports which were erected between the detached bungalows, these are still visible on some properties along Low Garth Road.
- 2.7.10 Given that the proposed garage would have a flat roof it is considered that in terms of design the principle of flat roofs between properties has already been established. It is also considered that as there is a mixture of house types along the street and some have been extended within close proximity to their respected neighbouring properties.
- 2.7.11 Having regard to all of the above, it is considered that the proposal has an appropriate roof design, and window layout. Brick and roof materials could be controlled through condition to ensure they match the existing dwelling and are appropriate for the locality. It is considered that the proposal sits well against the host property, and would not be considered to result in having an adverse impact on the visual amenities or character of the area.
- 2.7.12 It is therefore considered that the scale, design, of the proposed extension to the host dwelling would not have an impact on the character and form of the locality and is in accordance with policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.8 Residential Amenity

- 2.8.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.
- 2.8.2 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.
- 2.8.3 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.
- 2.8.4 The proposal is for a single storey side extension, and a side and rear extension following the demolition of an existing single garage.
- 2.8.5 The host property and neighbouring property 36 Low Street are in close proximity to one another and are separated by a single drive way which is common amongst properties along this street. The proposed garage would utilise the wall of the host dwelling and the neighbouring property, where a Party Wall notice has been served.
- 2.8.6. The existing windows which currently serves the bathroom and kitchen would be closed and roof lights inserted into the existing roof. As part of this rear side extension a utility room would replace that of the single garage, there would be an internal door to link the garage and the utility, along with a single window and door to provide entrance and a view to the rear garden.
- 2.8.7 The side extension to the northern elevation would include openings of a single window facing on to Low Garth Road and french doors which would open out into the side garden.
- 2.8.8 As part of this application the rear kitchen area would be reconfigured to include bi-folding doors which would open out onto the side garden to allow access from the kitchen area into the garden.
- 2.8.9 Boundary treatments surrounding the property include a low wall and a hedge which covers the majority of the corner plot.
- 2.8.10 Given that there are no proposed openings which would look out on to adjoining neighbouring properties, and there are no neighbouring properties to the northern elevation, it is considered that there would be no significant levels of overlooking, overshadowing or the creation of an oppressive outlook to the neighbouring properties.
- 2.8.11 Therefore proposals are considered acceptable and the proposal would be in accordance with Policy ENV1 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.9 Impact on Highways

- 2.9.1 Relevant policies in respect of highway safety include Policies ENV1 (2) and T1 of the Selby District Local Plan.
- 2.9.2 Significant weight should be attached to Local Plan Policies ENV1 and T1 as they are broadly consistent with the aims of the NPPF.
- 2.9.3 The application proposes to use an existing access, which is currently used by the applicant. North Yorkshire County Council Highways have been consulted and the Highway Officer has requested that a condition is attached for a construction management plan to be used. Given that there are no objections raised in terms of highway safety it is considered that these conditions are considered to be unreasonable.
- 2.9.4 Subject to the aforementioned conditions, it is therefore considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2) and T1 of the Local Plan and the advice contained within the NPPF.

2.10 Flood Risk, Drainage and Climate Change

- 2.10.1 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.
- 2.10.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Relevant paragraphs within the NPPF, which relate to drainage, flood risk and climate change include paragraphs 94 and 95.
- 2.10.4 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of drainage the application form states that foul sewage measures would utilise an existing drainage system. The proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF.
- 2.10.5 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.
- 2.10.6 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 of the Core Strategy and the advice contained within the NPPF subject to conditions.

2.11 Other Matters

- 2.11.1 Comments have been received regarding the current parking arrangements, and the general visual appearance of the property. These matters are not considered to be relevant to the assessment of the merits of this application and it is considered that they should be taken up with the Highway Authority or as a civil matter.
- 2.11.2 The garage door would be linked between the host property and the neighbouring property. A party wall notice has been served to the neighbouring property number 36 Low Garth Road. The proposal is in close proximity to the boundary of neighbouring property 36 Low Garth Road, the agent has confirmed that the Party Wall notice has been served. 'The Party Wall etc Act 1996' provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. The responsibility for this lies with the developer, third parties and Building Control and is not considered to be a planning matter on this occasion.

3.0 Conclusion

- 3.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on the form and character the area, highway safety or the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1, and T1 of the Selby District Local Plan, Policies SP1 SP15, and SP19 of the Core Strategy and the advice contained within the NPPF.

4.0 Recommendation

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

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

Reason:

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

2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those of the existing dwelling in colour, size and texture.

Reason:

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

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

Reason:

For the avoidance of doubt

5.1 Legal Issues

5.1.1 Planning Acts

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

5.1.2 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.

5.1.3 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.

4.2 Financial Issues

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

5. Conclusion

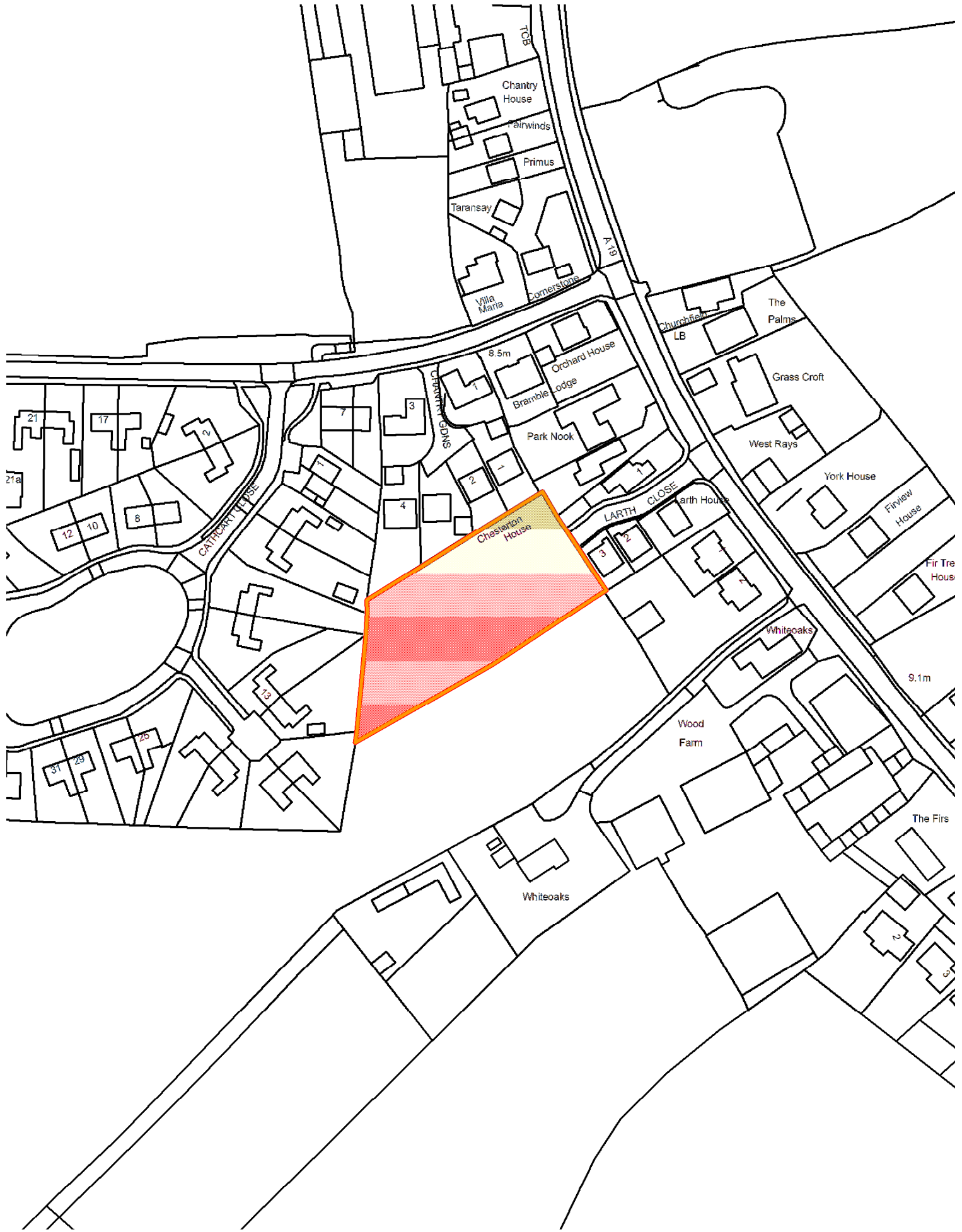
- 5.1 As stated in the main body of the report.

6. Background Documents

- 6.1 Planning Application file reference and associated documents.

Contact Officer: Diane Wilson Planning Officer

Appendices: None



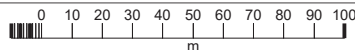
APPLICATION SITE

Item No: 2016/1094/OUT

Address: Larth Close, Whitley

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INDICATIVE LAYOUT FOR 4 DETACHED 2/3 BED BUNGALOWS



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APPLICATION NUMBER:	2016/1094/OUT (8/42/216A/PA)	PARISH:	Whitley Parish Council
APPLICANT:	Mr And Mrs Johnson	VALID DATE:	12 September 2016
		EXPIRY DATE:	9 December 2016 (EOT)
PROPOSAL:	Outline application for erection of 4 detached bungalows (re-submission of 2014/1135/OUT dismissed on Appeal 24th Sept 2015) on land to the west of		
LOCATION:	Larth Close, Whitley, Goole, East Yorkshire, DN14 0GZ		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

Summary:

The proposal for outline planning permission for residential development of up to four detached bungalows on a site which is located outside the defined development limits of Whitley and is within the Green Belt.

The principle of the proposed development is considered to be acceptable having regard to Policy SP2A(d), SP3 and SP5 of the Core Strategy Local Plan and paragraph 89 of the NPPF which outlines that limited infilling is appropriate development within the Green Belt provided the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within the existing development". It is considered, on balance, that the proposed development would be acceptable in respect of its impact on openness and on the purposes on including land within the Green Belt.

It is noted that Policies SP2 and SP5 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

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.

Other matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination are considered to be acceptable. It is therefore considered that a suitable scheme could be brought forward at Reserved Matters stage for the development.

Recommendation

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

1. Introduction and background

1.1 The Site

1.1.1 The application site is approximately 0.32ha and is located outside the defined Development Limits of Whitley. The site lies within the Green Belt.

1.1.2 The application site comprises a vacant parcel of land that was previously used as a market garden.

1.1.3 The immediate surrounding area is primarily residential and the application site is bound by housing on the northern, eastern, and western boundaries. The character and appearance of the adjacent village is varied comprising a wide range of house types, development forms and materials.

1.1.4 The land directly to the south is agricultural and on 31st December 2014 an appeal was allowed for the erection of stables, storage barn and the creation of an outdoor riding arena close to the boundary of the application site.

1.2. The Proposal

1.2.1 The proposal is an outline application for residential development of four bungalows.

1.2.2 The site has an existing vehicular access from Larth Close, which is located just off the A19. Larth Close is currently privately maintained and should the development

be approved it is proposed that Larth Close would become an adopted road. Provision would be made within the site for off-road parking and suitable turning space.

- 1.2.3 An indicative layout plan has been submitted which shows the location of the proposed dwellings and how they could be accommodated within the application site. However, as all matters are reserved, it is noted that this is not under consideration as part of the application and would be considered at the reserved matters stage.

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 appeal (reference APP/N2739/A/14/2225967) for the erection of stables and storage barn and creation of outdoor riding arena was allowed on 31st December 2014.

- 1.3.3 An application (2014/1135/OUT for Outline planning permission for residential development of up to 10 dwellings including means of access on land to the west of Larth Close was Refused by Planning Committee on 12 March 2015 (11 March Committee) for the following reason:

01. The site is located within the West Yorkshire Green Belt wherein there is a presumption against inappropriate development which should only be allowed where very special circumstances exist. Furthermore very special circumstances can only exist where, the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The proposal does not fall within any of the categories of development defined as being not inappropriate development within the Green Belt as set out in paragraph 89 of the National Planning Policy Framework.

The Council considers that the harm by reason of inappropriateness in the Green Belt, harm to openness of the Green Belt, limited harm by virtue of the slight encroachment into the countryside and harm to visual amenity and the character of the area are not clearly outweighed by the Council's lack of a 5 year supply of housing land plus 20% buffer, persistent under delivery of housing completions over the last 6 years, the timetable for the adoption of the Site Allocation DPD in June 2017 and that the applicant has stated that he is committed to delivering the housing early.

As such it is considered that very special circumstances have not been demonstrated to exist to justify the development and the proposal is therefore contrary to the guidance contained in paragraph 87 of the NPPF and Policy SP3B of the Selby District Core Strategy Local Plan.

This decision was appealed and was dismissed on 24 September 2015.

1.4 Consultations

1.4.1 Parish Council

Whitley Parish Council objects to this planning application on the following grounds:

1. The previous planning application 2014/1135/OUT on the site was refused as this site is on Green Belt land.
2. This application for development of Green Belt Land in Whitley follows hard on the granting of outline planning permission on the Green Belt site at Gravelhill Lane (2016/0060/OUT) indicating a pre cursor strategy tied in with the new Selby Plan and is designed to further justify significant “fractured” developments in the village with no further infrastructure improvement.
3. Whitley has already had significant housing development over the last 6 years, notably 40 houses in the former grounds of Whitley Lodge Woodberry Grange, together with several other piecemeal developments. Additionally the former Poplar Farm site has planning permission for the development of 8 houses with no development yet taken place.
4. Permission has been granted for the “Rosslyn” site Doncaster Road 2014/0130/OUT (within the village development envelope) with 25 houses being added to the housing stock of the already overburdened infrastructure of the village settlement area.
5. In the last 20 years the housing stock in Whitley has more than doubled, with the developments at Yew Tree Park, Lee View, Blackthorn Close, Silver Street, Whitley Farm Close and Woodberry Grange.
6. Accessible services from the proposed site are very limited with no shop or other similar amenities in the village. The nearest shop to the proposed site is Eggborough Village Store and Post Office the distance from the entrance to the proposed site and the entrance to this store is 1.80 miles (measured by GPS) and takes some 37 mins to walk there. This is far in excess of the average minimum traveling time of 15 minutes for the Selby area as identified in the Department for Transport, Accessibility Statistics 2013 (Table ACS0107). Public Transport in the village is restricted to one route traveling effectively North to South with weekday buses arriving in the village from Selby at 07.43hrs and from Doncaster at 08.08hrs. The last bus departs the village to Selby at 20.03hrs and to Doncaster at 21.19hrs. The interval between buses is one hour in each direction. On Sundays this interval is every two hours between the hours of 11.19 and 19.09. These timings are not conducive for travelling to the main centres of employment for those working shifts or office hours. The train station provides two opportunities to travel to Leeds at 07.30 hrs and 19.12hrs. With one return journey from Leeds at 17.16hrs. Again these times are not conducive for travelling to the main centres of employment for those working shifts or office hours.
7. The Parish Council also has also identified other ‘material considerations’ on which they believe the application should be opposed:

8. Paragraph 89 of the National Planning Policy Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate unless falling within one of the exceptions set out in paragraph 89 which includes 'limited infilling in villages'. Policy SP3 of the CSLP reiterates paragraph 87 of the Framework and states that planning permission will not be granted for inappropriate development in the Green Belt unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted. Whitley Parish Council feels that; as in the Appeal Decision 24th September 2015 there are no 'very special circumstances' that exist to justify an exception under paragraph 89 of the Framework.
9. At the time of the original application and appeal it was conceded that there were shortfalls of available development land in Selby district. Whitley Parish Council believes that this is not the case at this time. This is based on the recent press release by Selby District Council (Friday 16th September 2016 that states SDC has nearly six years' worth of development land and therefore the use of Green Belt land in an already over developed village is unnecessary and again demonstrates that 'very special circumstances' do not exist to justify an exception under paragraph 89 of the Framework for this application.
10. The Parish Council feels that the proposal to build on Green Belt is not only controversial but is a potential point from which a number of other applications either previous or new will be made for development on other Green Belt sites should the application be granted as shown by this application. In view of this the Parish Council asks that this application goes before the Planning Committee rather than being delegated to a Planning Officer. Whitley Parish Council would wish to address the Planning Committee at the hearing.

1.4.2 NYCC Highways

Adoptable Road

It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'. Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer under section 106 of the Town and Country Planning Act 1990, 16 which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980.

Layout.

The layout must include a turning area for a refuse vehicle and 1 visitor parking bay. This requirement can be found in the North Yorkshire County Council Residential Highway Design Guide. The applicants are recommended that they obtain a copy of the guide to enable them to fully understand the adoptable highway process, design and construction details

No major concerns are raised to the proposals, but it is noted that the submitted D&AS states that Larth Close has been built to an adoptable standard. Evidence must be provided prior to the extension of Larth Close to create the adoptable road. This evidence must come in the form of Carriageway/Footway core samples, the contractor details who built Larth Close and existing and proposed drainage details (foul/surface and highway).

Consequently several conditions are recommended to be attached to any permission granted.

1.4.3 Yorkshire Water

Confirm that a water supply can be provided to the site. In respect of surface water, consideration should firstly be given to discharge to soakaway, infiltration systems and watercourse then to public sewer in this priority order. Applications submitted on adjacent sites have indicated that ground conditions are suitable for soakaways. The developer is advised to submit percolation test results if they intend to discharge to the public sewer.

1.4.4 Environmental Health

No comments.

1.4.5 Historic Environment Record Officer

The development lies just outside of the historic core of the village of Whitley in an area that is likely to have formed agricultural fields from 1066 onwards. There are no other records of archaeological sites or finds in the near vicinity. Therefore, there is no objection to the proposal.

1.4.6 Danvm Internal Drainage Board

The above application lies just outside of the drainage district boundaries that the Shire Group of IDB's manage, therefore we have no comments to make.

1.4.7 Natural England

No comments.

1.4.8 North Yorkshire Bat Group

No comments received at the time of compilation of the report.

1.4.9 WPA Environmental (Council's Contaminated Land Advisors)

Having reviewed the Contaminated Land Statement for the above site, as well as a brief review of readily available online information, no conditions are recommended. However, as stated in section 6.1 of the Contaminated Land Statement, in the case of identification of contamination during site works, works should be ceased for further investigation. This could be covered by one condition.

1.4 Publicity

1.4.1 The application was advertised as a departure by site notice, neighbour notification letter and advertisement in the local newspaper resulting in 4 objections being received within the statutory consultation period. The issues raised can be summarised as follows:

- This piece of land is not part of the village envelope and not designated as land for building;
- The land is Green Belt;
- Land should be used for the purposes of grazing;
- A recent survey of our village showed there was a shortage of social housing and the building of 4 bungalows will not meet this need.
- I do not think there is a demand for these homes and the land retained as a rural area, perhaps the landowner would consider selling the land to the community so that it could be used as a playground or wildlife area.
- We already have 3 pieces of land approved for building that of Poplar Farm 8/9 homes and also the larger development 25+ houses approved for land adjacent to the George & Dragon, and in Gravel Hill Lane where I believe an application has been approved for 10 houses. I believe the application has been made before and an appeal was submitted and upheld in favour of Selby District Council.
- We purchased our property because we did not want any properties overlooking our garden and the plans show a property proposed directly to the rear of my garden;
- There is a mature boundary hedge between our property and the proposed site that provides privacy and security;
- When we bought our home we were told the land was green belt and could never be built on.
- Wildlife such as bats and birds would be displaced.
- The land in question is classed as infill and should permission be granted it would set a precedent for other infill plots in.

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:

Policy SP1

Presumption in Favour of Sustainable Development

Policy SP2	Spatial Development Strategy
Policy SP3	Green Belt
Policy SP5	Scale and Distribution of Housing
Policy SP8	Housing Mix
Policy SP9	Affordable Housing
Policy SP15	Sustainable Development and Climate Change
Policy SP16	Improving Resource Efficiency
Policy SP18	Protecting and Enhancing the Environment
Policy SP19	Design Quality

2.3 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

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

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 and the PPG.

2.5 Key Issues

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

1. The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
2. Policies in the NPPF which require development should be restricted
 - (i) Green Belt
 - (a) Principle of development in the Green Belt.
 - (b) Impact on the openness of the Green Belt.
 - (c) Impact on the purposes of including land within the Green Belt.
3. Identifying the impacts of the proposal:
 1. Assessment of any other harm from the proposed development to the Green Belt
 2. Layout, appearance, scale and landscaping
 3. Impact on residential amenity
 4. Flood risk, drainage, climate change and energy efficiency
 5. Highways safety issues
 6. Land Contamination
 7. Nature conservation issues
 8. Affordable housing

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

- 2.6.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.6.2 The application site lies outside the defined development limits of Whitley and is located within the open countryside and Green Belt.
- 2.6.3 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy", Policy SP3 "Green Belt" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 2.6.4 Policy SP2(d) states that "in the Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt Policies. Furthermore Policy SP3(B) states "in accordance with the NPPF, within defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted".
- 2.6.5 However, notwithstanding the above, Policy SP2A(d) specifically states that "in the Green Belt, including villages washed over by Green Belt, development must conform with Policy SP3 and national Green Belt policies". As both Policy SP2A(d) and SP3 relate specifically to development within Green Belt they are not

considered to be out of date as they conform to the NPPF or simply refer the decision taker to national policy.

- 2.6.6 Policy SP3(B) confirms that “in accordance with the NPPF, within the defined Green Belt planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”
- 2.6.7 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 regarding the site known as Hodgson’s Gate, Sherburn (ref 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.
- 2.6.8 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."
- 2.6.9 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.”
- 2.6.10 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.
- 2.6.11 The proposal is located within the Green Belt and therefore is subject to the policies in Section 9 "Protecting Green Belt Land" of the NPPF which indicate that development should be restricted.

2.6.12 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.

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

Economic

The proposal would provide jobs during the construction of the dwelling 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.

Environmental

The dwelling would be located in an area which is at the lowest risk of flooding and the building would also be required to meet the latest building regulations standards.

The above factors weigh in favour of the development.

2.6.14 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 Principle of Development within the Green Belt

2.7.1 Relevant policies in respect to the principle of the development in the Green Belt include Policies SP2A (d) and SP3 of the Core Strategy and paragraphs 87 to 89 of the NPPF.

2.7.2 Therefore having had regard to the above the decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows:-

- a. It must be determined whether the development is appropriate or inappropriate in the Green Belt. Paragraphs 89 to 90 of the NPPF set out the categories of development that do not constitute inappropriate development in Green Belt
- b. If the development is not inappropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than preservation of the Green Belt itself.
- c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.

2.7.3 Paragraph 89 of the NPPF outlines that a “Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt” continuing “Exceptions to this include:

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within the existing development”.

2.7.4 The proposal is for an outline planning permission for residential development of four detached bungalows. The Inspector at paragraph 17 of appeal decision APP/N2739/W/15/3017893 considered that “...the reference to ‘limited’ in the fifth bullet point of paragraph 89 requires a consideration of scale as well as the form of development and have to be interpreted in the context of the overall aim of Green Belt policy which is to preserve the openness of the Green Belt. This implies minimising the loss of significant open gaps between buildings. Irrespective of whether the form of development would be ‘infilling’ or not, the development of 0.3 hectares with up to 10 dwellings would result in the loss of a substantial area of open land and would exceed what could reasonably be defined as ‘limited’”

2.7.5 The current proposal has been significantly reduced from that previous and now comprises the erection of four detached bungalows. It is considered that the Inspector considered that although 10no dwellings would not constitute limited infilling, a smaller number of proposed dwellings could be considered limited and which would overcome the Inspector’s reason for refusal by reason of inappropriateness within the Green Belt and is considered to be ‘limited infill’.

2.7.6 There are similar cases to the proposal, including appeal decision reference APP/M3645/W/16/3141780 where it was determined that as neither limited infilling or villages are defined in the Framework, an assessment is made taking into account the site, surrounding area, existing development and also the number of dwellings proposed.

2.7.7 As such, taking into account appeal decision from other sites, the appeal decision for the previous application and having assessed this proposal against the relevant local and national policy, it is considered that the proposal would constitute limited infilling appropriate development in the Green Belt and is therefore acceptable in principle. However it is still subject to the normal planning tests set out in the development plan and NPPF. The next section considers these.

2.8 Assessment of Harm from the Proposed Development to the Green Belt

2.8.1 In respect to the other harms to the Green Belt it is necessary to determine what the potential impact of the proposal would be to: -

- (a) the openness of the Green Belt;
- (b) the purposes of including land within the Green Belt

2.8.2 Paragraph 79 of the NPPF states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Impact on openness

2.8.3 When looking at this issue it is worth considering what is meant by the term 'openness'. In this context openness is considered to be the absence of built structures and hence, any new built structure would have the potential to detract from openness. However, free-standing buildings/structures sited in close association with existing built form may also not necessarily detract significantly from openness. The degree to which such a building/structure would detract from openness would depend on its size and its juxtaposition to other buildings.

2.8.4 The application site is surrounded by residential development on three sides with agricultural land to the southern boundary of the site. It should however be noted that the residential development is not located within the Green Belt and is within the defined development limits of Whitley.

2.8.5 It is considered that there would be some impact on the openness of the Green Belt as the proposed residential development result in additional built form even when taking in the backdrop of the existing residential development. The scheme has been significantly reduced in size, scale and numbers from the previous refusal and as such, although there would still be some impact on openness, this harm is considered to be reduced due to the changes to the application and taking into account the existing built form which surrounds the site.

2.8.6 There would inevitably be some loss of openness to the Green Belt arising from the scheme. However, the site is surrounded by existing development on three sides, is part of the village and does not make a significant contribution to the openness of the Green Belt in this locality. It is materially different to the open area of Green Belt that lies to the south and south west. As such, it is considered that the proposal would not result in material harm to the openness of the Green Belt.

2.8.7 Having had regard to the above it is considered that, on balance, the scheme would not detract from the openness of the Green Belt and as such, the proposal would not result in material harm to the openness of the Green Belt.

Impact on the Purposes of Including Land within the Green Belt

2.8.8 Paragraphs 79 and 80 of the NPPF state "The Government attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 of the NPPF states that Green Belt serves five purposes, namely

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 2.8.9 Having had regard to each of the purposes of including land in the Green Belt despite the case submitted by the Applicant and as stated by the Inspector in the recent appeal decision, it is considered that the proposals would result in limited encroachment of development into the countryside.
- 2.8.10 It is noted that the site is located in a small wedge between the defined development limits of Whitley and as such, on balance, the harm attributed to the limited encroachment is considered to be small given the site is surrounded on three sides by residential development.
- 2.8.11 Having had regard to the above it is considered that, on balance, the scheme would not result in a scheme which is detrimental to the purposes of including land within the Green Belt.

2.9 The Impacts of the Proposals

- 2.9.1 Paragraph 14 of the NPPF requires the decision maker 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 section will assess the impacts arising from the proposal.

2.10 Layout, Appearance, Scale and Landscaping

- 2.10.1 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.
- 2.10.2 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, 60, 61, 65 and 200.
- 2.10.3 The proposed scheme seeks outline for residential development of up to 4no dwellings in the form of bungalows with all other matters reserved for future consideration. The submitted indicative layout plan shows how the proposed bungalows could be accommodated within the site. The Design and Access Statement stipulates that the site area of the application site is 0.32ha and based on a density of 12.5 dwellings per hectare.
- 2.10.4 The character and appearance of the local area is varied comprising a wide range of house types, development forms and materials. As such it is considered that the proposals could incorporate appropriate materials and detailed design finishes at reserved matters stage which would respect and be in keeping with the character of the local area.
- 2.10.5 In terms of landscaping, the application site is currently a grass field which has the benefit of existing boundary hedge planting which the Design and Access Statement states will be retained and incorporated into the scheme. There has been no landscaping scheme submitted as this element is reserved for future consideration. It is considered that an appropriate landscaping scheme and boundary treatments could be achieved at reserved matters stage.

2.10.6 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 were caused to the character of the area in accordance with 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 Impact on Residential Amenity

2.11.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by Policies ENV1(1) and ENV2 of the Local Plan and Paragraph 200 of the NPPF.

2.11.2 The application site is bounded by residential development to the north, east, and west. It is considered that an appropriate relationship could be achieved to these properties to ensure that no significant detrimental impact would be caused by the development on existing properties and that appropriate separation distances could also be achieved.

2.11.3 The Design and Access Statement considers that “Details of layout, scale, appearance and landscape are reserved for subsequent approval however the indicative plans demonstrate that 4 bungalows could comfortably be accommodated within the site without having any adverse impact on neighbouring properties.”

2.11.4 The Design and Access Statement stipulates that each of the properties would have its own private south facing garden area and there are no conflicting land uses adjacent to the site that would adversely impact on amenity. At the time of the appeal site visit the adjacent stables were present. These are small scale private stables and the Inspector raised no amenity concerns. Given the reduced number of dwellings now proposed a greater separation distance can be achieved between the dwellings and stables.

2.11.5 The comments within the objection letters in respect of residential amenity have been noted. If approval is granted, a scheme of landscaping would need to be submitted which would detail all hard and soft landscaping for the site and would be assessed in accordance with the planning policies at the time.

2.11.5 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.

2.12 Flood Risk, Drainage, Climate Change and Energy Efficiency

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

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

- 2.12.3 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.
- 2.12.4 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of drainage the application states that surface water would be connected to the main sewer but does not provide details of foul drainage.
- 2.12.5 Yorkshire Water has advised that in respect of surface water, consideration should firstly be given to discharge to soakaway, infiltration systems and watercourse then to public sewer in this priority order. Applications submitted on adjacent sites have indicated that ground conditions are suitable for soakaways. The developer is advised to submit percolation test results if they intend to discharge to the public sewer. The Danvm Internal Drainage Board has stated that the site lies outside of the District Drainage Boundaries that they manage and therefore have no objection.
- 2.12.6 Having taken the above into account it is therefore considered that the proposals, subject to appropriate conditions 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.

2.13 Highway Safety Issues

- 2.13.1 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.
- 2.13.2 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 The North Yorkshire Highways Officer has raised no objections to the scheme subject to condition being attached to any permission granted relating to:
- Detailed plans of road and footway layout;
 - Construction of roads and pathways prior to occupation of dwellings; and
 - Discharge of Surface Water.
- 2.13.4 It is considered that North Yorkshire Highways Officers have assessed the proposals in terms of highway safety issues and has not raised any objections. In addition, the application is submitted with all matters reserved and as such, detailed access arrangements would be required at Reserved Matters stage if approval is granted,
- 2.13.5 Having had regard to the above it is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF.

2.14 Land Contamination

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

- 2.14.2 The site is not identified as being potentially contaminated in the Council's record, however with the end use being residential (a vulnerable use) the Agent has submitted some information on ground conditions/ contamination which has been assessed by the Council's Contaminated Land Advisors.
- 2.14.3 The statement prepared by the Planning Consultant identifies that there are no risks within the site boundary and there is no historic record of landfill or other constraint that would prejudice the development proposal. The Council's Contaminated Land Advisors have reviewed this information and do not recommend any conditions. However, , as stated in section 6.1 of the Contaminated Land Statement, in the case of identification of contamination during site works, works should be ceased for further investigation which could be covered by a suitable condition.
- 2.14.4 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.15 Nature Conservation Issues

- 2.15.1 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.
- 2.15.2 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.
- 2.15.3 The contents in respect of protected species from objectors have been noted. However, the site is not a protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. In addition Natural England has stated that they have no comments and the North Yorkshire Bat Group has not responded to the consultation.
- 2.15.4 As such it is considered that the proposed development would not harm any acknowledged nature conservation interests and therefore would not be contrary Policy ENV1(5) of the Selby District Local Plan (2005), Policy SP18 of the Selby District Core Strategy Local Plan (2013) and the advice contained within the NPPF.

2.16 Affordable Housing

- 2.16.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 2.16.2 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.

2.16.3 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.

2.17 Benefits of the Proposal

2.17.1 In assessing the proposal, the development would bring economic, social and environmental benefits and there would not be a significant impact on the amenity of neighbouring residential properties or the character of the area.

2.17.2 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.

2.18 Conclusion

2.18.1 The proposal for outline planning permission for residential development of up to four detached bungalows on a site which is located outside the defined development limits of Whitley and is within the Green Belt.

2.18.2 The principle of the proposed development is considered to be acceptable having regard to Policy SP2A(d), SP3 and SP5 of the Core Strategy Local Plan and paragraph 89 of the NPPF which outlines that limited infilling is appropriate development within the Green Belt provided the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within the existing development". It is considered, on balance, that the proposed development would be acceptable in respect of its impact on openness and on the purposes on including land within the Green Belt.

2.18.3 It is noted that Policies SP2 and SP5 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.

2.18.4 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

2.18.5 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.

2.18.6 Other matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination are considered to be acceptable. It is

therefore considered that a suitable scheme could be brought forward at Reserved Matters stage for the development.

3.0 Recommendation

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

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

Reason:

This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

02. Applications for the approval of the reserved matters referred to in No.1 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

03. 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.

04. The dwellings hereby approved shall be constructed as bungalows and shall be limited to four within the site.

Reason:

To ensure that the proposal is carried out in accordance with the design parameters on which the outline application has been assessed.

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

Reason:

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

06. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the use hereby approved commencing and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To ensure that the development can be properly drained having had regard to Policy ENV1 of the Selby District Local Plan.

07. 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.

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

- Location Plan: LOC01

Reason

For the avoidance of doubt.

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

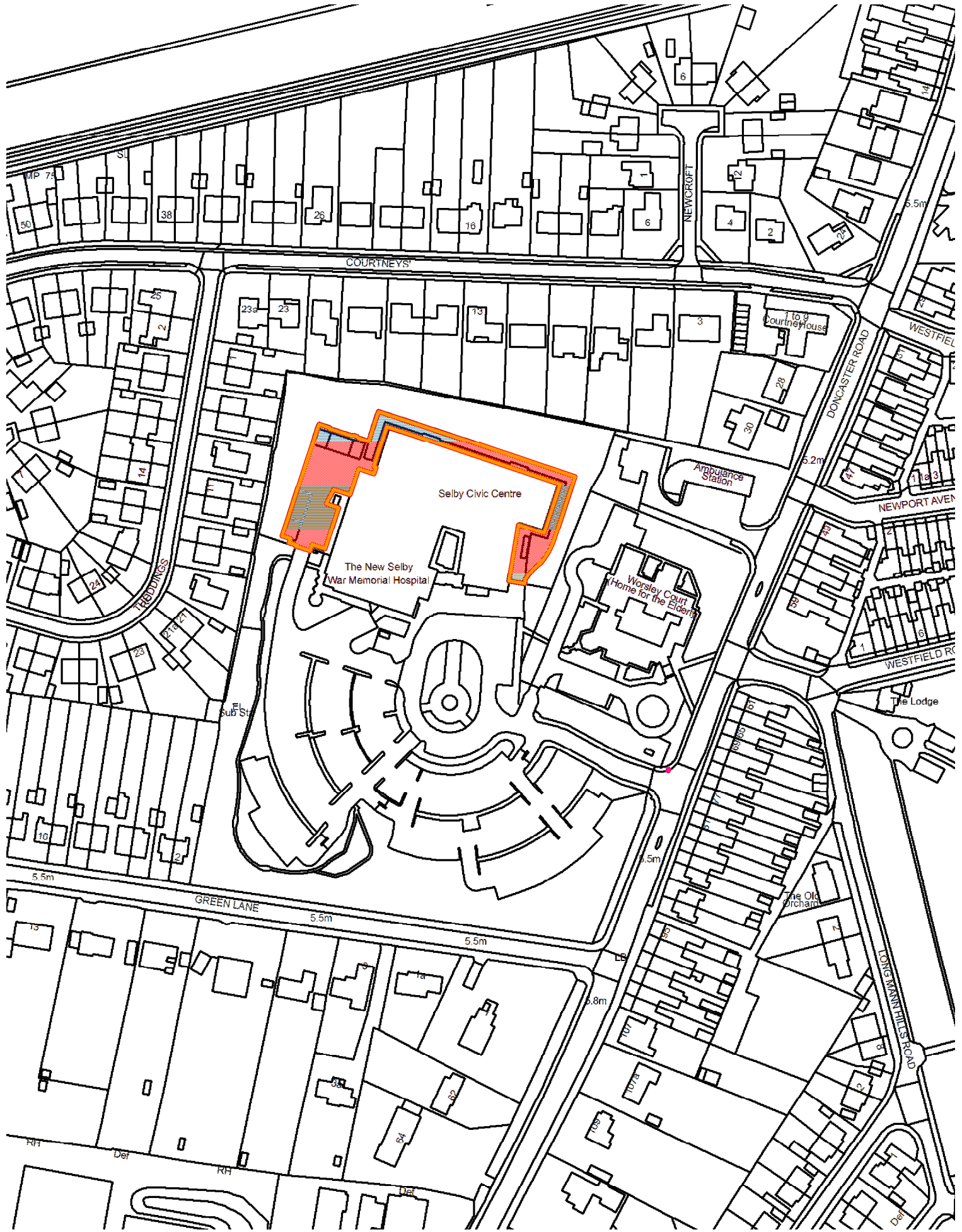
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1094/OUT and associated documents.

Contact Officer: Calum Rowley (Senior Planning Officer)

Appendices: None

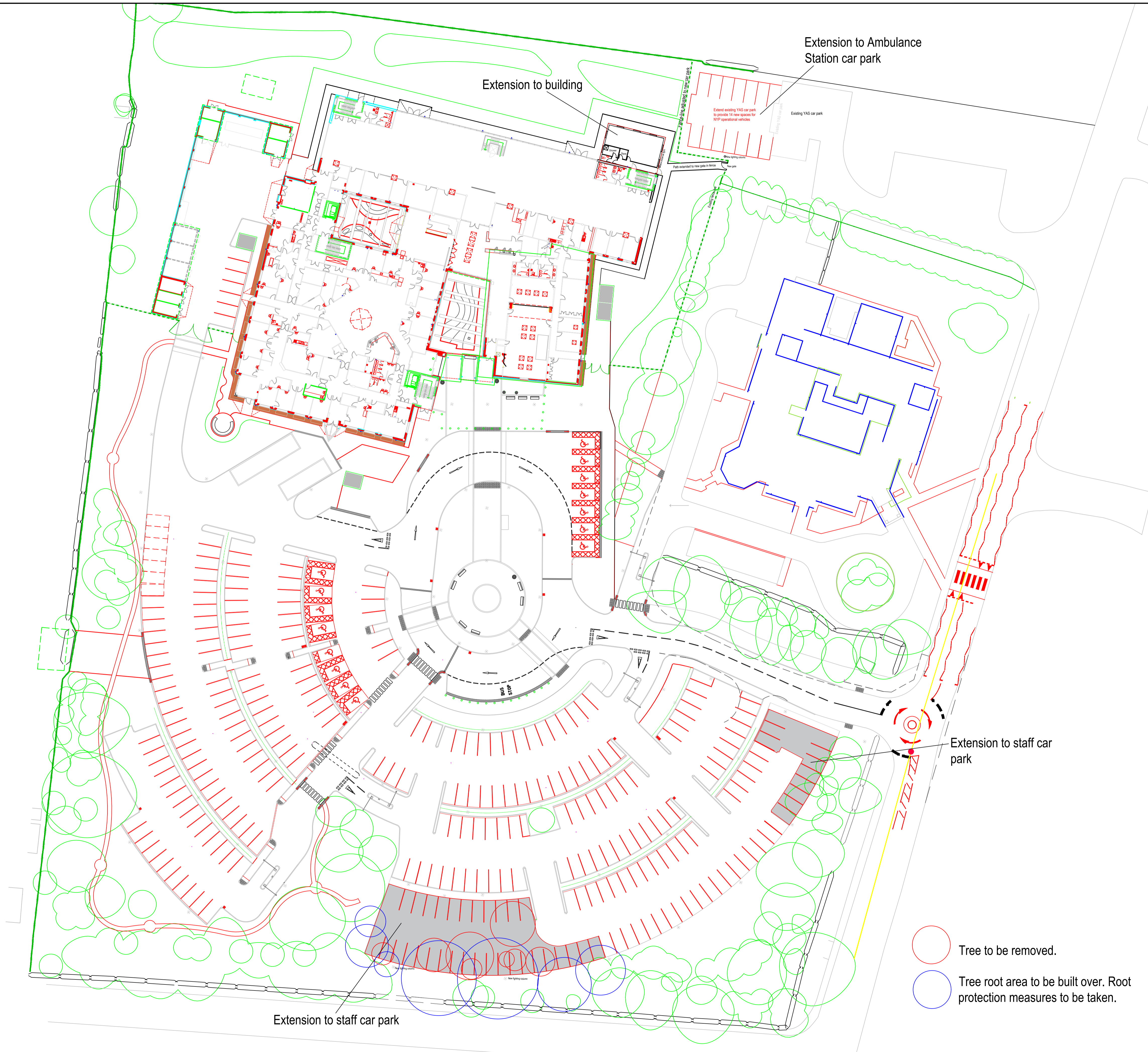


APPLICATION SITE

Item No: 2016/1329/FUL

Address: Selby District Council, Civic Centre, Doncaster Road, Selby

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NOTES

RECEIVED
22 November 2016
BUSINESS SUPPORT

PROJECT
Extension works for co-location of North Yorkshire Police at Selby Civic Centre

TITLE
Site Plan Showing Proposed Development

DRAWING STATUS
Planning Application

DRAWN BY: SJN APPROVED BY:

SCALE @ A1: 1:500 DATE: 22.11.16 DWG NUMBER: S10 REV: -



Report Reference Number: 2016/1329/FUL

Agenda Item No: 6.8

To: Planning Committee
Date: 11 January 2017
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1329/FUL (8/19/107BJ/PA)	PARISH:	Selby Town Council
APPLICANT:	Mr Simon Nozedar (North Yorkshire Police)	VALID DATE: EXPIRY DATE:	24 November 2016 19 January 2017
PROPOSAL:	Proposed two-storey extension to provide locker room and storage to ground floor and office space to first floor with associated additional parking		
LOCATION:	Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT		

This matter has been brought to Planning Committee in the interests of transparency as the proposals involve the extension of the Civic Centre which is a Selby District Council asset.

Summary:

The application seeks planning permission for the erection of a two storey extension, creation of additional staff car parking and the creation of an additional 14no operational service vehicle parking at the Ambulance station site.

The proposed extension would be 12.45 metres in width, 8 metres in depth and 7.4 metres in height which sits below the ridge height of the existing building.

There would a loss of 23no trees and 1no group as part of the proposal with the retention of 19no trees within the site. Of the trees to be removed, 9no would be Category 'C' surveyed trees which are trees of low quality. 14no would be Category 'B' trees and 1no would be Category 'B' group of trees which are trees of moderate quality.

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 and nature conservation.

Recommendation

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

1. Introduction and Background

1.1 The Site

- 1.1.1 The application site is currently shared between NHS and Selby District Council and there are currently 256no staff and visitor spaces and 14no disabled spaces on site.
- 1.1.2 The Civic Centre building is approximately 11 metres in height, 76 metres in width and 76 metres in depth. There are residential properties located to the rear of the site (Courtneys) which are bungalow type dwellings.
- 1.1.3 Adjacent to the Civic Centre Building is the Ambulance station which has a separate access onto Doncaster Road. The buildings on the site are located within Flood Zone 2 with the car parking area located within Flood Zone 3a.

1.2 The Proposal

- 1.2.1 The application seeks planning permission for the erection of a two storey extension to the existing Civic Centre building, creation of 43no additional car parking spaces within the existing staff car park and an additional 14no operational vehicle car parking spaces on the existing Ambulance station car park.
- 1.2.2 The proposed extension would be 12.45 metres in width, 8 metres in depth and 7.4 metres in height which sits below the ridge height of the existing building.
- 1.2.3 There would be no alterations to the existing car parking arrangements or access to the site which is from Doncaster Road.

1.3 Planning History

- 1.3.1 The following historical applications are considered to be relevant to this current application.
- 1.3.2 An application (2009/0233/FUL) for the erection of combined Community Hospital and Civic Centre building, together with, detached single storey stores, construction of roads, car parking and demolition of existing hospital was approved on 17 June 2009.
- 1.3.3 An application (2009/0914/DPC) to discharge condition 19 (finishing materials) of approval 8/19/357H/PA (2009/0233/FUL) for the erection of combined hospital, Civic Centre and associated works was determined on 16 November 2009.
- 1.3.4 An application (2009/1090/DPC) to discharge conditions 4 (archaeology), 5 (lighting), 7 (noise control), 8 (fume extraction), 9 (landscaping), 10 (bats), 11 (car parking), 12 & 14 (surface water) and 18 (boundary treatment) was permitted on 28 January 2010.

- 1.3.5 An application (2011/0498/FUL) to vary condition 6 (deliveries) relating to approval 2009/0233/FUL (8/19/357H/PA) was approved on 7 July 2011.

1.4 Consultations

1.4.1 Parish Council

No response within the statutory consultation period. Any comments received will be reported to Committee

1.4.2 NYCC Highways

A Transport Statement and Travel Plan have been submitted in support of the application. The Transport Statement has demonstrated that the proposed additional parking provision is sufficient to cater for the re-located Police Station. The Travel Plan requires some additional work to demonstrate that sustainable travel options will be properly managed to reduce reliance on single-occupancy car travel. However a suitable condition can be attached on this and therefore, the Local Highway Authority do not raise an objection to the proposal subject to conditions.

1.4.3 Yorkshire Water

No response within the statutory consultation period. Any comments received will be reported to Committee

1.4.4 Selby Area Internal Drainage Board

No response within the statutory consultation period. Any comments received will be reported to Committee

1.5 Publicity

- 1.5.1 All immediate neighbours were informed by letter and three site notices have been erected which has resulted in two letters of representation being received at the time of compilation of this report. The letters raised some concerns over noise levels, volume of traffic, pedestrian safety, parking and issues associated with the existing building. Both letters stated that they were observations of the proposal rather than a letter of objection.

2 Report

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

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
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
T1:	Development in Relation to the Highway Network
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

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

1. Principle of the Development and Climate Change
2. Design and Impact on the Character and Appearance of the Area
3. Impact on Residential Amenity
4. Impact in the Highway

5. Drainage and Flood Risk
6. Impact on Nature Conservation and Trees
7. Other Issues

2.6 Principle of the Development and Climate Change

- 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 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF. Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.
- 2.6.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy.
- 2.6.4 Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 2.6.5 The site is located within the defined development limits of Selby and the proposal is for the erection of a two storey extension to the rear of the existing building, extension of the existing car park to create 43no parking spaces and the creation of an additional 14no parking spaces for operational service vehicle on the Ambulance station. There is nothing within the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

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

- 2.7.1 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 Policy SP19 of the Core Strategy.
- 2.7.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 56 to 64.
- 2.7.4 The proposed extension would be located on the rear (northern) elevation of the existing building and would be two storeys in height. The proposed extension would be 12.45 metres in width, 8 metres in depth and 7.4 metres in height which would sit below the ridge height of the existing building.

- 2.7.5 The application form confirms that the materials proposed for the extension would match those of the existing building which is considered to be acceptable and can be secured by way of condition.
- 2.7.6 It is considered that the proposed extension would be appropriate in this location with materials matching those of the existing building. The proposed extension would appear subservient by virtue of the height being lower than the eaves of the existing building and there would be limited visibility from public areas, although it is noted that the proposed extension would be prominent from the residential properties on Courtneys.
- 2.7.7 Subject to the aforementioned conditions, it is therefore considered that the proposed extension and car park extensions are acceptable 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, Policy and SP19 of Core Strategy and the advice contained within the NPPF.

2.8 Impact on Residential Amenity

- 2.8.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.
- 2.8.2 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.
- 2.8.3 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.
- 2.8.4 The submitted plans show three windows on the ground floor and three windows on the first floor northern elevation with two ground floor windows and one large first floor window on the western elevation. On the eastern elevation, the submitted plan shows two ground floor windows and one access door with one large first floor window.
- 2.8.5 The proposed two storey extension would be located approximately 22 metres from the rear elevation of the nearest property on Courtneys and approximately 80 metres from the nearest residential property on Doncaster Road which would also be located at an oblique angle to the proposed extension and as such, would be considered to cause little or no impact on residential amenity.
- 2.8.6 The northern elevation of the existing Civic Building is currently fully glazed and ground and first floor level which gives an existing degree of overlooking to the properties to the rear of the building.
- 2.8.7 The proposed eastern elevation windows would look towards the existing Ambulance station and is not considered to cause any significant amenity impacts with the proposed western elevation windows facing towards an area of grass which

separates the existing Civic Building from the rear boundaries of the neighbouring properties.

- 2.8.8 It is considered that the proposed eastern and western elevation windows would not cause any significant detrimental impact on the residential amenity of nearby properties given the separation distance and existing openings on the building. The windows on the northern elevation would be high level and when taking into account the existing situation on the northern elevation, the proposed windows are not considered to exacerbate the existing situation and would not cause any additional or significant harm to the amenity of residential properties to the rear.
- 2.8.9 It is noted that the operational vehicles for NYP would operate out of the existing Ambulance station which has a blue light service. In addition, the Design & Access Statement states that “It is planned that measures will be in place to reduce the use of blue-lights and sirens to activate when the vehicles are on the main road and any testing of lights will take place during the day.” As such, it is considered that despite intensifying the use of this part of the site for operational vehicles and a blue light service, the proposal would not cause a significant or detrimental impact on residential amenity.
- 2.8.10 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.

2.9 Impact on Highway Safety

- 2.9.1 Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan.
- 2.9.2 Significant weight should be attached to Local Plan Policies ENV1, T1 and T2 as they are broadly consistent with the aims of the NPPF.
- 2.9.3 The proposal involves the extension of the existing car park which is used by Selby District Council and the NHS to create an additional 43no spaces within the existing staff car parking area in addition to the existing 256no staff and visitor spaces and 14no disabled spaces on site.
- 2.9.4 In addition, an additional 14no operational vehicle ('blue light') spaces are proposed which utilises the existing Yorkshire Ambulance Service site which sits adjacent to the Civic building with a new linked pathway being created to access this area.
- 2.9.5 The submitted Travel Plan and Transport Statement advise that 72 officers and staff would move from the existing Police Station with most working on a shift pattern and an estimated average daily addition of approximately 20-25 NYP staff. This figure would temporarily increase on change of shift.
- 2.9.6 The Travel Plan identifies that 25% of total NYP staff are within a reasonable walking distance to the site, 40% are within a reasonable cycling distance and Selby benefits from a train and bus station with good links to York and Leeds. The Travel Plan also identifies that a 'travel buddy' scheme is being established which would promote car sharing between staff

- 2.9.7 The North Yorkshire County Council Highways Officer notes that a Transport Statement and Travel Plan have been submitted in support of the application. The Highways Officer considers that "The Transport Statement has demonstrated that the proposed additional parking provision is sufficient to cater for the re-located Police Station. The Travel Plan requires some additional work to demonstrate that sustainable travel options will be properly managed to reduce reliance on single-occupancy car travel."
- 2.9.8 The Highways Officer has no objection subject to conditions. However, the conditions requiring a construction management plan and a highway condition survey are considered to be unreasonable given the scale of the proposed development.
- 2.9.9 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.

2.10 Flood Risk and Drainage

- 2.10.1 Relevant policies in respect of flood risk and drainage include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 "Sustainable Development and Climate Change", SP16 "Improving Resource Efficiency" and SP19 "Design Quality" of the Core Strategy.
- 2.10.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Relevant paragraphs within the NPPF, which relate to drainage, flood risk and climate change include paragraphs 94 and 95.
- 2.10.4 The proposed car park extension is located within Flood Zone 3a which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year.
- 2.10.5 The proposed siting of the extension is located within Flood Zone 2 which comprises land that has been a 1 in 100 and 1 in 1,000 annual possibility of river flooding or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding in any year.
- 2.10.6 NPPF paragraph 104 States that "Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments". The NPPG defines minor development which includes "industrial/commercial/leisure etc. extensions with a footprint less than 250 square metres." A sequential and exception test is therefore not required in this instance given the proposed extension to the building is 99.6 square metres which is below the threshold.
- 2.10.7 A Level 1 Flood Risk Assessment has been submitted with the application which concludes that:
- Historical Flooding- the SFRA for the area identifies that the Selby area in which the site is located has been subject to historical flooding;

- Tidal Flooding - the site is located inland over 40 miles from the North Sea coast, and therefore tidal flooding is not considered an issue and will not be assessed further;
- River Flooding (Fluvial) - the site is considered at a low risk, and hence will not require further assessment;
- Groundwater Flooding - there is a low risk of groundwater flooding occurring at the site, therefore no further assessment is required with respect to groundwater flooding;
- Surface Water (Overland) Flooding - the Environment Agency mapping shows that a small portion along the sites access track is at high risk of flooding with a low risk in a small area in the sites most southerly corner. The proposed development is likely to change the surface water flow regime for the site therefore a drainage strategy for the scheme is required to address the extension and ensure that the minor risk is covered;
- Canals, Reservoirs and Artificial Waterways Flooding – the flood extent of the artificial waterways, reservoirs and large waterbodies are sufficiently far from the site and therefore unlikely to result in flood risk; and
- Climate Change - the potential impacts of climate change will be included in the drainage strategy for the scheme.

2.10.8 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 the main sewer and existing watercourse.

2.10.9 The Design & Access Statement provides further clarification and states “The intention is to connect to the existing site drainage. When the site was developed in 2011 it utilised the existing combined drainage connection to the sewer in Doncaster Road. It also utilises existing culvert running under Doncaster Road. A surface water storage tank, oil interceptors and flood zone were all included in the drainage design. When connecting into the existing surface water drainage system a drainage strategy will be developed, this will detail any alterations required as a result of adding to the surface water run-off. The internal drainage additions will be connected to the existing above ground drainage. The extension has been designed so that soil and waste pipes are available in the area that the toilet and shower will be provided. The existing foul and surface water drainage will need to be re-routed around the new extension.”

2.10.10 Yorkshire Water and the Selby Area IDB were both consulted on the proposals but have not provided any comments. However suitable conditions can be included to ensure the proposed extension to the building and car park is adequately drained with separate systems.

2.10.11 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.

2.11 Impact on Nature Conservation and Trees

2.11.1 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.

- 2.11.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.11.3 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.
- 2.11.4 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest.
- 2.11.5 The proposal involves the removal of 23no trees within the car parking area. As such, an Arboricultural Impact Assessment has been submitted which advises that the proposal would result in no impact on 12no of 41 trees within the car parking area, there would be some impact on 7no trees and there would be the loss of 23no trees and 1no tree group.
- 2.11.6 Of the trees to be removed, 9no would be Category 'C' surveyed trees which are trees of low quality. 14no would be Category 'B' trees and 1no would be Category 'B' group of trees which are trees of moderate quality.
- 2.11.7 The Arboricultural Impact Assessment summarises that "Given the category grading and location of these removed trees, it is our opinion that the loss of these trees can be compensated for by replacement tree planting in association with the proposed carpark. This replanting can consist of better quality and more suitable tree species to allow a long term benefit and screening."
- 2.11.8 Notwithstanding the loss of a significant number of trees, it is considered that suitable conditions can be included which require the planting of additional trees of appropriate species, quality and size to mitigate for the loss of those to be removed, works to be carried out in accordance with the details within the report and root protection areas around trees which could be damaged through any works.
- 2.11.9 Given the above, it is considered that the proposal is acceptable subject to conditions and is in accordance with Policy SP18 of the Core Strategy, Policy ENV1 (5) of the Selby District Local Plan and the advice contained within the NPPF.

2.12 Conclusion

- 2.12.1 The application seeks planning permission for the erection of a two storey extension, creation of additional staff car parking and the creation of an additional 14no operational service vehicle parking at the Ambulance station site.
- 2.12.2 The proposed extension would be 12.45 metres in width, 8 metres in depth and 7.4 metres in height which sits below the ridge height of the existing building.
- 2.12.3 There would a loss of 23no trees of varying quality and condition and 1no group as part of the proposal with the retention of 19no trees within the site.
- 2.12.4 Having assessed the proposals against the relevant national and local 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 and nature conservation.

3.0 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. The materials to be used in the construction of the exterior walls and roof(s) of the extension hereby permitted shall match those of the existing building in colour and texture and as stated on the application from which was received on 09 November 2016. Only the approved materials shall be utilised.

Reason:

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

03. The extension hereby permitted 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.

04. The development hereby permitted shall be carried out in complete accordance with the Recommended Tree Works as outlined in paragraph 5.3.5, the Tree Constraints & Protection Plan as shown at Appendix E (drawing reference GC.184847.04.01 Rev A) and the British Standard Tree Protective Barrier Fencing Detail as shown at Appendix F of the Arboricultural Impact Assessment – Rev A by GC Design, dated October 2016.

Reason:

In the interests of nature conservation 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.

05. Within 3 months of the removal of the trees identified within the Arboricultural Impact Assessment – Rev A by GC Design, dated October 2016, the type, size and position of the replacement trees shall be agreed in writing by the Local Planning Authority. The replacement trees shall be planted in the first available planting season after the original trees are removed.

Reason:
In the interests of amenity

06. The development shall be carried out in accordance with the Recommendations as outlined in paragraph 5.2 of the Level 1 Flood Risk Assessment by Atkins, dated 7 November 2016 and received on 09 November 2016.

Reason:
In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

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 reference S10 A

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:
In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development

08. 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 which shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) continual appraisal of travel patterns and measures provided through the travel plan
- (v) improved safety for vulnerable road users
- (vi) a reduction in all vehicle trips and mileage
- (vii) a programme for the implementation of such measures and any proposed physical works
- (viii) 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 T1 and T2 of the Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

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

(To be inserted in the Decision Notice)

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 2016/1329/FUL and associated documents.

Contact Officer: Calum Rowley, Senior Planning Officer

Appendices: None



APPLICATION SITE

Item No: 2016/1196/REM

Address: Field House, School Lane, Bolton Percy

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

Paving to be Marshalls Yorkshire stone flags or similar approved

SITE PREPARATION

The planting areas shall be cleared of weeds, particularly large perennial weeds that could be in competition with the establishment of new stock. Planting areas to be treated with herbicide prior to the planting preparations. The planting areas should be cultivated to provide sufficient depth of free draining soil to ensure adequate early establishment of stock.

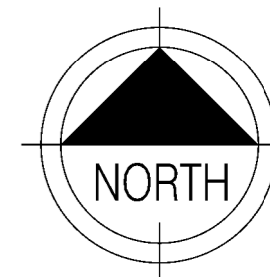
PLANTING

All planting operations will be carried out in suitable weather conditions between October and March, unless otherwise agreed, November being the optimum time for planting. Planting areas will be prepared to accommodate the roots of the stock and allow planting to the original depth. New plants will be made firm to avoid movement, which could significantly increase the chance of failures. Firmness of stock will be checked after the first few weeks, particularly if heavy frosts follow the planting. Compost (peat free) will be added to the planting to improve soil consistency and fertility levels to help establish the stock. Tree protection shall be used to reduce losses, particularly if rabbits or deer are present in the area. Supportive stakes fixed to the windward side of the trees, these shall be secured by non-abrasive ties that allow the trees to move. Watering shall take place after planting to settle the soil around the root system and ensure that the plants become established, particularly if the planting operation takes place late in the planting season.

MAINTENANCE

Maintenance operations shall be carried out by suitably experienced persons. Weed growth shall be controlled until stock is well established. Any dead and / or damaged plant material will be replaced after the first season. Any damaged tree tubes / stakes will be replaced until the new stock is established, usually four to five years. Tree ties will be checked regularly to ensure that they are not restricting growth.

JB : Architectural to be notified of any discrepancies. Contractors must check all dimensions on site. This drawing is copyright and is for use on this project only. This drawing is to be used solely for the information as titled. For other information refer to the latest revision of any cross referenced drawings.



BOUNDARY KEY

- 1800mm high close boarded timber fencing to western boundary
- 1100mm high timber post and rail fencing
- 1100mm high galv steel 'parkland' railing painted black

AMENDED
DRAWING



Example of parkland fencing to plot boundaries

Paving to be Marshalls Yorkshire stone flags or similar approved

Development road to be laid with loose 20mm gravel

Timber bin storage for both dwellings

Access road to be laid with loose 20mm gravel

Existing gravel drive to The Field House

The Field House

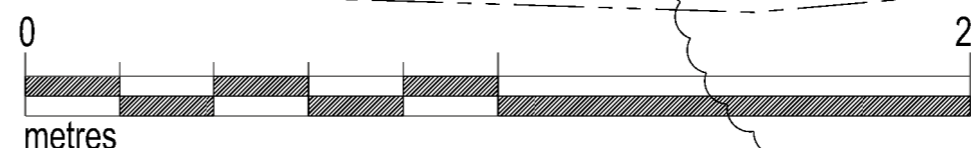
TREE PLANTING TO BS 3936

- CA 1 x *Corylus avellana* (Common Hazel)
- AC 1 x *Acer campestre* (Field Maple)
- QR 1 x *Quercus rubor* (English Oak)

HEDGE PLANTING

- Cherry Laurel (*Prunus Laurocerasus Rotundifolia*)

Planting to be staggered and to comprise 2 rows, approx 30cm apart, with approx 60cm between each plant. Proposed planting height of 450 - 600mm



RECEIVED	
29.11.2016	
BUSINESS SUPPORT	

rev	date	description
A	29.11.16	Hedge planting specification altered
amendments		

STATUS **PLANNING**

CLIENT **MUGRAVE, WOFFINDEN & MUSGRAVE**

PROJECT **LAND ADJACENT TO THE FIELD HOUSE BOLTON PERCY**

DRAWING TITLE **PROPOSED LANDSCAPE PLAN**

job no. 5251	drawing no. P 13	revision A
date Oct 16	scale 1:200	sheet A2

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To: Planning Committee
Date: 11 January 2017
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1196/REM (8/78/46J/PA)	PARISH:	Bolton Percy Parish Council
APPLICANT:	Musgrave, Woffinden & Musgrave	VALID DATE:	13 October 2016
		EXPIRY DATE:	8 December 2016
PROPOSAL:	Reserved matters application relating to access, appearance, landscaping, layout and scale of approval 2015/0163/OUT Proposed outline application with all matters reserved for the erection of two dwellings including demolition of existing buildings on land adjacent to		
LOCATION:	Field House, School Lane, Bolton Percy, Tadcaster, North Yorkshire , YO23 7BF		

This application has been brought before Planning Committee as one of the applicants is Councillor Richard Musgrave and the Council's scheme of delegation requires for the application to be determined by Planning Committee.

Summary:

The proposal seeks reserved matters consent for the development of the site, which was granted outline planning permission (with all matters reserved) under Reference 2015/0163/OUT on the 22nd October 2015. The principle of development for residential development at this site was therefore firmly established under the outline planning permission.

This application is therefore to consider the reserved matters with respect to appearance, landscaping, layout, scale and access to the development. Having assessed the proposals against the relevant policies, the proposals are considered to be acceptable.

Recommendation

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

1. Introduction and background

1.1 The Site

- 1.1.1 The application site is located outside the defined development limits of Bolton Percy but is immediately adjacent to the settlement boundary.
- 1.1.2 The application site is located on, and accessible, from School Lane and is 0.195 hectares in area. The site is currently used for caravan storage and equine purposes.
- 1.1.3 The application site is bounded by open fields to the north and east with residential properties to the west, north-west and south east. These are a mixture of two storey residential properties and bungalows that lie adjacent to the site.
- 1.1.4 There is a mature hedgerow along the entrance to the site which provides good screening of the buildings and the site is situated within Flood Zone 1 which is at lowest probability of flooding.

1.2. The Proposal

- 1.2.1 The application is a reserved matters scheme following outline approval 2015/0163/OUT and seeks approval for the appearance, landscaping, layout, scale and access for a development of 2no dwellings.
- 1.2.2 The submitted plans show that vehicle access would be taken from the existing access point on School Lane and both plots would be constructed using Terca Retro Cottage Stock Brickwork with Marley Elemit Melodie natural red interlocking concrete pantiles.

1.3 Planning History

- 1.3.1 An Outline application (2015/0163/OUT) with all matters reserved for the erection of two dwellings including demolition of existing buildings was approved on 22 October 2015.
- 1.3.2 An application (CO/1989/1648) for the proposed change of use of existing farm building to form one dwelling was refused on 8 December 1989.
- 1.3.3 An outline application (CO/1988/1658) for the erection of 8 dwellings on 1.23 hectares of land was refused on 13 December 1988.
- 1.3.4 An application (CO/1979/31327) for the erection of a dry sow and farrowing house was refused on 29 August 1979.

1.4 Consultations

- 1.4.1 Bolton Percy Parish Council
No response received within the statutory consultation period.

1.4.2 Yorkshire Water Services Ltd

No comments to make however it is noted that no foul and surface water drainage proposals have been submitted to comply with condition number 9, 10 and 11 from the granted decision notice (dated 22 October 2015).

1.4.3 Ainsty Internal Drainage Board

No objection to the principal of this application but would stand by the comments made about the need for drainage issues to be resolved made in response to application 2015/0163 and covered by conditions 10 and 11 of the approval given for that application.

1.4.4 NYCC Highways

It is noted that the existing access is made up of loose material which may be deposited on the public highway (School Lane) which is an obvious highway safety issue. To remove this concern, it is recommended through condition that the access kerbing is upgraded to County Council specification E6.

1.4.5 North Yorkshire Bat Group

No response received within the statutory consultation period.

1.4.6 Yorkshire Wildlife Trust

No comments.

1.4.7 Natural England

No comments.

1.5 **Publicity**

- 1.5.1 The application was advertised by site notice, advertisement in the local newspaper and neighbour notification letter resulting in no letters of representation being received at the time of the compilation of this report.

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

SP15: Sustainable Development and Climate Change
SP16: Improving Resource Efficiency
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
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

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

1. Principle of development
2. Scale Layout and External Appearance
3. Landscaping
4. Impact on Residential Amenity as a Result of the Design and External Appearance of the Proposed Dwellings
5. Access and Highway issues

2.6 Principle of the Development

- 2.6.1 Outline planning permission for the site has already been granted under planning reference 2015/0163/OUT on 22 October 2015 with a number of planning conditions. This proposal is the associated reserved matters scheme for the erection of two dwellings including the demolition of existing buildings.
- 2.6.2 The principle of development has therefore been firmly established in principle through the outline permission and only the reserved matters can be considered at this stage. It is considered that the proposed scheme falls within the scope of the approved outline planning permission on this site.
- 2.6.3 As such the development proposed is broadly in accordance with the outline planning permission and is acceptable in principle.
- 2.6.4 The following section will, go on to consider and assess the reserved matters of appearance, landscaping, layout and scale against the appropriate policy tests in so far as they relate to the reserved matters.

2.7 Scale, Layout and External Appearance

- 2.7.1 Relevant policies in respect to scale, layout and external appearance include Policy ENV1 of the Selby District Local Plan, Policies SP8 and SP19 of the Core Strategy and paragraphs 56, 60, 61 and 65 of the NPPF.
- 2.7.2 The Layout Plan provides for two detached dwellings which would be set back within the site and served by a single access point from School Lane.
- 2.7.3 With respect to the layout of the properties it is proposed that they would be located 18 metres (plot 1) and 30 metres (plot 2) from School Lane and would be set behind the frontage development. Each dwelling would be served with a double garage accessed via decorative paving from each dwelling. Each dwelling would benefit from a large garden area with appropriate landscaping.
- 2.7.4 Plot 1 is proposed to be 8.2 metres in height, 18.6 metres in width and a maximum of 10.3 metres in depth. Plot 2 is proposed to be 9.4 metres in height, 14.8 metres in width and 9.5 metres in depth.
- 2.7.5 The footprint of the dwellings proposed would be in keeping with dwellings in the immediate area with plot 1 would be two storeys in height and plot 2 being 2 ½ storeys which is considered to reflect the majority of housing in the immediate vicinity.
- 2.7.6 The proposed housing mix would comprise of one 4no bed roomed house and one 3no bed roomed house. Both plots would be constructed of Terca Retro Cottage Stock Brickwork with Marley Elemit Melodie natural red interlocking concrete pantiles with timber windows.
- 2.7.7 Plot 1 incorporates artstone heads and cills to windows with a brick soldier arch, matching the brickwork of the proposed dwelling, to the large window on the front elevation. Plot 2 also incorporates soldier course brickwork to the heads and cills of the windows proposed on all elevations of the dwelling. The agent has confirmed

that the reason in the different window designs to each plot was "...to give the appearance of a main farmhouse (plot 2) and associated barn (plot 1)." However, some of the barns/dwellings within Bolton Percy have the arched brick soldiering feature over the barn door opening and this has been incorporated within the design.

- 2.7.8 In this context of scale, layout and external appearance the proposed development is considered to be acceptable in accordance with policies SP8 and SP19 of the Core Strategy Local Plan, policy ENV 1 (4) of the Local Plan and the advice contained within the NPPF, subject to appropriate conditions.

2.8 Landscaping

- 2.8.1 Relevant policies in respect to landscaping, boundary treatments and trees include Policy ENV1 (4) of the Selby District Local Plan (2005) and Policy SP19 "Design Quality" of the Selby District Core Strategy Local Plan.
- 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 A proposed landscaping scheme has been submitted with the reserved matters application. This scheme proposes an access road which would be laid with loose 20mm gravel which would serve the garages for each dwelling. A 1.8 metre high close boarded timber fence is proposed on the western boundary with a 1.1 metre high timber post and rail fence on the eastern and northern boundaries.
- 2.8.4 Within the plots themselves, a 1.1 metre high galvanised steel parkland fencing is proposed around the amenity areas which also include the planting of Cherry Laurel hedges. This hedge grows at approximately 60cm (2 feet) per year and as such, would provide sufficient privacy for occupants and the height of the hedge could be managed by the occupiers.
- 2.8.5 Each dwelling would benefit from a lawned area with decorative paving (Marshalls Yorkshire Stone Flags). In addition, the landscape plan shows the planting of 9no Common Hazel trees, 7no Field Maple trees and 1no English Oak tree within the site.
- 2.8.6 It is considered that the proposed landscaping scheme would be acceptable subject to an appropriate condition requiring the development to be carried out in accordance with the submitted landscaping plan.
- 2.8.7 Having taken into account the above policies it is concluded that the proposals would be acceptable in terms of landscaping and the proposal would accord with accords with Policy ENV1 (1) of the Selby District Local Plan (2005) and Policy SP19 of the Selby District Core Strategy Local Plan (2013) and national planning policy guidance as set out in the NPPF.

2.9 Impact on Residential Amenity as a Result of the Design and External Appearance of the Proposed Dwellings

- 2.9.1 Policy ENV1 (1) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the impact

proposals would have on the amenity of neighbouring occupiers. The NPPF also requires amenity to be taken into account.

- 2.9.2 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.
- 2.9.3 To the south east of the application site is Field House which is within the applicants ownership with a private residential dwelling to the south west (Byways). No properties or built form is located to the north or east of the application site.
- 2.9.4 Plot 1 would be located approximately 3 metres from the boundary and 16 metres from rear elevation of Field House and 35 metres from the western boundary. Plot 2 would be located approximately 16 metres from the western boundary and 13 metres from the side elevation of plot 1.
- 2.9.5 There is one first floor side elevation window to plot 1 which faces towards the existing dwelling (Field House) to the south. However, the proposed landscaping includes the planting of a hedgerow and 4no trees which will give additional privacy to this dwelling. In addition, given the separation distance between the side elevation of plot 1 and the rear elevation of Field House, it is considered that the layout would not result in a significant or detrimental impact on amenity. It is however recommended that permitted development rights are removed for any additional windows in this side elevation.
- 2.9.6 One first floor and one second floor window is proposed on the western elevation of plot 2 which faces towards the rear garden area of Byways. However, this window would be located 16 metres from the boundary and as such, is not considered to result in a significant or detrimental impact on the residential amenity of Byways.
- 2.9.7 Given the orientation of plots 1 and 2, it is further considered that the layout proposed would not result in any significant or detrimental impacts on residential amenity and the proposed boundary hedge would protect the privacy of occupiers within the private amenity space.
- 2.9.8 Having had regard to the above, the proposed development by virtue of the separation distances, orientation and layout of the site ensures that the dwellings would not cause a significant detrimental impact on the residential amenities of the neighbouring properties in accordance with policies ENV1 (1) Selby District Local Plan SP19 of the Core Strategy and the advice contained within the NPPF.

2.10 Access and Highway Issues

- 2.10.1 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. 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.
- 2.10.2 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.

2.10.3 The proposal includes the utilisation of the existing access into the site from School Lane with an internal road running from the western boundary to the eastern boundary in the central part of the site to serve the garages for both plots.

2.10.4 The Highways Officer has noted that "...the existing access is made up of loose material which may be deposited on the public highway (School Lane) which is a highway safety issue. As such, the Highways Officer recommends one condition be attached to any permission for the access kerbing to be upgraded to overcome the concerns above.

2.10.5 It is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impact on the Highway network.

2.11 Conclusion

2.11.1 The application site was subject to an outline approval with all matters reserved in 2015 (reference 2015/0163/OUT). Therefore the principle of development has been established in principle through the outline permission and only the reserved matters can be considered at this stage.

2.11.2 The reserved matters details for the appearance, scale, layout and landscaping details are considered to be acceptable. The details ensure that the proposal would not result in detrimental impacts on the residential amenity of surrounding properties or the character of the area. The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies, SP1 SP2, SP5, SP15, SP16 and SP19 of the Core Strategy and the advice contained with the NPPF and all other material considerations.

3.0 Recommendation

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

01. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall match those as stated on drawing numbers P06A, P10 and P11 (Terca Retro Cottage Stock Brickwork with Marley Elemit Melodie natural red interlocking concrete pantiles).

Reason:

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

02. 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 access shall be improved with 6 metre radius kerbs, to give a minimum carriageway width of 4.2 metres, channel blocks to front (to aid drainage) and pin kerbs to delineate the highway boundary and and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6d;
- b) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

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

Reason:

In accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

03. The scheme of landscaping and trees planting shown on Drawing Number P13A which was received by the Local Planning Authority on 29.11.2016, shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority and shall thereafter be retained. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and any planting which within a period of 5 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species'.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV1 of the Selby District Local Plan and to allow the development to proceed in phases if required.

04. Notwithstanding the provisions of Class A to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order (2015) no windows and/or new openings other than those as shown on drawing numbers P05 and P06A shall be placed in the first floor southern (side) elevation of Plot 1 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.

05. 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

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

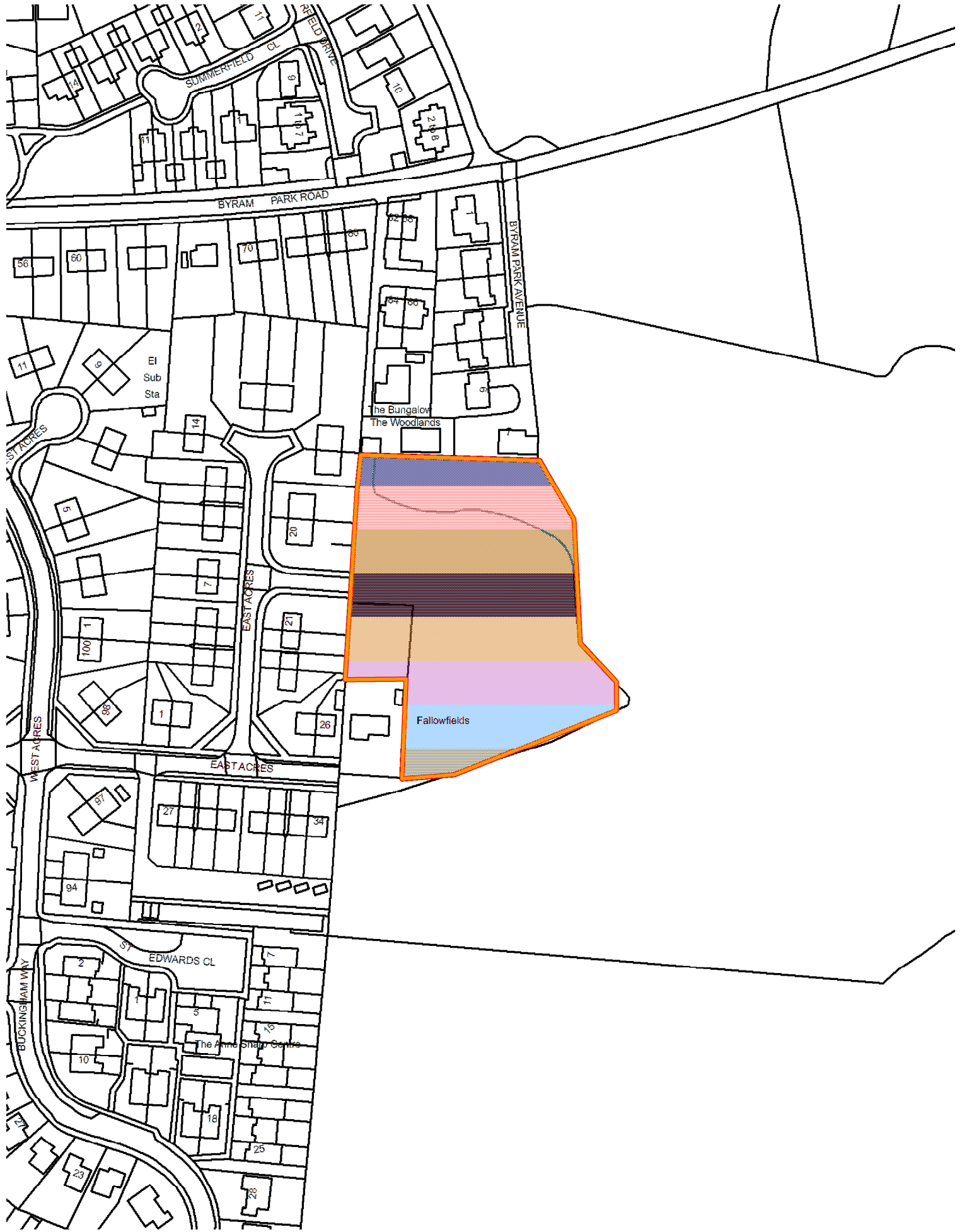
- 4.1 As stated in the main body of the report.

5. Background Documents

- 5.1 Planning Application file reference 2016/1196/REM and associated documents.

Contact Officer: Calum Rowley (Senior Planning Officer)

Appendices: None



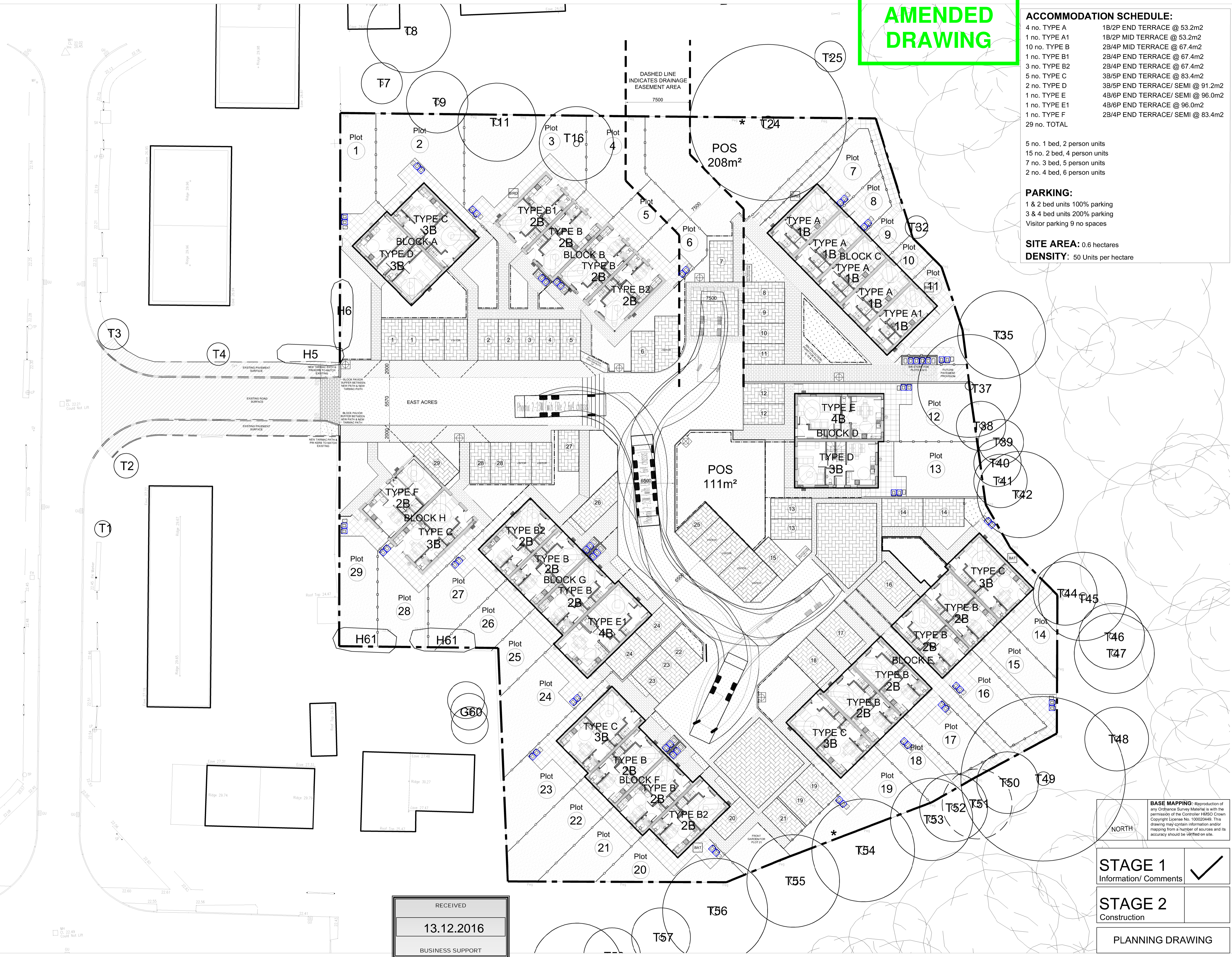
APPLICATION SITE

Item No: 2016/0831/FUL

Address: East Acres, Byram

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AMENDED DRAWING



ACCOMMODATION SCHEDULE:

4 no. TYPE A	1B/2P END TERRACE @ 53.2m2
1 no. TYPE A1	1B/2P MID TERRACE @ 53.2m2
10 no. TYPE B	2B/4P MID TERRACE @ 67.4m2
1 no. TYPE B1	2B/4P END TERRACE @ 67.4m2
3 no. TYPE B2	2B/4P END TERRACE @ 67.4m2
5 no. TYPE C	3B/5P END TERRACE @ 83.4m2
2 no. TYPE D	3B/5P END TERRACE/ SEMI @ 91.2m2
1 no. TYPE E	4B/6P END TERRACE/ SEMI @ 96.0m2
1 no. TYPE E1	4B/6P END TERRACE @ 96.0m2
1 no. TYPE F	2B/4P END TERRACE/ SEMI @ 83.4m2
29 no. TOTAL	

5 no. 1 bed, 2 person units
 15 no. 2 bed, 4 person units
 7 no. 3 bed, 5 person units
 2 no. 4 bed, 6 person units

PARKING:
 1 & 2 bed units 100% parking
 3 & 4 bed units 200% parking
 Visitor parking 9 no spaces

SITE AREA: 0.6 hectares
DENSITY: 50 Units per hectare

Key

	Existing tree retained.
	Site boundary. 1.8m high timber closed board fence
	Existing buildings
	D.O.T. type standard tarmac footpath & road
	Road margin- Block pavior surfacing in herringbone pattern. Colour: Charcoal (Marshall Keyblock, or similar)
	Transition ramp. Block pavior surfacing. Colour: TBC (Marshall keyblock or similar)
	Parking space. Marshalls keyblock, colour - Burnt Ochre with contrasting edge in charcoal)
	Turf areas
	Medium shrubbery. Less than 1m
	600 x 600mm Paving slab
	300 x 600mm Paving slab
	1.8m high closed-board timber fence panelling privacy screen
	0.45m high Timber knee rail
	1.8m high brickwork wall with galvanized railings
	1.2m high brickwork wall
	Domestic refuse bin store with 3no 55ltr stacked recycling containers & 2no wheelie bins. To fronts of plots 4,5,21,22,25,26 and side of 11
	Domestic refuse bin positions with 3no 55ltr stacked recycling containers & 2no wheelie bins to rear of properties.
	1No cycle loop located & affixed to rear of each property
	Indicative position of street lighting posts
	Indicative position of Bat boxes to be positioned min. 4m above ground level
	Indicative position of bird nestbox to be positioned 3m above ground level

REV: G DATE: 12/12/16 DRAWN: KW CHECKED: MH
 Bin store area for 9 moved to side of plots 10 bin store
 REV: F DATE: 07/12/16 DRAWN: KW CHECKED: MH
 Key amended to suit parking changes
 REV: E DATE: 06/12/16 DRAWN: KW CHECKED: MH
 7 additional parking spaces added
 REV: D DATE: 04/11/16 DRAWN: KW CHECKED: MH
 Bat & bird boxes added. Key amended
 REV: C DATE: 28/10/16 DRAWN: KW CHECKED: MH
 Bin stores to rear of properties removed. Bin presentation locations amended & added. Refuse vehicle tracking amended.
 REV: B DATE: 23/09/16 DRAWN: KW CHECKED: MH
 Blocks A, B, C, D & H changed to suit new site layout. Highways amended. Street lighting positions added. Retained trees added. Bin presentation locations indicated.
 REV: A DATE: 02/09/16 DRAWN: KW CHECKED: MH
 NOTES ADDED. TURNING HEAD DIAGRAM ADDED. PARKING SPACES TO PLOT 30 AMENDED. ADDITIONAL VISITOR SPACES ADDED

REVISIONS

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PROPOSED RESIDENTIAL DEVELOPMENT
 EAST ACRES, BYRAM

PROPOSED SITE PLAN

Drawn: KW Scale: 1:200 @ A1
 Date: 24.06.16 Checked: MH

brewsterbye architects
 5 NORTH HILL ROAD
 HEADINGLEY
 LEEDS
 LS6 2EN
 website: 0113 274900
 mobile: 0113 284420
 email: info@brewsterbye.co.uk

Dwg No: 370/64(02)001 G

STAGE 1
 Information/ Comments ✓

STAGE 2
 Construction

PLANNING DRAWING

RECEIVED
 13.12.2016
 BUSINESS SUPPORT



Report Reference Number 2016/0831/FUL

Agenda Item No: 6.10

To: Planning Committee
Date: 11th January 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0831/FUL 8/50/221/PA	PARISH:	Brotherton / Byram Cum Sutton
APPLICANT:	Amber Malone	VALID DATE:	12 th July 2016
		EXPIRY DATE:	11 th October 2016
PROPOSAL:	Development on scrub land to provide 29 dwellings accommodating 1, 2, 3 & 4 bedrooms in a mix of semi-detached and terraced houses.		
LOCATION:	Land off East Acres, Byram		

This application has been brought before Planning Committee as the scheme is contrary to Policy BRY/1 of the Selby District Local Plan, but is considered acceptable and therefore is the Officer recommendation to approve the application.

Summary:

This application seeks full planning permission for the erection of 29 dwellings on land at East Acres in Byram. The scheme is to provide 100% affordable units and will be developed by Home Group.

The application site is located within the development boundary for the settlement and was allocated in the Local Plan for development under BRY/1, taking account of all material considerations its development complies with Policy SP2 and SP4 of the Core Strategy.

Other matters of acknowledged importance such as design, layout, scale, residential amenity, flood risk, drainage, climate change and energy efficiency, impact on the highway network, impact on residential amenity, noise environ and matters of nature conservation Interest and affordable housing are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF.

On balance the proposal is therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. The proposal accords with the overarching aims and objectives of the NPPF and it is on this basis that permission should be granted subject to conditions.

Recommendation

This application is recommended to be **APPROVED subject to a S106 Agreement** to secure the scheme as 100% Affordable in perpetuity, provision and maintenance of the proposed Recreational Open Space, and a Waste and Recycling Contribution, and subject to the conditions at Section 3 of this Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is an allocated site in the Selby District Local Plan reference BRY/1.

1.1.2 The site is currently vacant, with evidence of fly tipping and use by dog walkers. The site is largely flat in nature with areas of grass / scrubland and includes various established trees.

1.1.3 The western site boundary is formed by existing dwellings, and there is an established woodlands area to the east / north-east. The surrounding area is residential in character providing a mix of house types dating from the 1950's – 1970s.

1.2 The proposal

1.2.1 The applicant is seeking full planning permission for the erection of 29 units on the site all of which are to be available as affordable units and the scheme is to be developed by Home Group.

1.2.2 The proposed scheme is for the erection of 29 dwellings which would be a mix of terrace and semi units. The mix of development provides 5 x 1 bed units, 15 x 2 bed units, 7 x 3 bed units and 4 x 4 bed units across the development at a density of 50 dwelling per hectare. The units are all 2 storey of units. The

scheme configures the units in a mix of arrangements including 3 semi blocks and groupings of 3 or 4 units. The units have a range of private amenity space, with parking provision largely to the front of the units interspersed with amenity areas and two areas of public open space.

1.3 Planning History

1.3.1 There are no historical applications for the site.

1.4 Consultations

1.4.1 Byram Parish Council

Initial comments from the Parish Council raised the following concerns in response on the application were as follows:

Number of Bedrooms

- We note that under bedrooms it shows 4+ surely at this stage of the planning the developer should be giving exact numbers and not being vague.

Leisure / Amenities Facilities

- Developer has made no provision for leisure/amenities facilities on this site. With the mix of house sizes proposed there could be a minimum of 36 children without any play area close to their home.
- There is only one very small site in the village dedicated as a play area with no other land owned by the Parish Council and no prospect of any ever becoming available, yet this proposed development will just add to the problem of where children can go and play safely.
- Byram Parish Council took over the maintenance of another small play area on Church owned land in Brotherton so that children going to and from Byram to school would have somewhere to play; this area is now in need of complete refurbishment. If SDC allow the above development then the Parish Council would expect them to ensure that the developer pays for the upgrade of this small area as part of their planning conditions. This is in addition NOT INSTEAD of 106 monies which the PC would expect so they can carry out other schemes throughout the village.

Parking Spaces on the Site

- Feel that insufficient parking spaces have been allocated on the site and this will only add to the congestion in this part of the village.

Construction Phase

- As part of the planning conditions would expect the area to be fenced to avoid as many health hazards as possible, i.e. diesel fumes/dust/noise getting to surrounding properties.

Comments on Amended Plans for the site resulted in the following comments from the Parish Council (as received on the 9th December 2016):

- the village require more 4 bedroom properties and this has been reduced from the last Planning to just 2;

- there are too many 1 bedroom properties; and
- the comments made earlier by the Parish Council still stand.

1.4.2 Rural Housing Enabler

As this is for a 100% affordable housing scheme, Policy SP9 does not apply, which requires 40% affordable housing on housing schemes of 10 units or above. This scheme would fall under the 2015/18 Homes and Communities Agency bidding round, whereby grant would be sought to support a 100% development of affordable rented units.

The site would not be limited to a local lettings policy or cascade, but would be available for allocation through HomeChoice, for which there are 690 people currently registered with a Selby connection. The current Draft SHMA 2015 (due shortly for final publication) suggests a need for 431 new dwelling per annum of which 172 no. units should be provided as affordable housing. This scheme provides a significant contribution towards meeting our annual affordable housing need target.

The latest scheme proposed is for 29 no. units, as opposed to 30 no. units, which is in relation to a number of TPOs which have since been served on the site. The scheme utilises HCA funding to support the development, which as a 29 no. unit scheme remains viable as a 100% affordable rent housing scheme. This scheme provides a significant contribution towards meeting our annual affordable housing need target.

1.4.3 Environmental Health

Recommended condition on Construction Environmental Management Plan, worded as follows:

“The clearance of the land and the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The clearance of the land and the construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority.

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

1.4.4 North Yorkshire County Council - Highways

Initial comments on the scheme raised concerns in terms of the approach on the extent of parking provision, width of sections of the internal highways layout, space for accessing some of the car parking, cycle parking provision, and connectivity to the existing footways adjacent to the site.

Further submissions on the parking approach and revisions to the scheme as shown on the latest layout have addressed these concerns and NYCC Highways have confirmed that they have no objections and that “original concerns have now been addressed through the amended site Plan drawing no. 370/64(02)001 F. The car parking levels associated with the 2 bedroomed plots have been agreed at 1.5 spaces per dwelling. This has resulted in 1 space for each dwelling and the additional spaces being allocated as visitor parking spaces. The acceptance of the reduction from 2 car parking spaces per dwelling is as a result of the traffic surveys carried out. Therefore no local Highway Authority objections are raised to the proposed development. It should be noted that the visibility splays onto East Acres are within the highway”.

It is recommended that the following conditions are applied to any planning permission granted;

- HC-01 Detailed Plans of Road and Footway Layout
- HC-02 Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)
- HC-07 Private Access/Verge Crossings: Construction Requirements
- HC-14b Provision of Approved Access, Turning and Parking Areas
- HC-21 Highway Condition Survey
- HC-24 On-site Parking, on-site Storage and construction traffic during Development
- HI-17 INFORMATIVE- Mud on the Highway

Since these comments have been made NYCC have been made aware of Revision G of the Layout, and have raised no issues – the difference between Rev F and G relates purely to bin storage / presentation.

1.4.5 Tree Consultant (Rosetta Landscape Design)

The Council appointed Rosetta Landscape Design to advise on the implications of the proposed development on the behalf of the Council. The initial review of the scheme noted that:

- a) None of the trees on site or immediately are subject of Tree Preservation Orders
- b) In landscape terms, the level of tree removal proposed along the northern boundary would have a significant visual impact since it would eliminate an important visual screen between the study site and existing dwellings to the north.
- c) While several of the trees within this northern tree belt are only of modest quality (i.e. ‘C’ category under BS 5837:2012) these also make a contribution to this screen and might be considered worthy of retention on landscape rather than arboriculture grounds. Future negotiations regarding which trees could be retained and which removed whilst still retaining an effective visual screen may therefore result in partial retention of this group.

- d) The tree removal proposed along the eastern and southern boundaries would have a different impact, namely the potential destabilisation of the larger area of woodland to the east. Apart from the visual impact that would arise from the loss of a line of substantial trees there is a further impact on the woodland beyond. Because the trees proposed for removal in these locations are growing along the woodland edge all have developed over time dense asymmetrical crowns which together provide a robust wind resistance. Their removal would expose trees within the centre of the woodland that have developed high compact crowns and no natural resistance to prevailing winds. Such exposure to wind eddies, especially in times of high wind, could result in significant tree loss within the woodland over a relatively short period of time. The proposals set out in the submission documents show a very high level of tree removal. This includes not only all trees within the site itself but four along the shared site boundary with adjacent land and a large number that lie offsite under different ownership. This is an unusual position for the design team to take and suggests that tree issues have not been given priority in the design process. Because of this it is considered that a large number of trees in the vicinity of the site (currently unprotected by legislation) are at significant risk of removal without full consideration of alternative options. It is therefore recommended that all trees included in the proposal for removal (in whichever ownership which is unclear at the present time) are included within an emergency TPO in order to protect them during the forthcoming negotiations with the applicant. This would enable a more detailed consideration to be made on possible tree retention. This action does not preclude the possibility that, as a result of further discussion, some trees thus protected could be accepted by the Council for removal; these would be removed from legal protection as part of any planning approval.
- e) As part of any future discussion on the application it is suggested that the following design parameters are taken as the basis of the site development:
- o Retention of all trees within woodland area W36 together with all those individually marked on the tree survey that lie along its common boundary with the application site (i.e. trees T29 and T32-59).
 - o Retention of the high-quality Beech (T24) on the site boundary at the north east corner of the site as a minimum.
 - o Further consideration of the trees along the northern site boundary (T7-31) to assess if some or all can be retained as an effective visual screen in offsite views.

As a result of changes to the layout under Rev B, the Council's Landscape consultant noted the following points:

- a) Several trees previously shown removed are now proposed for retention. I list these below with my comments attached:
- a. T11 - this is an insignificant, C grade specimen. In visual terms consider it to be irrelevant whether it is retained or removed.

- b. T16 - this tree has an asymmetric crown biased strongly to the south and overhanging the proposed dwelling. It is incorrectly shown on the landscape plan as a simple circle (as with all other retained trees) and would overshadow the garden of the adjacent dwelling to a significant extent. It is probably unrealistic to retain this tree with the present layout.
 - c. T24 - The canopy of this large tree just touches the elevation of the adjacent dwelling so probably could be retained with the present layout providing it is kept within an area of POS (as shown).
 - d. T37 - This tree lies on the site boundary. Its canopy is incorrectly shown; according to the earlier ECUS plan (which should be trusted more) it is strongly biased to the west thereby overshadowing the rear garden of the adjacent plot to a significant extent. In its present form this level of shading would probably be unacceptable to future residents although there is some scope for crown lifting and thinning.
 - e. T49 - Tree lies offsite. Note comments regarding crown and shading as per T37.
 - f. T54/45 - Both these trees lie offsite. Assessed there would be minimal conflict with site layout as currently shown.
 - g. T56 - Canopy of tree would touch side elevation of adjacent dwelling; however crown reduction and/or thinning might enable this to be retained successfully with the present layout.
 - h. T57 - Tree lies some distance offsite so have no idea why this was ever shown the removal.
- b) Notwithstanding the above, a number of trees are still shown to be removed on the latest site plan. Have noted concerns about the following trees (all of which are B category specimens with visual significant in the local landscape):
- a. T12/T13/T18/T22/T23 - Apart from T23 (which lies offsite and so should not therefore be considered for removal in my opinion) these specimens all lie within the site boundary. As I indicated in my earlier report, I assess that these trees together form an important group in the local landscape and also provide an element of offsite screening. I accept however that their retention would represent a significant reduction of new built development on site so the council needs to reach a decision on which is more important – development of a certain density or tree screening.
 - b. T26/T27 - Although both are B category trees, their removal would be less significant in visual terms than for the remaining trees along this boundary, providing T24 to the north can be retained within an area of open space of adequate size. In this circumstance I would have no objection to these trees being removed.

- c. T28/T29/T33/T34/T43 - Apart from T43 (which lies offsite so should not therefore be considered for removal in my opinion) these specimens all lie within or along the site boundary. As I indicated in my earlier report, I assess that these trees have significant impact on the visual appearance of the adjacent wood; their removal also raises safety issues regarding wind blow at a future date. I feel strongly that the woodland edge should be retained intact throughout even though this will of necessity reduce the density of development on site.
- c) With regard to the AIA and AMS submitted by Ecus these documents both follow the same approach as though some of the previously – namely that Ecus have accepted the development as proposed by the client and have simply listed the various actions that will follow from that. If one accepts that the element will take place as shown then the actions contained therein are appropriate.

1.4.6 Education Directorate North Yorkshire County Council

The provided 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 24 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. A developer contribution would not be sought for secondary school facilities at this time. 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. In some circumstances there may be a requirement for additional land as a result of this application.

1.4.7 Yorkshire Water Services Ltd

Have made the following comments:

Waste Water – Initial comments noted that if planning permission is to be granted, the following condition should be attached in order to protect the local aquatic environment and YW infrastructure:

“The development shall be carried out in complete accordance with the details shown on the submitted drawing 16071/A1/001 (revision P1) dated 25/04/2016 prepared by Dunster Consulting, unless otherwise agreed in writing with the Local Planning Authority

Reason - In the interest of satisfactory and sustainable drainage”

The Below Ground Drainage Strategy (prepared by Dunster Consulting - Report dated 12/07/2016) is acceptable. It states that foul water will discharge to public foul sewer. Sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site.

Yorkshire Water therefore has no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site
- 2) The proposed amount of domestic foul water to be discharged to the public foul sewer

- 3) The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 5 (five) litres/second
- 4) The proposed points of discharge of foul and surface water to the respective public sewers submitted on drawing 16071/A1/001 (revision P1) dated 25/04/2016 prepared by Dunster Consulting.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

The Agents submitted revised drainage statements to link to the layout changes following receipt of a revised Proposed Site Layout Plan (Ref Layout Ref 370/64(02)001/G received 13th December 2016). Yorkshire Water confirmed that

“We note the recent submission of a revised Flood Risk Assessment (Revision A, prepared by Dunster Consulting - Report 16-071, dated December 2016). The report is satisfactory from Yorkshire Water’s viewpoint. In summary the report confirms;

- i) Foul water will discharge to public foul water sewer.
- ii) Sub-soil conditions do not support the use of soakaways.
- iii) A watercourse is remote from the site.
- iv) Therefore, surface water will discharge to public surface water sewer, via storage, with a restricted discharge (of 5 litres/second).

With the above in consideration, if planning permission is to be granted, the following condition should be attached in order to protect the local aquatic environment and YW infrastructure:

“The development shall be carried out in complete accordance with the Flood Risk Assessment (Revision A, prepared by Dunster Consulting - Report 16-071, dated December 2016), unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interest of satisfactory and sustainable drainage.”

1.4.8 North Yorkshire Bat Group

No objection to the proposal makes the following comments:

1. Felling of trees should be minimised and any trees scheduled for felling should first be assessed for their bat roost potential and subjected to further surveys depending on the grade of bat roost potential into which they fall.
2. Lighting should be controlled to ensure that light spill onto the neighbouring woodland does not occur. This is to preserve the bat roost and foraging potential of the woodland; bats are deterred from areas which are lit. The woodland is likely to provide a significant foraging habitat in the area and to provide links to other suitable habitat nearby.

3. Bat roost units as described in the ecology report should be incorporated into all new properties constructed on the site to provide bat roosting places. The neighbouring woodland will give such features a high chance of being used.

1.4.9 Yorkshire Wildlife Trust

Initial comments noted that “Development of the site will involve loss of potentially very valuable habitat for wildlife and is also next to woodland. The suggestions in the Ecological Assessment and Mitigation section on page 12 of the Ecological report by Ecus Environmental Consultants should be conditioned and a sympathetic lighting and landscaping plan provided”. Later comments from the Trust noted that “The Landscape Plan does not appear to follow the detailed suggestions in the Ecological Appraisal by Ecus Environmental Consultants. Some of the trees suggested are of value for wildlife and are native or related to native trees such as the birches and rowan trees. However the shrub and hedge planting appears to be non-native and ornamental rather than of value for wildlife and there are no areas of species rich wildflower grassland proposed.. There is also no mention of bat and bird boxes as suggested in the Ecological Appraisal which could help to mitigate for the loss of nesting and roosting opportunities. The Trust would recommend that a more wildlife friendly landscape plan is provided using the recommendations from pages 12-16 of the Ecological Appraisal”.

1.4.10 Natural England

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Fairburn & Newton Ings SSSI has been notified. SSSI does not therefore represent a constraint in determining this application.

Protected species - Have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species which should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting 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.'

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones - The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

1.4.11 Selby Area Internal Drainage Board

The application site lies outside of the IDB districts the Shire Group manages, therefore the IDB has no comments to make.

1.4.12 NYCC Flood Authority (Sustainable Drainage Systems)

Made the following comments with regard to surface water management:

1. Runoff Destinations - The planning application form states that surface water will be disposed of via main sewer. The Flood Risk Assessment section 3.7 discounts infiltration due to geological conditions and the Drainage Strategy section 3.5 states that there are no watercourses in the vicinity of the site so discharge to sewer is required.
2. Flood Risk - The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30 year rainfall event. Calculations must include an allowance for urban creep where required and climate change. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. Calculations must include an allowance for urban creep where required and climate change. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site. The applicant must demonstrate compliance with the above requirement.
3. Peak Flow Control - The letter from Yorkshire Water 27 May 2016 states that surface water discharge to sewer must be restricted to 5l/s which is acknowledged to be the smallest practicable discharge.
4. Volume Control - As it is proposed to discharge to sewer at the lowest practicable rate no further considerations can be made with respect to volume control.
5. Pollution Control - As it is proposed that nominally clean surface water is being discharged to public sewer as such defer to any comments Yorkshire Water may have in this respect.
6. Designing for Exceedence - Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site. A plan showing exceedence flow routes is required.
7. Highway Drainage - To be agreed with the Highway Authority.
8. Climate Change - Due to changing climate, winters are likely to get wetter and we are likely to experience more extreme weather conditions such as intense rainfall events. As such, an allowance of 30% must be made in SuDS design for increased amounts of rainfall. The applicant must demonstrate that SuDS design will make this allowance.

9. Urban Creep - Urban Creep describes future expansion within a development and activities such as building extensions and paving gardens. These activities increase the impermeable area of a site and often sit outside of the development control process. As such proposed developments must have an allowance for this increase in impermeable area of 10%. The applicant must demonstrate that SuDS design will make this allowance.

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

11. Maintenance - The Drainage Strategy section 4.2.3 proposes adoption of the SuDS by Yorkshire Water, adoption of the SuDS by this organisation will allow the planning authority to fulfil its obligation to ensure that there are clear arrangements in place for maintenance of the SuDS over the lifetime of the development.

Recommends that the applicant attends to items 2, 6, 8 and 9 prior to any approval. After these items have been addressed satisfactorily, recommends a planning condition requiring a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to be submitted to and approved in writing by the Local Planning Authority.

Later comments (dated 26/10/2016) noted “that item 9 in my previous response 27 July 2016 has been satisfactorily addressed” and further comments on the 9/12/2016) on revision D of the layout raised no objections.

1.4.13 Waste And Recycling Officer

Initial concerns were raised in relation to the approach of scheme layout to provision for waste and recycling, revisions to the scheme were considered by the Waste And Recycling Officer and in December 2016 following receipt of Layout Ref 370/64(02)001/G, resulting in confirmation that the approach although not showing the provision for Plots 9 to 11 within the plots it is in this instance considered acceptable.

1.4.14 Designing Out Crime Officer

Made a series of initial comments (dated 18th July 2016) on the initial layout which can be summarised as follows:

- The development lies within an area with average crime & disorder levels. However any new development has the potential to increase these levels if the designing out of crime is not considered and implemented.
- The overall design of the proposed development is to be commended as it contains many Designing Out Crime principles and reduces the opportunity for crime & disorder.

- The submitted Design & Access statement makes limited reference as to what crime prevention measures are to be incorporated into the development; referring to the use of boundary treatments to rear gardens that meet the requirement of Secured by Design at section 3.3
- The development is of a cul-de-sac design, which keeps permeability to a minimum, which enhances the overall security of the site.
- Section 3.1 of the Design & Access statement, states that generally front gardens are provided to give a buffer between the parking bays, highway and dwellings. This provides these dwellings with "defensible space²". However there are a number of plots where the front of the dwelling has no defensible space as it abuts a footpath, and although not recommended, due to the design of the parking areas in front of these properties and the cul-de-sac layout of the site, this should not cause the problems usually associated with the lack of defensible space.
- Boundary Protection - Section 3.3 of the Design & Access statement states that boundary treatment to the rear gardens will be 1800mm close boarded fencing, which is to be commended. There are a number of plots where the access to the rear garden would appear to be through the dwelling only. Examples of this can be found at Plots 4, 5, 11, 22, 23, 26 & 27.
- Bin Provision - Although it is appreciated that there is refuse bin provision to the front of the house, in order for occupants to be able to store cycles within their secure rear garden, this would mean having to take them through the property, which may result in cycles being left insecure at the front of the house, which leaves them vulnerable to theft.
- Car Parking - With regards to the layout of the parking provision, this is to be commended as it reflects the principles of Crime Prevention Through Environmental Design. However to enhance the parking for Plots 13, 20 & 213, consideration could be given to placing a window in the side elevation to enable the vehicle to be seen from an "active room⁴" within the property. It is disappointing to see that there is no visitor parking provided as the lack of this can cause conflict between residents if visitors use parking bays assigned to neighbouring properties. This in turn can lead to unnecessary demands on Police time to resolve neighbour disputes.
- Cycle storage - To encourage the use of sustainable transport and prevent the theft of pedal cycles, it is highly recommended that cycle storage should be provided; this should be within a secure structure, with ground cycle anchorage point available. It is noted that within the Transport Strategy the applicant refers to the fact that the development is easily accessible locally by cycles and that comment has been made by North Yorkshire County Council (NYCC) Highways, with regards to the need to provide secure and covered cycle storage.

- Lighting - All external elevations, where there are doors or windows at ground floor level, should be fitted with vandal resistant security lighting, operated by a photocell sensor with manual override switch and fitted at a height that makes them not easily accessible. It is recommended that all street lighting be to BS 5489 and that careful consideration should take place when installing street lighting, to ensure that it is not located near to boundary protection to rear gardens which would enable it to be utilized as a climbing aid to overcome that boundary protection.
- Landscaping - The ownership of the landscaping described in section 3.1 of the Design & Access statement, between the parking bays, highway and dwellings is not clear and therefore this has the potential to be unmaintained and become unsightly, increasing the fear of crime of residents and visitors, which will have a detrimental impact on the sustainability of the development. Therefore I would suggest that the applicant be required to provide details of how these areas are to be maintained and who is responsible for this.
- Utility Meters - All utility meters should be external at the front of the property and in front of any boundary protection to the rear. This removes the need for access into the property to read them and therefore reduces the likelihood of bogus caller/distraction type burglaries. Alternatively Smart meters with automatic signalling are appropriate.
- Secured by Design (SBD) - The applicant has made reference to the scheme in their Design & Access statement, but I am not aware of them applying for SBD accreditation. Even if not applying for SBD accreditation the developer should consider using doors and windows to the relevant SBD standards. This would enable the developer to meet the requirements of Approved Document Q.
- Planning Condition – requests a condition 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.

Further comments from the Designing Out Crime Officer (dated 17th October 2016) which can be summarised as follows:

- welcome the submission of the Landscape Management Plan, which deals with the comments made in original report dated 18 July 2016, under the "Landscape" heading.
- Considered the lighting plan advice and acknowledge that although in original report suggested the use of security lights operated by a photocell sensor, accept that due to the need to protect the environment for bats, that the use of a P.I.R sensor may be more appropriate. In relation to the comments regarding the turning off of the street lighting at specific times of night, would prefer the alternative suggestion of dimming the lights.

- It would appear from the Landscape Plan ((5601.01), which has been submitted as additional information, that the layout of the proposed scheme has changed and that the number of dwellings has been reduced from 30 to 29. The main change is in relation to the orientation of Block B, Plots 3 to 6 on the Landscape Proposal drawing. This has created an area of Public Open Space (POS) between Plots 4 to 7. The rear gardens of these plots back on to the POS, which leaves the rear gardens vulnerable and has the potential to lead to complaints of noise related ASB from people using the Public Open Space. There is also the potential for people playing ball games or throwing other objects, to lose them in the gardens adjacent to the Public Open Space, resulting in complaints of damage or persons gaining access to the garden to retrieve these. The boundary protection to these gardens is also vulnerable to criminal damage, especially in the form of graffiti. Good practice dictates that areas of POS should have good natural surveillance from nearby dwellings to provide guardianship. This is lacking with the POS on this development due to its location and the orientation of the nearby dwellings. The location of the POS will provide any potential offender with an excuse for being in the area, as they will need to walk through the development in order to access it. In my opinion the previous site layout was preferable in terms of "Designing Out Crime".

1.4.15 North Yorkshire Heritage Officer

There are no known archaeological sites within the development area or in its immediate vicinity. Having inspected aerial photographs of the site and can not see any indications of earthworks or cropmarks that might be archaeological in origin. Based on the information that have to hand the area appears to have a low archaeological potential. Therefore have no objection to the proposal and have no further comments to make.

1.4.16 North Yorkshire Fire & Rescue Service

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

1.4.17 WPA Consulting - Contaminated Land Consultants

Having reviewed the report from ARC covering Phase 2 investigation and dated July 2016 supported by a prior Phase 1 report also from ARC. Can confirm that the site has been characterised and detailed in accordance with technical guidance and that the invasive site investigation has been carried out in a robust

manner according to the reporting. The risk assessment process follows expectation with guidance and the criteria for assessment are appropriate (current C4ULs have been used). The risk assessment properly takes into account the proposed change of use and the development profile of residential properties with gardens. Most of the sampling was near surface within 1m soil depth. There have been no indications of contamination at levels of concern. No specific remediation measures are proposed but soil movements and management need to be documented to ensure that any imported material is validated as clean and suitable for use. There are no noted issues of sensitivity in respect to controlled waters which supports the lack of sampling at depths greater than a metre. WPA concurs that there should not be any further contaminated land issues to consider but that a discovery strategy and soils management strategy needs to be evident and verified prior to agreeing the completion of actions concerning contaminated land planning conditions. WPA have subsequently confirmed that a condition relating to action required if unexpected contamination is found during works on any consent.

1.4.18 Public Rights Of Way Officer

No response received in the statutory consultation period

1.4.19 Stephanie Porter Vale Of York CCG

No response received in the statutory consultation period

1.4.20 SDC Development Policy

No response received in the statutory consultation period

1.4.21 North Yorkshire County Council (CPO)

No response received in the statutory consultation period

1.5 **Publicity Summary**

1.5.1 The application was advertised via a site notice and neighbour notification letters, one submission was received noting the following points:

- Development to close in proximity to other properties (7 Byram Park Avenue) with only 10 metres gardens
- Will entail substantial ongoing noise pollution over a protracted period of time. The necessary plant and manpower involvement to construct the application volume is therefore of great concern to us.
- It is considered that the expected dust and machinery fumes will create a health hazard which will only exacerbate the ongoing nuisance. It can be observed that the wind always prevails in the direction from the proposed development and across my property. This can be evidenced by noting the direction of lean and foliage on the nearby trees that is carried in autumn, onto my property.

- The expected fenced rear gardens of the proposed properties adjacent to 7 Byram Park Avenue would form a narrow, sterilised 'corridor' of land between my boundary wall and the fenced gardens of the proposed development. This of itself is not a problem, but the 'corridor' has large established trees that need crowning and reducing in height as they pose a real and present danger to life and property both on my boundary and the proposed development garden areas at least. Therefore construction of the development would make it extremely hazardous and difficult to retrospectively deal with this issue.
- Concerned that the traffic volume will increase on Byram Park Road and through the estate onto Sutton Lane. Many homes now own more than one vehicle especially if driving age children also reside there. This proposal will undoubtedly increase the traffic flow through the estate which already at present suffers from enduring frequent pull in stops to permit oncoming traffic through.
- Many people who reside on Byram Park Road and Sutton Lane and the surrounding estate roads legally park their vehicles on the road outside their properties. The increased traffic volume created by this proposal will increase not only the nuisance of passing traffic, but will serve to heighten the risk of road traffic incidents, and of particular concern to me, unnecessarily endanger small children who naturally play on the causeways and cycle on the estate roads.

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
- SP8: Housing Mix

SP9: Affordable Housing
SP15: Sustainable Development and Climate Change
SP16: Improving Resource Efficiency
SP18: Protecting and Enhancing the Environment
SP19: Design Quality

2.1.2 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

Policy BRY/1 Land for Housing Development at East Acres, Byram
Policy ENV1 Control of Development
Policy ENV2: Environmental Pollution and Contaminated Land
Policy T1 Development in Relation to Highway
Policy 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

- Byram cum Sutton Village Design Statement, February 2012

2.2 Key Issues

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

1. Principle of Development
2. Layout, Scale, Design and Impact on Character and Form
3. Residential Amenity
4. Designing Out Crime
5. Construction Management and Noise
6. Highways
7. Flood Risk and Drainage
8. Nature Conservation and Protected Species
9. Trees and Landscaping
10. Contamination
11. Climate Change
12. Recreational Open Space
13. Education, Healthcare, Waste and Recycling

2.3 Principle of Development

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

2.3.2 The site is allocated in the Selby District Local Plan (2005) as a housing site under Policy BRY/1. The allocation was saved under the saved direction in February 2008. The policy states as follows:

"Land at East Acres, Byram, as defined on the Inset Proposals Map, is allocated for residential development in Phase 2 of the Plan in accordance with POLICY H2. In addition to satisfying the requirements of relevant planning policies, proposals **must** make provision for:

- 1) Vehicular access to be taken from the existing two access points at East Acres and joined within the site; and
- 2) Adjoining woodland to be safeguarded both during and after development of the site".

2.3.3 Policy H2 of the Local Plan is not saved.

- 2.3.4 The scheme does not wholly comply with Policy BRY1 (1) on the basis that the site utilises a single access. However it is considered that the scheme can be accessed from one point, as can be seen from the comments of NYCC Highways. In addition the whole of the allocation is being developed so use of a single access point does not impact on the delivery of any of the remainder of the allocation.
- 2.3.4 Policy SP2 identifies Brotherton / Byram as being a Designated Service Village (DSV) which has some scope for additional residential development to support rural sustainability. Policy SP2A (bullet point 3) states that some scope for additional residential development in DSVs provided that the development meets the requirements of SP4.
- 2.3.5 In terms of the principle of development and appropriateness of the location for residential development then Policy SP4(a) states that in DSV's development is acceptable in principle within development limits where for "conversion, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion / redevelopment of farmsteads".
- 2.3.6 In addition the site is specifically identified for development in a saved policy in the 2005 Local Plan.
- 2.3.7 The application site is located inside the defined Development Limits of Byram which is a DSV and therefore given the scale of development proposed the residential development of a allocated local plan site which is also in accordance with Policy SP2A of the Core Strategy, subject to consideration of the impacts of the development the principle of development is considered acceptable.
- 2.3.8 The conflict with Policy BRY/1(1) is noted but given there are no objections to the use of the single access from NYCC Highways and the approach shown by the developer does not prevent any other parts of the development coming forward, alongside the fact that the development of the site would be supported by the Core Strategy it is considered having taken account of the material considerations and the Core Strategy that the development can be supported in the proposed form contrary to BRY/1(1).

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

- 2.4.1 Selby District Local Plan Policy ENV1(1) requires development to take account of the effect upon the character of the area, with ENV1(4) requiring the standard of layout, design and materials to respect the site and its surroundings.

- 2.4.2 Policy SP4(c) also notes that “in all case proposals will be expected to protect local amenity, to preserve and enhance the character of local area, and to comply with the normal planning considerations with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements) where available. SP4(d) notes also that “appropriate scale will be assessed in relation to density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy.”
- 2.4.3 Core Strategy Policy SP8 states that "All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality".
- 2.4.4 Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.
 - b) Positively contribute to an area’s identity and heritage in terms of scale, density and layout;
- 2.4.5 Significant weight should be attached to the Local Plan policy ENV1 and Core Strategy Policy SP19 and SP4 as they are broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200. NPPF, paragraph 56, states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 2.4.6 The Byram Village Design Statement (February 2012) (VDS) covers the settlement and notes the area to the west of the application site as being developed in the 1950s which was not “particularly architecturally advantageous, but displays a simple form with smart proportions” which is later noted as being “instrumental in the character of the village”. It should be noted that although the VDS notes this defined character it also does note that the VDS should be used as “an inspiration to design new modern development that is respectful of the surroundings”.
- 2.4.7 Objectors have raised concerns in terms of the density of development and the relationship of the development to adjoining properties in terms of separation distances.

Layout and Scale

- 2.4.8 The proposed scheme is for the erection of 29 dwellings which would be a mix of terrace and semi units. The mix of development provides 5 x 1 bed units, 15 x 2 bed units, 7 x 3 bed units and 4 x 4 bed units across the development at a density of 50 dwelling per hectare. The units are all 2 storey of units. The scheme configures the units in a mix of arrangements including 3 semi blocks and groupings of 3 or 4 units. The units have a range of private amenity space, with parking provision largely to the front of the units interspersed with amenity areas and two areas of public open space.
- 2.4.9 The materials noted on the application form and in the Design & Access Statement include the use of facing brick and render, grey upvc windows and interlocking concrete tiles. In addition the submitted layout plan confirms all boundary treatments which includes the provision of a 1.8m boundary fence around the site boundary (lifted 200mm in one location to allow badger access) and plot subdivision of rear garden boundaries at 1.8m and knee rail fencing on frontage areas to define spaces.
- 2.4.10 Overall, it is considered that the proposed layout is considered to provide a development of a scale, mix and streetscape which reflects the mix of the area as a whole and ensures that appropriate relationships are attained between the units themselves, the surroundings existing residential properties.

Design

- 2.4.11 There is a mix of design features and materials evident in the surrounding area which has evolved over a period of time. The submitted scheme is does not seek to reflect these per sa, but it does utilise an approach on the fenestration of the proposed dwellings to ensure that account is taken of the context and the surrounding area and that there is some character in terms of the design of the scheme.

Impact on the Character and Form

- 2.4.12 The surrounding area consists of a mixture of house types and houses of differing ages. There is a mixture of two storey, terraced and semi-detached dwellings within the immediate area. Within the surrounding area there is mixed layout and spacing between the side elevations of the dwellings. In this context the layout, scale, landscaping and design and their impact on the character and form of the area of the proposed development is considered to be acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

2.5 Residential Amenity

- 2.5.1 Policies ENV1(1) of the Local Plan requires development to take account of the effect upon the amenity of adjoining occupiers and should be given significant weight. Significant weight should be attached to these policies as they are broadly consistent with the aims of the NPPF to protect residential amenity.
- 2.5.2 Policy "SP19 - Design Quality" of the Core Strategy outlines that proposals "for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside".
- 2.5.3 In considering residential amenity the then the key considerations are overlooking, overshadowing overbearing impacts and separation distance.
- 2.5.4 The separation distances with surrounding existing properties are acceptable and all internal relationships are also considered appropriate with the units siting ensuring that overlooking and overshadowing is minimised and that separation distances are achieved. It would however in this case be appropriate to remove permitted development rights on the units to ensure that any further extensions or alterations are subject of planning control.
- 2.5.6 Therefore having looked at the issues of overlooking, overshadowing and impact on outlook it is concluded that the proposed development would not result in a significant detrimental impact on the residential amenities of the occupiers of neighbouring properties and would result in a good standard of residential amenity in accordance with Policy ENV1(1) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.6 Designing Out Crime

- 2.6.1 Paragraphs 58 and 69 of the NPPF states that amongst other things 'planning policies and decisions, in turn should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.' In addition Policy SP19 of the Core Strategy requires crime prevention to be taken into account.
- 2.6.2 The comments of the PALO are noted and the applicants have included within the submission and the amendments various features such as secure 1.8m fence boundaries, cycle locking points to the rear of the dwellings, managed areas of public open space which are largely overlooked, defined plot areas and ownerships and the applicants have advised that in designing the detailed landscaping for the site the comments of the PALO will be considered.

2.6.3 On balance, although it is noted that the PALO has some outstanding concerns with the proposed layout, overall the proposal is considered to accord with Policy SP19 of the Core Strategy and the core principles and design objectives set out in the National Planning Policy Framework.

2.7 Construction Management and Noise

2.7.1 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. NPPF Paragraph 109 states proposals should prevent both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraphs 120 and 121 of the NPPF require proposals to ensure that new development is appropriate for its location and where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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

2.7.3 Objectors have raised concerns at the impact of the development during construction and in commenting on the application the Council's Environmental Health section has noted the recommended a condition be placed on any consent requiring submission and agreement of a Construction Management Plan and the implementation of the scheme in accordance with the agreed scheme. They have not raised any concerns in terms of the need for the scheme to be designed to incorporate noise mitigation measures.

2.7.4 Therefore in terms of the resultant noise environ it is concluded that the proposed development would result in an appropriate environ for future occupiers in accordance with Policy ENV2 of the Local Plan and NPPF and a condition to secure a Construction Management Plan.

2.8 Highways

2.8.1 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements.

- 2.8.2 Policy "SP19 - Design Quality" states "that both residential and non-residential development should meet a series of noted criteria. These include the criteria relating specifically to highways and access namely
- Be accessible to all users and easy to get to and move through;
 - Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts.
- 2.8.3 Objectors have raised concern in terms of the impact of the scheme on the local highways network.
- 2.8.4 The Local Plan Policy BRY/1 notes that
- "Land at East Acres, Byram, as defined on the Inset Proposals Map, is allocated for residential development in Phase 2 of the Plan in accordance with POLICY H2. In addition to satisfying the requirements of relevant planning policies, proposals must make provision for:
- 1) Vehicular access to be taken from the existing two access points at East Acres and joined within the site; and
 - 2) Adjoining woodland to be safeguarded both during and after development of the site".
- 2.8.5 The proposed scheme utilises one access from East Acres and does not provide the noted two access points.
- 2.8.6 The reference to the use of two access points comes from comments at the Local Plan stage made by NYCC Highways who are noted in the "Potential Development Sites" document as stating that the site "could be served from the two existing estate road spurs at the eastern end of East Acres. It would be desirable to link the two access points through the site". Yet, in commenting on the application NYCC Highways have raised no objection to the proposed approach of a single access, the development of the site as proposed would utilise the whole of the allocation and would not prejudice delivery of any remaining allocations to the surrounding area through the use of a single access. As such it is considered that the use of single access point is acceptable and the scheme on balance is acceptable in the context of Policy BRY/1 (1).
- 2.8.7 The Highways Officer has considered the submitted information on parking provision and the latest layout (Revision G) has been agreed subject to a range of conditions.

2.8.8 In light of the above it is considered that the proposals are acceptable and would not be prejudicial to highway safety in accordance with Policies ENV1(2), T1, T2 of Selby District Local Plan and Policy SP19 of the Core Strategy with respect of access, parking and transport and the requirement for two access noted under BRY1(1) is no longer required.

2.9 Flood Risk and Drainage

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

2.9.2 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; and which actively support energy efficiency improvements to existing buildings.

2.9.3 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of drainage the application states that foul sewage would be connected to the existing main sewer with surface water directed to mains provision.

2.9.4 The applicants have also submitted a Belowground Drainage Strategy as part of the application for the development and will be required to comply with Building Regulations in draining the site. The submitted Belowground Drainage Strategy included details of the proposed connections, which have been updated to reflect Layout 370/64(02)001 Revision G and have been agreed by Yorkshire Water.

2.9.5 Yorkshire Water nor the NYCC SUDs Officer object to the proposed approach, subject to the requested conditions.

2.9.6 Having taken account of the comments of the consultees and the submitted information, subject to the condition noted by Yorkshire Water and the SUDs Officer, implementation of the scheme in accordance with the submitted scheme and a requirement for separate systems to be provided then the proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF.

2.10 Nature Conservation and Protected Species

- 2.10.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPP and accompanying PPG in addition to the Habitat Regulations and Bat and Great Crested Newt Mitigation Guidelines published by Natural England. 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. The application site is not a formal or informal designated protected site for nature conservation itself or is known to support any populations of protected species or species or habitats of conservation interest.
- 2.10.2 As part of the application the applicants submitted a Phase 1 Ecological Appraisal prepared by ECUS Environmental Consultants. This confirms that there are no statutorily designated within 1km of the application site and that all non-statutory designated SSSI's are all separated from the development by a considerable distance. However, the Appraisal does include a series of recommendations including:
- Need for an ecologically sensitive landscaping plan for the site to benefit invertebrates and birds utilising native species which maximise flowering, pollen/nectar production;
 - Approaches on the fencing to the boundary to allow mammal movement;
 - Minimise lighting to protect bats using the surrounding woodland areas;
 - Provision of bat boxes and bird nesting boxes on the units closest to the surrounding woodland areas;
 - Tree / shrub removal restricted to outside the breeding season;
 - Provision of tawny owl box in adjoining woodland; and
 - Ecologist present on site during clearance to monitor any reptile presence.
- 2.10.3 The layout (Revision G) shows provision of the bat (Plots 14 and 20) and bird boxes (Plots 3 / 7 and 11).
- 2.10.4 In commenting on the application then it is noted that the Yorkshire Wildlife Trust and the North Yorkshire Bat Group have no objections to the application, subject to works being undertaken in accordance with the submitted details. In addition to ensure that an appropriate lighting scheme is secured for the site accounting for the relationship to the woodland areas and bat habitat then a condition is considered appropriate to secure full details of the proposed lighting for the site prior to the commencement of development.
- 2.10.5 It is therefore concluded that the proposals are acceptable with respect to their impacts on nature conservation and protected species . Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation.

2.11 Trees and Landscaping

2.11.1 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.

2.11.2 The Local Plan Policy BRY/1 notes that

“Land at East Acres, Byram, as defined on the Inset Proposals Map, is allocated for residential development in Phase 2 of the Plan in accordance with POLICY H2. In addition to satisfying the requirements of relevant planning policies, proposals must make provision for:

- 1) Vehicular access to be taken from the existing two access points at East Acres and joined within the site; and
- 2) Adjoining woodland to be safeguarded both during and after development of the site”.

2.11.4 Initial submissions on the application included a full landscaping scheme for the proposal, however this has not been updated to reflect the latest layout (Revision G). Details of the trees to be retained are shown on the Proposed Site Plan (370-64-(02)-001 Revision G.

2.11.5 The application is also accompanied by:-

- A Tree Survey prepared by ECUS received on the 12th July 2016
- An Arboricultural Impact Assessment and Arboricultural Method Statement received 12th July 2016
- A Landscape Management Plan prepared by Home Group received 4th August 2016

The initial submission also included a “Tree Removal and Retention Plan” however, this is not in accordance with the latest Layout Plan. The trees for retention within the site, on the immediate boundary and on the woodland edge (on land within the ownership of the same landowner and available to the developer to access to undertake works) are however shown on the Proposed Site Plan (370-64-(02)-001 Revision G.

2.11.6 The scheme was assessed on behalf of the Council by Rosetta Landscape (see noted comments above). Officers in reviewing these comments and the scheme have secured retention of a Beech tree which is a Category “A” tree as part of the development and the retention of a series of other trees that were initially shown for removal.

- 2.11.7 The Council has placed a Tree Preservation Order (TPO) on the site on the 23rd September 2016 and the developer / landowner has objected to this TPO. The TPO seeks to secure retention of the Category A and protection of the woodland areas. The Council will need to confirm the TPO within 6 months via Committee consideration. None of the trees shown for removal as part of the scheme are covered by the TPO.
- 2.11.8 Revisions to the scheme within the life of the application have secured retention of the Category 'A' tree, resulted in changes to the proposed works within the woodland edge and changes to the tree retention within the site itself.
- 2.11.9 On balance it is considered that the approach to the tree retention as shown on the Proposed Site Layout Plan, the Landscape Management Plan and the mitigation in the Arboricultural Impact Assessment and Arboricultural Method Statement will ensure that the trees on the site are appropriately protected during the life of the development. A landscaping scheme will be required, but this can be secured via condition. However, having considered the submitted information Officers considered that the proposals demonstrate that the site could incorporate appropriate landscaping in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF subject to the fully detailed landscaping scheme being conditioned in order to that the development is carried out in line with the recommendations as set out in the submitted plans and mitigation.

2.12 Affordable Housing

- 2.12.1 Policy SP9 "Affordable Housing" of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for Selby District.
- 2.12.2 The scheme is for 100% affordable housing provision and is being promoted by Home Group a recognised provider of such accommodation and has also been granted funding via the HCA to secure delivery. The applicants are willing to enter into a legal agreement relating to affordable housing to ensure that the homes would remain affordable in perpetuity and would be made available to people with a local connection to the Parish.
- 2.12.3 Subject to the completion of the aforementioned legal agreement, it is considered the proposal would be in accordance with Policies SP9 and SP10 of the Core Strategy and the Affordable Housing SPD.

2.13 Contamination

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

- 2.13.2 NPPF Paragraph 109 states proposals should prevent both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraphs 120 and 121 of the NPPF require proposals to ensure that new development is appropriate for its location and where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. NPPF Paragraph 123 requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 2.13.3 The applicants have submitted information in support of the application which has been considered by the Council's contamination consultants. They have advised the risk assessment process follows expectation with guidance and the criteria for assessment are appropriate (current C4ULs have been used) and that that there should not be any further contaminated land issues to consider but that a discovery strategy and soils management strategy needs to be evident and verified prior to agreeing the completion of actions concerning contaminated land planning conditions.
- 2.13.4 In this context subject to a condition requiring notification of any unexpected contamination at the construction stage the proposal are therefore considered to accord with Policy ENV2 of the Selby District Local Plan.

2.14 Climate Change

- 2.14.1 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.
- 2.14.2 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; and which actively support energy efficiency improvements to existing buildings.
- 2.14.3 Part (h) of Policy SP15 (B) refers specifically to the requirement to fulfil part (a) of Policy SP16 of the Core Strategy Local Plan.

2.14.4 The proposed development is above the threshold of 10 dwellings. 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.

2.14.5 The applicants have submitted a letter confirming that all units will be built to current approved document L of the Building Regulations which deals with ENE1 of the Code e.g. building fabric and U values. U values to be achieved are noted as follows:

- Ground Floor 0.14 W/m²K U value
- External Wall 0.26 W/m²K U value
- Party Wall 0.00 W/m²K U value
- Roof (Pitched) 0.08 W/m²K U value
- Roof (Canted / Sloping) 0.16 W/m²K U Value
- Windows 1.40 W/m²K U value
- All Ext Doors 1.30 W/m²K U value
- Cavity Closers 0.038 W/mK minimum thermal conductivity
- Air Permeability 4.50 m³/hm²

2.14.6 The applicants have not shown how this specification meets the requirement to provide a minimum of 10% of the total predicted energy requirements from renewable, low carbon or decentralised energy sources. However, 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. A condition is still required in order to secure additional information to ensure compliance with SP16 (a).

2.15 Recreational Open Space Contribution

2.15.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.15.2 The scheme includes some provision of ROS as part of the scheme the scale of which has in part being defined by the mix of unit types and also by the scope of the scheme to accommodate provision given it is a 100% affordable scheme and is funded by the HCA. The applicants have amended the layout to provide 319 sq. m of ROS in two parcels within the site and they have advised that they will be looking at “natural play provision” in the larger of the two areas.

2.15.3 The provision would be secured and maintained via the approved site layout and through the Section 106 agreement. It is therefore considered that the proposals, subject to a Section 106 agreement, are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.16 Education, Healthcare, Waste and Recycling

2.16.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare and waste and recycling are required. In regards to contributions towards education and healthcare these policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy. It is considered that no direct contribution is required due to the adoption of CIL.

2.16.2 With respect to Waste and Recycling a scheme for the provision of facilities can be delivered via the S106 for the scheme of this scale.

2.16.3 Having had regard to the above the proposals comply with policies ENV1, RT2 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.17 Conclusion

2.17.1 The application seeks full planning permission for the erection of 29 dwellings for land at East Acres Byram for 100% affordable provision. The application site is located within the development boundary for the settlement and was allocated in the Local Plan for development under BRY/1, taking account of all material considerations its development complies with Policy SP2 and SP4 of the Core Strategy.

2.17.2 Other matters of acknowledged importance such as design, layout, scale, residential amenity, flood risk, drainage, climate change and energy efficiency, impact on the highway network, impact on residential amenity, noise environ and matters of nature conservation Interest and affordable housing are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF.

2.17.3 On balance the proposal is therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. The proposal accords with the overarching aims and objectives of the NPPF and it is on this basis that permission should be granted subject to conditions.

3.0 Recommendation

This application is recommended to be **APPROVED subject to a S106 Agreement to secure the scheme as 100% Affordable in perpetuity, provision and maintenance of the proposed Recreational Open Space, and a Waste and Recycling Contribution, and 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 external materials shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

03. The clearance of the land and the commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The clearance of the land and the construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority.

Reason:

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

04. The boundary treatments as shown on Proposed Site Plan (Ref 370-64-(02)-001 Revision G) shall be implemented in accordance with the approved scheme before the occupation of the associated dwelling hereby approved.

Reason:

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

05. Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

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

06. Notwithstanding the provisions of Class A and Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

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

06. 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 and the NPPF.

07. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason:

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity , in order to comply with Policy ENV1 of the Selby District Local Plan and the NPPF.

08. The development shall be carried out in complete accordance with the Flood Risk Assessment (Revision A, prepared by Dunster Consulting - Report 16-071, dated December 2016), unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

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

Reason:

In the interest of sustainability, to minimise the development's impact in accordance with Policy SP16 of the Core Strategy.

10. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Phase 1 Ecological Appraisal prepared by ECUS Environmental Consultants as received 12th July 2016.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

11. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and to ensure that the ecologically sensitive areas of the nearby woodland is not impacted by the proposed lighting scheme of the site in line with Policy ENV1 and the NPPF.

12. The development hereby approved shall be undertaken in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement received 12th July 2016 and Landscape Management Plan prepared by Home Group received 4th August 2016

Reason:

In order to effectively protect trees and to ensure compliance with Policy ENV1 of the Selby District Local Plan and the contents the NPPF.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in order to comply with Policy ENV1 and ENV2 of the Selby District Local Plan and the NPPF.

14. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
 - (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
 - (4) Details of the method and means of surface water disposal.
 - (5) Details of all proposed street lighting.

- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

Informative to Condition

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

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

15. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

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

16. 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 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.

Informative to Condition

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

Reason:

In accordance with Policy ENV1 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.

17. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas hereby approved: have been constructed in accordance with the submitted drawing (Reference Drawing number 370/64(02)001 G). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policy ENV1 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.

18. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason

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

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 Policy ENV1 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. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Location Plan Ref 370-64-(02)-034 received 12 July 2016
- Boundary Plan Ref SK4067/04 received 12 July 2016
- Topographical Survey Ref STG1005-001 received 12 July 2016
- Proposed Site Layout Plan Ref 370-64-(02)-001 Revision G received 13th December 2016
- 370-64-(02)-013 - Block A received 19 December 2016
- 370-64-(02)-014 - Block B received 19 December 2016
- 370-64-(02)-015 - Block C received 19 December 2016
- 370-64-(02)-016 - Block D received 19 December 2016
- 370-64-(02)-017 - Block E received 19 December 2016
- 370-64-(02)-018 - Block F received 19 December 2016
- 370-64-(02)-019 - Block G received 19 December 2016
- 370-64-(02)-020 - Block H received 19 December 2016
- 370-64-(02)-021 - Block A Elevations received 19 December 2016
- 370-64-(02)-022 - Block B Elevations received 19 December 2016
- 370-64-(02)-023 - Block C Elevations received 19 December 2016
- 370-64-(02)-024 - Block D Elevations received 19 December 2016

- 370-64-(02)-025 - Block E Elevations received 19 December 2016
- 370-64-(02)-026 - Block F Elevations received 19 December 2016
- 370-64-(02)-027 - Block G Elevations received 19 December 2016
- 370-64-(02)-026 - Block H Elevations received 19 December 2016

Reason:

For the avoidance of doubt and in accordance with policy ENV1 of the Selby District Local Plan.

INFORMATIVES

- NPPF Compliance
- Coal
- 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 2016/0831/FUL and associated documents.

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Appendices: None

Planning Committee 2016-17



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Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out the Government's planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.